

FEB 9 2000

Agriculture

HOUSE FILE

2191

BY SHOULTZ

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

A BILL FOR

1 An Act eliminating an option to cast votes on a proportional
 2 basis in drainage district elections, providing the right to
 3 petition for new elections, and providing an immediate
 4 effective date.

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

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HF 2191

1 Section 1. Section 468.510, Code 1999, is amended to read
2 as follows:

3 468.510 QUALIFICATIONS OF VOTERS.

4 Each person who is a landowner, including each individual
5 who is at least eighteen years of age ~~or over without regard~~
6 ~~to sex~~ and any railway or other corporation owning land in
7 said the district and assessed for benefits, shall be entitled
8 to one vote ~~only, except as provided in section 468.511.~~

9 Sec. 2. Section 468.511, subsection 1, Code 1999, is
10 amended to read as follows:

11 1. ~~When a petition asking for the right to vote in~~
12 ~~proportion to assessment of benefits at all elections for any~~
13 ~~purpose thereafter to be held within said district, signed by~~
14 ~~a majority of the landowners owning land within said district~~
15 ~~assessed for benefits, is filed with the board of trustees,~~
16 ~~then, in all elections of trustees thereafter held within said~~
17 ~~district, any person whose land is assessed for benefits~~
18 ~~without regard to age, sex, or condition shall be entitled to~~
19 ~~one vote for each ten dollars or fraction thereof of the~~
20 ~~original assessment under the current classification against~~
21 ~~the land actually owned by the person in said district at the~~
22 ~~time of the election, but in order to have such ballot counted~~
23 ~~for more than one vote the voter shall write the voter's name~~
24 ~~upon the ballot. The vote of any a landowner of the district~~
25 may be cast by absent voters ballot as provided in chapter 53
26 except that the form of the applications for ballots, the
27 voters' affidavits on the envelopes, and the endorsement of
28 the carrier envelope for preserving the ballot shall be
29 substantially in the form provided in ~~subsections 2, 3 and 4,~~
30 below this section. Application blanks, envelopes and ballots
31 shall be provided by and submitted to the office of the county
32 auditor in which the election is held. The cost of such
33 blanks, envelopes, ballots and postage shall be paid by the
34 district. For the purpose of this subchapter all landowners
35 of the district shall be considered qualified voters,

1 regardless of their place of residence.

2 Sec. 3. Section 468.512, Code 1999, is amended to read as
3 follows:

4 468.512 VOTE BY AGENT.

5 ~~Except where the provisions of section 468.511, providing~~
6 ~~for vote in proportion to assessment are invoked, any~~ A person
7 or corporation owning land or a right of way within the
8 district and assessed for benefits may have the person's or
9 ~~the corporation's~~ vote cast by the person's or the
10 corporation's agent or proxy authorized to cast ~~such~~ the vote
11 by a power of attorney signed and acknowledged by ~~such~~ the
12 person or corporation, and filed before ~~such~~ the vote is cast
13 in the auditor's office of the county in which ~~such~~ the
14 election is held. Every ~~such~~ power of attorney provided in
15 this section shall specify the particular election for which
16 it is to be used, indicating the day, month, and year of ~~such~~
17 the election, and shall be void for all elections subsequently
18 held. The vote of the owner of any land in a drainage or
19 levee district in any an election, ~~where the vote is not~~
20 ~~determined by assessment,~~ may be cast by absent voters ballot
21 ~~in the same manner and form and subject to the same rights and~~
22 ~~restrictions as is provided in section 468.511 relating to~~
23 ~~vote by absentee ballot when votes are determined by~~
24 ~~assessment.~~

25 Sec. 4. RECALL PETITION. A person who is qualified to
26 vote in a drainage or levee district managed by a board of
27 trustees elected by a vote conducted in proportion to an
28 assessment of benefits pursuant to section 468.511, Code 1999,
29 may file a petition for a new election pursuant to section
30 468.501. However, the petition must be signed by at least
31 five percent of persons owning land within the district
32 assessed for benefits. The election shall proceed as provided
33 in chapter 468, subchapter III. The petition must be filed by
34 August 1, 2000.

35 Sec. 5. EFFECTIVE DATE. This bill, being deemed of

1 immediate importance, takes effect upon enactment.

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EXPLANATION

3 Code chapter 468, subchapter III, provides for the
 4 management of drainage and levee districts by trustees elected
 5 by landowners in the district assessed for benefits. Code
 6 section 468.510 provides that each landowner cannot cast more
 7 than one vote. However, Code section 468.511 provides that,
 8 upon petition signed by a majority of landowners in the
 9 district, the landowner's votes may be cast in proportion to
 10 the landowner's assessment of benefits at all future
 11 elections. This bill eliminates the option for proportional
 12 voting. It also makes changes consistent with bill drafting
 13 style to enhance readability. For example, it removes
 14 language referring to gender, and replaces the phrase "person
 15 or corporation" with the term "person" since "person" as used
 16 in the Code under Code section 4.1 includes individuals and
 17 corporate entities.

18 The bill takes effect upon enactment.

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