

Withdrawn
2/24/04

FILED FEB 09 '04

SENATE FILE 2092
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2045)

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 2092
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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