

FEB 8 2005
Place On Calendar

HOUSE FILE 222
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 29)

Passed House, Date 2-16-05 Passed Senate, Date 5-20-05
Vote: Ayes 100 Nays 0 Vote: Ayes 44 Nays 5
Approved 6/10/05

A BILL FOR

1 An Act relating to the nonpartisan election of township officers.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 222

1 Section 1. Section 39.21, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4. Township officers as provided in
4 section 39.22, subsection 2.

5 Sec. 2. Section 39.22, subsection 1, unnumbered paragraph
6 2, Code 2005, is amended to read as follows:

7 The election of the trustees and clerk of a township may be
8 restored after approval of the appointment process under this
9 subsection by a resolution of the board of supervisors
10 submitting the question to the registered voters who are
11 eligible to vote for township officers of the township at the
12 next general election. If the proposition to restore the
13 election process is approved by a majority of those voting on
14 the question, the election of the township officers shall
15 commence with the next ~~primary-and general elections~~ election.
16 A resolution submitting the question of restoring the election
17 of township officers at the next general election shall be
18 adopted by the board of supervisors upon receipt of a petition
19 signed by eligible electors residing in the township equal in
20 number to at least ten percent of the registered voters of a
21 township. The initial terms of the trustees shall be
22 determined by lot, one for two years, and two for four years.
23 However, if a proposition to change the method of selecting
24 township officers is adopted by the electorate, a resolution
25 to change the method shall not be submitted to the electorate
26 for four years.

27 Sec. 3. Section 39.22, subsection 2, Code 2005, is amended
28 to read as follows:

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

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

5 a. TOWNSHIP OFFICERS. The election of township officers
6 shall take place at the general election on ballots which
7 shall not reflect a nominee's political affiliation.
8 Nomination shall be made by petition in accordance with
9 chapter 45. The petition form shall be furnished by the
10 county commissioner of elections and shall be filed with the
11 county commissioner of elections. A plurality is sufficient
12 to elect the township officers.

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. 4. Section 43.26, Code 2005, is amended to read as
25 follows:

26 43.26 BALLOT -- FORM.

27 The official primary election ballot shall be prepared,
28 arranged, and printed substantially in the following form:

29 PRIMARY ELECTION BALLOT
30 (Name of Party) of
31 County of
32, State of Iowa,
33 ... Rotation (if any).
34 Primary election held on
35 the ... day of June,(year)

1 FOR UNITED STATES SENATOR
2 (Vote for no more than one.)
3 ___ CANDIDATE'S NAME
4 ___ CANDIDATE'S NAME
5 ___

6 FOR UNITED STATES
7 REPRESENTATIVE
8 (Vote for no more than one.)
9 ___ CANDIDATE'S NAME
10 ___ CANDIDATE'S NAME
11 ___

12 FOR GOVERNOR
13 (Vote for no more than one.)
14 ___ CANDIDATE'S NAME
15 ___ CANDIDATE'S NAME
16 ___

17 (Followed by other elective state officers in the order in
18 which they appear in section 39.9 and district officers in the
19 order in which they appear in sections 39.15 and 39.16.)

20 FOR BOARD OF SUPERVISORS
21 (Vote for no more than two.)
22 ___ CANDIDATE'S NAME
23 ___ CANDIDATE'S NAME
24 ___

25 ___

26 FOR COUNTY AUDITOR
27 (Vote for no more than one.)
28 ___ CANDIDATE'S NAME
29 ___ CANDIDATE'S NAME
30 ___

31 (Followed by other elective county officers in the order in
32 which they appear in section 39.17.)

33 FOR-TOWNSHIP-CLERK
34 {Vote-for-no-more-than-one-}
35 ----CANDIDATE'S-NAME

1 -----CANDIDATE'S-NAME
2 -----.....
3 FOR-TOWNSHIP-TRUSTEES
4 {Vote-for-no-more-than-two-}
5 -----CANDIDATE'S-NAME
6 -----CANDIDATE'S-NAME
7 -----CANDIDATE'S-NAME
8 -----.....
9 -----.....

10 Sec. 5. Section 43.53, Code 2005, is amended to read as
11 follows:

12 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
13 CANDIDATES.

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

27 Sec. 6. Section 43.67, unnumbered paragraph 1, Code 2005,
28 is amended to read as follows:

29 Each candidate nominated pursuant to section 43.52 or 43.65
30 is entitled to have the candidate's name printed on the
31 official ballot to be voted at the general election without
32 other certificate unless the candidate was nominated by write-
33 in votes. Immediately after the completion of the canvass
34 held under section 43.49, the county auditor shall notify each
35 person who was nominated by write-in votes for a county or

1 township office that the person is required to file an
2 affidavit of candidacy if the person wishes to be a candidate
3 for that office at the general election. Immediately after
4 the completion of the canvass held under section 43.63, the
5 secretary of state shall notify each person who was nominated
6 by write-in votes for a state or federal office that the
7 person is required to file an affidavit of candidacy if the
8 person wishes to be a candidate for that office at the general
9 election. If the affidavit is not filed by five p.m. on the
10 seventh day after the completion of the canvass, that person's
11 name shall not be placed upon the official general election
12 ballot. The affidavit shall be signed by the candidate,
13 notarized, and filed with the county auditor or the secretary
14 of state, whichever is applicable.

15 Sec. 7. Section 49.30, subsection 1, Code 2005, is amended
16 to read as follows:

17 1. Where special paper ballots are used, if it is not
18 possible to include all offices and public measures on a
19 single ballot, separate ballots may be provided for township
20 offices, nonpartisan offices, judges, or public measures.

