

SENATE FILE 179
BY KIBBIE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the election of county supervisors in certain
2 counties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 179

1 Section 1. Section 49.58, Code 1997, is amended to read as
2 follows:

3 49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

4 1. If any candidate nominated by a political party, as
5 defined in section 43.2, for the office of senator or
6 representative in the Congress of the United States, governor,
7 lieutenant governor, attorney general, or senator or
8 representative in the general assembly dies during the period
9 beginning on the eighty-eighth day and ending on the last day
10 before the general election, or if any candidate so nominated
11 for the office of county supervisor dies during the period
12 beginning on the seventy-third day and ending on the last day
13 before the general election, the vote cast at the general
14 election for that office shall not be canvassed as would
15 otherwise be required by chapter 50. Instead, a special
16 election shall be held on the first Tuesday after the second
17 Monday in December, for the purpose of electing a person to
18 fill that office.

19 2. Each candidate for that office whose name appeared on
20 the general election ballot shall also be a candidate for the
21 office in the special election, except that the deceased
22 candidate's political party may designate another candidate in
23 substantially the manner provided by section 43.78 for filling
24 vacancies on the general election ballot. However, a
25 political party which did not have a candidate on the general
26 election ballot for the office in question may similarly
27 designate a candidate for that office in the special election.
28 The name of any replacement or additional candidate so
29 designated shall be submitted in writing to the state
30 commissioner, or the commissioner in the case of a candidate
31 for county supervisor, not later than five o'clock p.m. on the
32 first Tuesday after the date of the general election. No
33 other candidate whose name did not appear on the general
34 election ballot as a candidate for the office in question
35 shall be placed on the ballot for the special election, in any

1 manner. The special election shall be held and canvassed in
2 the manner prescribed by law for the general election.

3 3. In lieu of the procedure in subsection 1, if a
4 candidate for county supervisor in a county with supervisor
5 representation plan "one" dies during the period beginning on
6 the seventy-third day and ending on the last day before the
7 general election, the party's county convention may choose to
8 forego nomination of a candidate for special election and
9 allow the office to be voted on at the general election with
10 the ballot remaining vacant for that political party for that
11 office. The county convention shall notify the secretary of
12 state in writing as soon as practicable before the date of the
13 election whether it wishes to proceed under subsection 1 or
14 this subsection.

15 EXPLANATION

16 This bill provides that if a political party candidate for
17 county supervisor in a county whose supervisors are elected at
18 large dies within 73 days of the election, the county
19 convention of the political party to which the candidate was
20 affiliated may choose to leave the spot on the ballot vacant
21 rather than nominating another candidate from that party and
22 holding a special election after the general election.

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