

FILED FEB 9 1998

STATE GOVERNMENT,

SENATE FILE

BY MADDOX

2/25/98 Do Pass  
H-3/4/98 Still Gov.  
H-3/12/98 Do Pass

2153

(p523)

Passed Senate, Date 3/3/98  
Vote: Ayes 46 Nays 0

Passed House, Date 3/23/98 (p.841)  
Vote: Ayes 97 Nays 0

Approved April 6, 1998

A BILL FOR

1 An Act relating to affidavits of candidacy filed by candidates  
2 for public office.

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

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S.F. 2153

1 Section 1. Section 43.18, subsection 9, Code 1997, is  
2 amended to read as follows:

3 9. A statement that the candidate is aware that the  
4 candidate is disqualified from holding office if the candidate  
5 has been convicted, ~~and never pardoned~~, of a felony or other  
6 infamous crime and the candidate's rights have not been  
7 restored by the governor or by the president of the United  
8 States.

9 Sec. 2. Section 43.67, subsection 9, Code 1997, is amended  
10 to read as follows:

11 9. A statement that the candidate is aware that the  
12 candidate is disqualified from holding office if the candidate  
13 has been convicted, ~~and never pardoned~~, of a felony or other  
14 infamous crime and the candidate's rights have not been  
15 restored by the governor or by the president of the United  
16 States.

17 Sec. 3. Section 44.3, subsection 2, paragraph i, Code  
18 1997, is amended to read as follows:

19 i. A statement that the candidate is aware that the  
20 candidate is disqualified from holding office if the candidate  
21 has been convicted, ~~and never pardoned~~, of a felony or other  
22 infamous crime and the candidate's rights have not been  
23 restored by the governor or by the president of the United  
24 States.

25 Sec. 4. Section 45.3, subsection 9, Code 1997, is amended  
26 to read as follows:

27 9. A statement that the candidate is aware that the  
28 candidate is disqualified from holding office if the candidate  
29 has been convicted, ~~and never pardoned~~, of a felony or other  
30 infamous crime and the candidate's rights have not been  
31 restored by the governor or by the president of the United  
32 States.

33 Sec. 5. Section 161A.5, subsection 3, unnumbered paragraph  
34 1, Code 1997, is amended to read as follows:

35 At each general election a successor shall be chosen for

1 each commissioner whose term will expire in the succeeding  
2 January. Nomination of candidates for the office of  
3 commissioner shall be made by petition in accordance with  
4 chapter 45, except that each candidate's nominating petition  
5 shall be signed by at least twenty-five eligible electors of  
6 the district. The petition form shall be furnished by the  
7 county commissioner of elections. Every candidate shall file  
8 with the nomination papers an affidavit stating the  
9 candidate's name, the candidate's residence, that the person  
10 is a candidate and is eligible for the office of commissioner,  
11 and that if elected the candidate will qualify for the office.  
12 The affidavit shall also state that the candidate is aware  
13 that the candidate is disqualified from holding office if the  
14 candidate has been convicted~~7-and-never-pardoned7~~, of a felony  
15 or other infamous crime and the candidate's rights have not  
16 been restored by the governor or by the president of the  
17 United States.

18 Sec. 6. Section 277.4, unnumbered paragraph 3, Code  
19 Supplement 1997, is amended to read as follows:

20 Signers of nomination petitions shall include their  
21 addresses and the date of signing, and must reside in the same  
22 director district as the candidate if directors are elected by  
23 the voters of a director district, rather than at-large. A  
24 person may sign nomination petitions for more than one  
25 candidate for the same office, and the signature is not  
26 invalid solely because the person signed nomination petitions  
27 for one or more other candidates for the office. The petition  
28 shall be filed with the affidavit of the candidate being  
29 nominated, stating the candidate's name, place of residence,  
30 that such person is a candidate and is eligible for the office  
31 the candidate seeks, and that if elected the candidate will  
32 qualify for the office. The affidavit shall also state that  
33 the candidate is aware that the candidate is disqualified from  
34 holding office if the candidate has been convicted~~7-and-never~~  
35 pardoned7, of a felony or other infamous crime and the

1 candidate's rights have not been restored by the governor or  
2 by the president of the United States.

3 Sec. 7. Section 376.4, unnumbered paragraph 4, Code  
4 Supplement 1997, is amended to read as follows:

5 The petition must include the affidavit of the individual  
6 for whom it is filed, stating the individual's name, the  
7 individual's residence, that the individual is a candidate and  
8 eligible for the office, and that if elected the individual  
9 will qualify for the office. The affidavit shall also state  
10 that the candidate is aware that the candidate is disqualified  
11 from holding office if the candidate has been convicted, ~~and~~  
12 ~~never-pardoned,~~ of a felony or other infamous crime and the  
13 candidate's rights have not been restored by the governor or  
14 by the president of the United States.

15 EXPLANATION

16 This bill changes the language of affidavits of candidacy  
17 to refer to restoration of rights after conviction of a felony  
18 rather than to a pardon. The bill applies to affidavits of  
19 candidacy filed by candidates for all partisan offices, city  
20 councils, school boards of directors, soil and water  
21 conservation district commissioners, and, by reference, to the  
22 following nonpartisan offices: community mental health center  
23 boards of trustees, regional library boards of trustees,  
24 county hospital and merged hospital boards of trustees.

25 Restoration of rights of citizenship granted by the  
26 governor or by the president of the United States includes  
27 restoration of the right to register to vote and to vote.

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SENATE FILE 2153

AN ACT  
RELATING TO AFFIDAVITS OF CANDIDACY FILED BY CANDIDATES FOR  
PUBLIC OFFICE.

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

Section 1. Section 43.18, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 2. Section 43.67, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 3. Section 44.3, subsection 2, paragraph i, Code 1997, is amended to read as follows:

1. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 4. Section 45.3, subsection 9, Code 1997, is amended to read as follows:

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned,~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 5. Section 161A.5, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner,

and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned~~, of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 6. Section 277.4, unnumbered paragraph 3, Code Supplement 1997, is amended to read as follows:

Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, ~~and never pardoned~~, of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

Sec. 7. Section 376.4, unnumbered paragraph 4, Code Supplement 1997, is amended to read as follows:

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified

from holding office if the candidate has been convicted ~~and never pardoned~~ of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

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MARY E. KRAMER  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2153, Seventy-seventh General Assembly.

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MARY PAT GUNDERSON  
Secretary of the Senate

Approved 4/6, 1998

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TERRY E. BRANSTAD  
Governor