Senate Study Bill 1113

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

A BILL FOR

1 An Act relating to the number of votes required to be received in
2   the primary election to be a political party nominee on the
3   general election ballot.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2769SC 80
6 sc/cl/14

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1 1   Section 1. Section 43.52, Code 2003, is amended to read as
1 2 follows:
1 3   43.52 NOMINEES FOR COUNTY OFFICE.
1 4   The nominee of each political party for any office to be
1 5 filled by the voters of the entire county, or for the office
1 6 of county supervisor elected from a district within the
1 7 county, shall be the person receiving the highest number of
1 8 votes cast in the primary election by the voters of that party
1 9 for the office, and that person shall appear as the party's
1 10 candidate for the office on the general election ballot.
1 11   If no candidate receives thirty=five percent or more of the
1 12 votes cast by voters of the candidate's party for the office
1 13 sought, the primary is inconclusive and the nomination shall
1 14 be made as provided by section 43.78, subsection 1, paragraphs
1 15 "d" and "e".
1 16   When two or more nominees are required, as in the case of
1 17 at=large elections, the nominees shall likewise be the
1 18 required number of persons who receive the greatest number of
1 19 votes cast in the primary election by the voters of the
1 20 nominating party, but no candidate is nominated who fails to
1 21 receive thirty=five percent of the number of votes found by
1 22 dividing the number of votes cast by voters of the candidate's
1 23 party for the office in question by the number of persons to
1 24 be elected to that office. If the primary is inconclusive
1 25 under this paragraph, the necessary number of nominations
1 26 shall be made as provided by section 43.78, subsection 1,
1 27 paragraphs "d" and "e".
1 28   Sec. 2. Section 43.53, Code 2003, is amended to read as
1 29 follows:
1 30   43.53 NOMINEES FOR SUBDIVISION OFFICE == WRITE=IN
1 31 CANDIDATES.
1 32   The nominee of each political party for any office to be
1 33 filled by the voters of any township or other political
1 34 subdivision within the county shall be the person receiving
1 35 the highest number of votes cast in the primary election by
2 1 the voters of that party for the office. That person shall
2 2 appear as the party's candidate for the office on the general
2 3 election ballot. A person whose name is not printed on the
2 4 official primary ballot shall not be declared nominated as a
2 5 candidate for such office in the general election unless that
2 6 person receives at least five votes. Nomination of a
2 7 candidate for the office of county supervisor elected from a
2 8 district within the county shall be governed by section
2 9 sections 43.52 and 43.66 and not by this section.
2 10   Sec. 3. Section 43.56, Code 2003, is amended by striking
2 11 the section and inserting in lieu thereof the following:
2 12   43.56 PRIMARY ELECTION RECOUNT PROVISIONS.
2 13   Recounts of votes for primary elections shall be conducted
2 14 following the procedure outlined in section 50.48. The bond
2 15 shall be in the amount specified in section 50.48, subsection
2 16 2.
2 17   Sec. 4. Section 43.65, Code 2003, is amended to read as
2 18 follows:
2 19   43.65 WHO NOMINATED.
2 20   The candidate of each political party for nomination for
2 21 each office to be filled by the voters of the entire state,

2 22 and for each seat in the United States house of
2 23 representatives, the Iowa house of representatives and each
2 24 seat in the Iowa senate which is to be filled, who receives
2 25 the highest number of votes cast by the voters of that party
2 26 for that nomination shall be the candidate of that party for
2 27 that office in the general election. ~~However, if there are~~
2 28 ~~more than two candidates for any nomination and none of the~~
2 29 ~~candidates receives thirty=five percent or more of the votes~~
2 30 ~~cast by voters of that party for that nomination, the primary~~
2 31 ~~is inconclusive and the nomination shall be made as provided~~
2 32 ~~by section 43.78, subsection 1, paragraph "a", "b" or "c",~~
2 33 ~~whichever is appropriate.~~
2 34   Sec. 5. Section 43.66, Code 2003, is amended to read as
2 35 follows:
3 1   43.66 WRITE=IN CANDIDATES.
3 2   The fact that the candidate who receives the highest number
3 3 of votes cast for any party's nomination for an office to
3 4 which section 43.52 or 43.65 is applicable is a person whose
3 5 name was not printed on the official primary election ballot
3 6 shall not affect the validity of the person's nomination as a
3 7 candidate for that office in the general election. However,
3 8 if there is no candidate on the official primary ballot of a
3 9 political party for nomination to a particular office, a
3 10 write=in candidate may obtain the party's nomination to that
3 11 office in the primary if the candidate receives ~~a number of~~
3 12 ~~votes equal to at least thirty=five percent of the total vote~~
3 13 ~~cast for all of that party's candidates for that office in the~~
3 14 ~~last preceding primary election for which the party had~~
3 15 ~~candidates on the ballot for that office. If there have been~~
3 16 ~~no candidates from a political party for a seat in the general~~
3 17 ~~assembly since the most recent redistricting of the general~~
3 18 ~~assembly, a write=in candidate shall be considered nominated~~
3 19 ~~who receives a number of votes equal to at least thirty=five~~
3 20 ~~percent of the total votes cast, at the last preceding primary~~
3 21 ~~election in the precincts which currently constitute the~~
3 22 ~~general assembly district, for all of that party's candidates~~
3 23 ~~for representative in the Congress of the United States or who~~
3 24 ~~receives~~ at least one hundred votes~~, whichever number is~~
3 25 ~~greater. When two or more nominees are required, the division~~
3 26 ~~procedure prescribed in section 43.52 shall be applied to~~
3 27 ~~establish the minimum number of write=in votes necessary for~~
3 28 ~~nomination~~. If the primary is inconclusive, the necessary
3 29 nominations shall be made in accordance with section 43.78,
3 30 subsection 1.
3 31   Sec. 6. Section 43.77, subsection 2, Code 2003, is amended
3 32 by striking the subsection.
3 33   EXPLANATION
3 34   This bill removes the requirement that candidates in a
3 35 primary election must receive at least 35 percent of the votes
4 1 cast to be nominated as their party's candidate on the general
4 2 election ballot. The bill also removes the 35 percent
4 3 requirement in cases of a person nominated by write=in votes
4 4 to an office for which there is no candidate on the official
4 5 primary ballot of a political party. The current requirement
4 6 that at least 100 write=in votes be cast for a person for
4 7 nomination to a seat in the general assembly if there is no
4 8 candidate on the official primary ballot of a political party
4 9 for that office is extended to county offices, offices to be
4 10 filled by the voters of the entire state, and for each seat in
4 11 the U.S. house of representatives.
4 12 LSB 2769SC 80
4 13 sc/cl/14