

3/25/99 Deferral

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MAR 10 1999

Place On Calendar

HOUSE FILE

590

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 300)

Passed House, Date 3/25/99 (P. 866) Passed Senate, Date _____
 Vote: Ayes 84 Nays 11 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to residency requirements for county, city, and
 2 school district elective offices.

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

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HOUSE FILE 590

H-1078

1 Amend House File 590 as follows:
 2 1. Page 1, by inserting after line 17 the
 3 following:
 4 "Sec. ____ . Section 39.22, Code 1999, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 3. A township officer must be a
 7 resident of the township for a period of time
 8 beginning with the date the candidate files an
 9 affidavit of candidacy for the township office to the
 10 date of the election at which the office is to be
 11 filled. The township officer shall actually reside in
 12 the township for which the person was elected for the
 13 duration of the term of office."
 14 2. By renumbering as necessary.

By FALLON of Polk
 REYNOLDS of Van Buren

H-1078 FILED MARCH 11, 1999

Adapted 3/25/99 (P. 862)

HF 590

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1 Section 1. NEW SECTION. 39.19 COUNTY AND CITY OFFICERS
2 RESIDENCY REQUIREMENTS.

3 A county officer must be a resident of the county or
4 supervisor district of the county, if applicable, for a period
5 of time beginning with the date the candidate files an
6 affidavit of candidacy for the county office to the date of
7 the election at which the office is to be filled. The county
8 officer shall actually reside in the county or supervisor
9 district for which the person was elected for the duration of
10 the term of office.

11 A city officer must be a resident of the city or ward of
12 the city, if applicable, for a period of time beginning with
13 the date the candidate files an affidavit of candidacy for the
14 city office to the date of the election at which the office is
15 to be filled. The city officer shall actually reside in the
16 city or ward of the city for which the person was elected for
17 the duration of the term of office.

18 Sec. 2. Section 277.27, Code 1999, is amended by adding
19 the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. A school district board member
21 must be a resident of the school district or director district
22 of the school district, if applicable, for a period of time
23 beginning with the date the candidate files an affidavit of
24 candidacy to the date of the election at which the office is
25 to be filled. The board member shall actually reside in the
26 school district or director district for which the person was
27 elected for the duration of the term of office.

28 EXPLANATION

29 This bill requires that candidates of county, city, and
30 school district elective offices be residents of the county,
31 city, or school district, or their respective districts or
32 wards, from the period of time beginning when the candidate
33 files an affidavit of candidacy for the county, city, or
34 school district office. The bill also requires that a county,
35 city, or school district elective officer continue to actually

1 reside in the county, city, or school district for the
2 duration of the term of office to which the person was
3 elected.

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HOUSE FILE 590

H-1142

1 Amend the amendment, H-1078, to House File 590, as
2 follows:

3 1. Page 1, by inserting after line 3 the
4 following:

5 ""Sec. _____. Section 39.21, Code 1999, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5. Township trustees as provided
8 in section 39.22.

9 Sec. _____. Section 39.21, Code 1999, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 6. Township clerk as provided in
12 section 39.22.

13 Sec. _____. Section 39.22, subsection 2, Code 1999,
14 is amended to read as follows:

15 2. BY ELECTION. If the county board of
16 supervisors does not have the power provided under
17 subsection 1 to fill the offices of trustee and clerk
18 within a township by appointment, then the offices of
19 township trustee and township clerk shall be filled by
20 election on a nonpartisan basis. Township trustees
21 and the township clerk, in townships which do not
22 include a city, shall be elected by the voters of the
23 entire township. In townships which include a city,
24 the officers shall be elected by the voters of the
25 township who reside outside the corporate limits of
26 the city, but a township officer may be a resident of
27 the city.

28 a. TOWNSHIP OFFICERS. The election of township
29 officers shall take place at the general election on
30 ballots which shall not reflect a nominee's political
31 affiliation. Nomination shall be made by petition in
32 accordance with chapter 45. The petition form shall
33 be furnished by the county commissioner of elections
34 and shall be filed with the county commissioner of
35 elections. A plurality is sufficient to elect the
36 township officers, and no primary election for the
37 offices shall be held.

38 a- b. TOWNSHIP TRUSTEES. Township trustees shall
39 be elected biennially to succeed those whose terms of
40 office expire on the first day of January following
41 the election which is not a Sunday or legal holiday.
42 The term of office of each elected township trustee is
43 four years, except as provided in subsection 1 for
44 initial terms following restoration of the election
45 process.

46 b- c. TOWNSHIP CLERK. At the general election
47 held in the year 1990 and every four years thereafter,
48 in each civil township one township clerk shall be
49 elected who shall hold office for the term of four
50 years."

-1142

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H-1142

Page 2

1 2. Page 1, by inserting after line 13 the
2 following:

3 "Sec. _____. Section 43.53, Code 1999, is amended to
4 read as follows:

5 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
6 CANDIDATES.

7 The nominee of each political party for any office
8 to be filled by the voters of any ~~township-or-other~~
9 political subdivision within the county shall be the
10 person receiving the highest number of votes cast in
11 the primary election by the voters of that party for
12 the office. That person shall appear as the party's
13 candidate for the office on the general election
14 ballot. A person whose name is not printed on the
15 official primary ballot shall not be declared
16 nominated as a candidate for such office in the
17 general election unless that person receives at least
18 five votes. Nomination of a candidate for the office
19 of county supervisor elected from a district within
20 the county shall be governed by section 43.52 and not
21 by this section.

