

FILED

JUDICIARY

SENATE FILE 2045  
BY KREIMAN

(COMPANION TO LSB 5120HH  
BY SWAIM)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to filling the office of county attorney by  
2 appointment.

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

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SF 2045  
JUDICIARY

1 Section 1. Section 69.14A, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 2003, is amended to read as  
3 follows:

4 By appointment by the board of supervisors. The  
5 appointment shall be for the period until the next pending  
6 election as defined in section 69.12, and shall be made within  
7 forty days after the vacancy occurs. If the board of  
8 supervisors chooses to proceed under this paragraph, the board  
9 shall publish notice in the manner prescribed by section  
10 331.305 stating that the board intends to fill the vacancy by  
11 appointment but that the electors of the county have the right  
12 to file a petition requiring that the vacancy be filled by  
13 special election. The board may publish notice in advance if  
14 an elected official submits a resignation to take effect at a  
15 future date. The board may make an appointment to fill the  
16 vacancy after the notice is published or after the vacancy  
17 occurs, whichever is later. A person appointed to an office  
18 under this subsection, except for a county attorney, shall  
19 have actually resided in the county which the appointee  
20 represents sixty days prior to appointment. A person  
21 appointed to the office of county attorney shall be a resident  
22 of the county at the time of appointment.

23 EXPLANATION

24 This bill relates to filling the office of county attorney  
25 by appointment.

26 The bill provides that if the county attorney position  
27 becomes vacant and the board of supervisors chooses to fill  
28 the vacancy by appointment pending the next election, the  
29 appointed attorney must be a resident of the county at the  
30 time of appointment. Current law provides that the appointed  
31 attorney must be a resident of the county 60 days prior to  
32 appointment.

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