HOUSE FILE **29**

BY HUSER

Passed House, Date _____   Passed Senate, Date _____

Vote: Ayes _____ Nays _____   Vote: Ayes _____ Nays _____

Approved _____

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:
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

TLSB 1513YH 81

sc/pj/5

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)

-2-

```
 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 43.43, unnumbered paragraph 2, Code 2005,

11 is amended to read as follows:

12   I do solemnly swear or affirm that I am a resident of the

13 .... precinct, ... ward ~~or-township~~, city of

14 ......, county of ......, Iowa.

15   Sec. 6. Section 43.53, Code 2005, is amended to read as

16 follows:

17   43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN

18 CANDIDATES.

19   The nominee of each political party for any office to be

20 filled by the voters of any ~~township-or-other~~ political

21 subdivision within the county shall be the person receiving

22 the highest number of votes cast in the primary election by

23 the voters of that party for the office. That person shall

24 appear as the party's candidate for the office on the general

25 election ballot. A person whose name is not printed on the

26 official primary ballot shall not be declared nominated as a

27 candidate for such office in the general election unless that

28 person receives at least five votes. Nomination of a

29 candidate for the office of county supervisor elected from a

30 district within the county shall be governed by section 43.52

31 and not by this section.

32   Sec. 7. Section 43.67, unnumbered paragraph 1, Code 2005,

33 is amended to read as follows:

34   Each candidate nominated pursuant to section 43.52 or 43.65

35 is entitled to have the candidate's name printed on the

1 official ballot to be voted at the general election without
2 other certificate unless the candidate was nominated by write-
3 in votes. Immediately after the completion of the canvass
4 held under section 43.49, the county auditor shall notify each
5 person who was nominated by write-in votes for a county or
6 ~~township~~ office that the person is required to file an
7 affidavit of candidacy if the person wishes to be a candidate
8 for that office at the general election. Immediately after
9 the completion of the canvass held under section 43.63, the
10 secretary of state shall notify each person who was nominated
11 by write-in votes for a state or federal office that the
12 person is required to file an affidavit of candidacy if the
13 person wishes to be a candidate for that office at the general
14 election. If the affidavit is not filed by five p.m. on the
15 seventh day after the completion of the canvass, that person's
16 name shall not be placed upon the official general election
17 ballot. The affidavit shall be signed by the candidate,
18 notarized, and filed with the county auditor or the secretary
19 of state, whichever is applicable.
20   Sec. 8. Section 49.30, subsection 1, Code 2005, is amended
21 to read as follows:
22   1. Where special paper ballots are used, if it is not
23 possible to include all offices and public measures on a
24 single ballot, separate ballots may be provided for ~~township~~
25 ~~offices,~~ nonpartisan offices, judges, or public measures.
26   Sec. 9. Section 49.30, subsection 2, paragraph a, Code
27 2005, is amended to read as follows:
28   a. If it is impossible to place the names of all
29 candidates on the machine ballot, the commissioner may provide
30 a separate paper ballot for the candidates for judge of the
31 district court, ~~the-township-offices,~~ and the nonpartisan
32 offices listed in section 39.21. One of the paper ballots
33 shall be furnished to each registered voter.
34   Sec. 10. Section 49.37, subsection 3, Code 2005, is
35 amended to read as follows:

1   3. The commissioner shall arrange the partisan county
2 offices on the ballot with the board of supervisors first,
3 followed by the other county offices and-township-offices in
4 the same sequence in which they appear in sections section
5 39.17 and-39.22. Nonpartisan offices shall be listed after
6 partisan offices.
7   Sec. 11. Section 43.21, Code 2005, is repealed.
8   EXPLANATION
9   This bill changes the offices of township trustee and
10 township clerk to nonpartisan offices nominated for election
11 by the petition process, without regard to political
12 affiliation. A nominating petition for a township office
13 requires signatures of at least 10 eligible electors of the
14 township.
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35