22 Sec. _____. Section 49.37, subsection 3, Code 1999,
23 is amended to read as follows:

24 3. The commissioner shall arrange the partisan
25 county offices on the ballot with the board of
26 supervisors first, followed by the other county
27 offices ~~and-township-offices~~ in the same sequence in
28 which they appear in sections 39.17 and 39.22.
29 Nonpartisan offices, with the township offices first,
30 shall be listed after partisan offices."

31 _____. Page 1, by inserting after line 27 the
32 following:

33 "Sec. _____. Section 43.21, Code 1999, is repealed."

34 _____. Title page, line 2, by inserting after the
35 word "offices" the following: "and relating to
36 election of township officers"."

By HUSER of Polk

H-1142 FILED MARCH 22, 1999

*Adopted
3/25/99
(p. 862)*

HOUSE FILE 590
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 300)

(As Amended and Passed by the House, March 25, 1999)

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

A BILL FOR

1 An Act relating to residency requirements for county, city, and
2 school district elective offices and relating to election of
3 township officers.

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

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House Amendments _____

HF 590

1 Section 1. NEW SECTION. 39.19 COUNTY AND CITY OFFICERS
2 RESIDENCY REQUIREMENTS.

3 A county officer must be a resident of the county or
4 supervisor district of the county, if applicable, for a period
5 of time beginning with the date the candidate files an
6 affidavit of candidacy for the county office to the date of
7 the election at which the office is to be filled. The county
8 officer shall actually reside in the county or supervisor
9 district for which the person was elected for the duration of
10 the term of office.

11 A city officer must be a resident of the city or ward of
12 the city, if applicable, for a period of time beginning with
13 the date the candidate files an affidavit of candidacy for the
14 city office to the date of the election at which the office is
15 to be filled. The city officer shall actually reside in the
16 city or ward of the city for which the person was elected for
17 the duration of the term of office.

18 Sec. 2. Section 39.21, Code 1999, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 5. Township trustees as provided in
21 section 39.22.

22 Sec. 3. Section 39.21, Code 1999, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 6. Township clerk as provided in section
25 39.22.

26 Sec. 4. Section 39.22, subsection 2, Code 1999, is amended
27 to read as follows:

28 2. BY ELECTION. If the county board of supervisors does
29 not have the power provided under subsection 1 to fill the
30 offices of trustee and clerk within a township by appointment,
31 then the offices of township trustee and township clerk shall
32 be filled by election on a nonpartisan basis. Township
33 trustees and the township clerk, in townships which do not
34 include a city, shall be elected by the voters of the entire
35 township. In townships which include a city, the officers

1 shall be elected by the voters of the township who reside
2 outside the corporate limits of the city, but a township
3 officer may be a resident of the city.

4 a. TOWNSHIP OFFICERS. The election of township officers
5 shall take place at the general election on ballots which
6 shall not reflect a nominee's political affiliation.
7 Nomination shall be made by petition in accordance with
8 chapter 45. The petition form shall be furnished by the
9 county commissioner of elections and shall be filed with the
10 county commissioner of elections. A plurality is sufficient
11 to elect the township officers, and no primary election for
12 the offices shall be held.

13 a- b. TOWNSHIP TRUSTEES. Township trustees shall be
14 elected biennially to succeed those whose terms of office
15 expire on the first day of January following the election
16 which is not a Sunday or legal holiday. The term of office of
17 each elected township trustee is four years, except as
18 provided in subsection 1 for initial terms following
19 restoration of the election process.

20 b- c. TOWNSHIP CLERK. At the general election held in the
21 year 1990 and every four years thereafter, in each civil
22 township one township clerk shall be elected who shall hold
23 office for the term of four years.

24 Sec. 5. Section 39.22, Code 1999, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 3. A township officer must be a resident
27 of the township for a period of time beginning with the date
28 the candidate files an affidavit of candidacy for the township
29 office to the date of the election at which the office is to
30 be filled. The township officer shall actually reside in the
31 township for which the person was elected for the duration of
32 the term of office.

33 Sec. 6. Section 43.53, Code 1999, is amended to read as
34 follows:

35 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN

1 CANDIDATES.

2 The nominee of each political party for any office to be
3 filled by the voters of any township-or-other political
4 subdivision within the county shall be the person receiving
5 the highest number of votes cast in the primary election by
6 the voters of that party for the office. That person shall
7 appear as the party's candidate for the office on the general
8 election ballot. A person whose name is not printed on the
9 official primary ballot shall not be declared nominated as a
10 candidate for such office in the general election unless that
11 person receives at least five votes. Nomination of a
12 candidate for the office of county supervisor elected from a
13 district within the county shall be governed by section 43.52
14 and not by this section.

15 Sec. 7. Section 49.37, subsection 3, Code 1999, is amended
16 to read as follows:

17 3. The commissioner shall arrange the partisan county
18 offices on the ballot with the board of supervisors first,
19 followed by the other county offices and-township-offices in
20 the same sequence in which they appear in sections 39.17 and
21 39.22. Nonpartisan offices, with the township offices first,
22 shall be listed after partisan offices.

23 Sec. 8. Section 277.27, Code 1999, is amended by adding
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. A school district board member
26 must be a resident of the school district or director district
27 of the school district, if applicable, for a period of time
28 beginning with the date the candidate files an affidavit of
29 candidacy to the date of the election at which the office is
30 to be filled. The board member shall actually reside in the
31 school district or director district for which the person was
32 elected for the duration of the term of office.

33 Sec. 9. Section 43.21, Code 1999, is repealed.

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