21 Sec. 8. Section 49.30, subsection 2, paragraph a, Code
22 2005, is amended to read as follows:

23 a. If it is impossible to place the names of all
24 candidates on the machine ballot, the commissioner may provide
25 a separate paper ballot for the candidates for judge of the
26 district court, ~~the township offices~~, and the nonpartisan
27 offices listed in section 39.21. One of the paper ballots
28 shall be furnished to each registered voter.

29 Sec. 9. Section 49.37, subsection 3, Code 2005, is
30 amended to read as follows:

31 3. The commissioner shall arrange the partisan county
32 offices on the ballot with the board of supervisors first,
33 followed by the other county offices ~~and township offices~~ in
34 the same sequence in which they appear in sections section
35 39.17 ~~and-39-22~~. Nonpartisan offices shall be listed after

1 partisan offices.

2 Sec. 10. Section 43.21, Code 2005, is repealed.

3 EXPLANATION

4 This bill changes the offices of township trustee and
5 township clerk to nonpartisan offices nominated for election
6 by the petition process, without regard to political
7 affiliation. A nominating petition for a township office
8 requires signatures of at least 10 eligible electors of the
9 township.

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HOUSE FILE 222

S-3154

1 Amend House File 222, as passed by the House, as
2 follows:

3 1. Page 6, by inserting after line 2, the
4 following:

5 "Sec. ____ TOWNSHIP STUDY. A study of township
6 government in Iowa shall be conducted by the public
7 policy and administration program in the department of
8 political science at Iowa state university of science
9 and technology. The study shall include a description
10 and analysis of the statutory powers and duties of
11 townships and township officials, an assessment of the
12 advantages and disadvantages of continuing township
13 government as a political subdivision of the state,
14 and identification of alternative assignments of
15 powers and duties of townships and township officials.
16 The public policy and administration program shall
17 produce a study report regarding the findings of the
18 study.

19 The department of management shall make available
20 any information relating to townships requested by the
21 public policy and administration program in
22 conjunction with the study of township government.

23 The public policy and administration program shall
24 consult with the Iowa state association of counties,
25 the Iowa league of cities, township trustees, township
26 clerks, fire district representatives, and other
27 relevant parties in conducting the study.

28 The study report shall be submitted to the general
29 assembly on or before January 15, 2006."

30 2. Title page, by striking line 1, and inserting
31 the following: "An Act relating to townships by
32 providing for the nonpartisan election of township
33 officers and providing for a township study."

34 3. By renumbering as necessary.

By HERMAN C. QUIRMBACH DAVE MULDER
BRAD ZAUN DARYL BEALL
ROGER STEWART PAT WARD

S-3154 FILED APRIL 20, 2005

HOUSE FILE 222

AN ACT

RELATING TO THE NONPARTISAN ELECTION OF TOWNSHIP OFFICERS.

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

Section 1. Section 39.21, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Township officers as provided in section 39.22, subsection 2.

Sec. 2. Section 39.22, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the registered voters who are eligible to vote for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of those voting on the question, the election of the township officers shall commence with the next primary and general elections election. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon receipt of a petition signed by eligible electors residing in the township equal in number to at least ten percent of the registered voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, and two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

Sec. 3. Section 39.22, subsection 2, Code 2005, is amended to read as follows:

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

a. TOWNSHIP OFFICERS. The election of township officers shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections and shall be filed with the county commissioner of elections. A plurality is sufficient to elect the township officers.

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

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

Sec. 4. Section 43.26, Code 2005, is amended to read as follows:

43.26 BALLOT -- FORM.

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

PRIMARY ELECTION BALLOT

(Name of Party) of

County of

....., State of Iowa,

... Rotation (if any).

Primary election held on the ... day of June,(year)

FOR UNITED STATES SENATOR

(Vote for no more than one.)

___ CANDIDATE'S NAME

___ CANDIDATE'S NAME

___

FOR UNITED STATES REPRESENTATIVE

(Vote for no more than one.)

___ CANDIDATE'S NAME

___ CANDIDATE'S NAME

___

FOR GOVERNOR

(Vote for no more than one.)

___ CANDIDATE'S NAME

___ CANDIDATE'S NAME

___

(Followed by other elective state officers in the order in which they appear in section 39.9 and district officers in the order in which they appear in sections 39.15 and 39.16.)

FOR BOARD OF SUPERVISORS

(Vote for no more than two.)

___ CANDIDATE'S NAME

___ CANDIDATE'S NAME

___

___

FOR COUNTY AUDITOR

(Vote for no more than one.)

___ CANDIDATE'S NAME

___ CANDIDATE'S NAME

___

(Followed by other elective county officers in the order in which they appear in section 39.17.)

FOR TOWNSHIP CLERK

{Vote for no more than one}

----CANDIDATE'S NAME

----CANDIDATE'S NAME

FOR TOWNSHIP TRUSTEE

{Vote for no more than two}

----CANDIDATE'S NAME

----CANDIDATE'S NAME

----CANDIDATE'S NAME

Sec. 5. Section 43.53, Code 2005, is amended to read as follows:

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

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

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a. If it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court, the township offices, and the nonpartisan

offices listed in section 39.21. One of the paper ballots shall be furnished to each registered voter.

Sec. 9. Section 49.37, subsection 3, Code 2005, is amended to read as follows:

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

Sec. 10. Section 43.21, Code 2005, is repealed.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 222, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 6/10, 2005

THOMAS J. VILSACK
Governor