Senate Study Bill 1278

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

A BILL FOR

1 An Act relating to city elections by providing procedures for
2   filling a city council vacancy by special election and by
3   providing satellite absentee voting at certain city elections.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1850SC 82
6 eg/gg/14

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1 1   Section 1. Section 53.11, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3   1. Satellite absentee voting stations may be established
1 4 throughout the cities and county at the direction of the
1 5 commissioner and shall be established upon receipt of a
1 6 petition signed by not less than one hundred eligible electors
1 7 requesting that a satellite absentee voting station be
1 8 established at a location to be described on the petition.
1 9 However, if a special election is scheduled in the county on a
1 10 date that falls between the date of the regular city election
1 11 and the date of the city runoff election, the commissioner is
1 12 not required to establish a satellite absentee voting station
1 13 for the city runoff election.
1 14   PARAGRAPH DIVIDED. A satellite absentee voting station
1 15 established by petition must be open at least one day for a
1 16 minimum of six hours. A satellite absentee voting station
1 17 established at the direction of the commissioner or by
1 18 petition may remain open until five p.m. on the day before the
1 19 election.
1 20   Sec. 2. Section 53.11, subsection 2, paragraph b, Code
1 21 2007, is amended to read as follows:
1 22   b. For the regular city election or a city primary
1 23 election, no later than five p.m. on the thirtieth day before
1 24 the election.
1 25   Sec. 3. Section 53.11, subsection 2, Code 2007, is amended
1 26 by adding the following new paragraph:
1 27   NEW PARAGRAPH. bb. For a city runoff election, no later
1 28 than five p.m. on the twenty=first day before the election.
1 29   Sec. 4. Section 53.11, Code 2007, is amended by adding the
1 30 following new subsection:
1 31   NEW SUBSECTION. 5. If the only newspaper of general
1 32 circulation in the city is published once weekly or less
1 33 frequently, and it is not feasible for the commissioner to
1 34 publish notice in that newspaper of the location of a
1 35 satellite absentee voting station for a city runoff election
2 1 at least seven days before the opening of the station,
2 2 notwithstanding any publication or posting requirements to the
2 3 contrary, the commissioner shall post notice of the location
2 4 at least seven days before the opening of the station on the
2 5 commissioner's website, at each satellite absentee voting
2 6 station, at the county courthouse, at the city hall of the
2 7 city for which the runoff election is being conducted, and at
2 8 the public library of such city. In addition, the
2 9 commissioner shall provide written notice of the location of
2 10 the satellite absentee voting station to the candidates named
2 11 on the ballot for the city runoff election.
2 12   Sec. 5. Section 372.13, subsection 2, paragraph b,
2 13 unnumbered paragraph 1, Code 2007, is amended to read as
2 14 follows:
2 15   By a special election held to fill the office for the
2 16 remaining balance of the unexpired term. If the council opts
2 17 for a special election or a valid petition is filed under

2 18 paragraph "a", the special election may be held concurrently
2 19 with any pending election as provided by section 69.12 if by
2 20 so doing the vacancy will be filled not more than ninety days
2 21 after it occurs. Otherwise, a special election to fill the
2 22 office shall be called by the council at the earliest
2 23 practicable date. The council shall give the county
2 24 commissioner at least thirty=two days' written notice of the
2 25 date chosen for the special election. The council of a city
2 26 where a primary election may be required shall give the county
2 27 commissioner at least sixty days' written notice of the date
2 28 chosen for the special election. A special election held
2 29 under this subsection is subject to sections 376.4 through
2 30 376.11, but the dates for actions in relation to the special
2 31 election~~, including dates for filing of nomination petitions,~~
2 32 shall be calculated with regard to the date for which the
2 33 special election is called. <u>However, a nomination petition</u>
2 34 <u>must be filed not less than twenty=five days before the date</u>
2 35 <u>of the special election and, where a primary election may be</u>
3 1 <u>required, a nomination petition must be filed not less than</u>
3 2 <u>fifty=two days before the date of the special election.</u>
3 3   EXPLANATION
3 4   This bill makes changes to the procedures used by cities to
3 5 fill a city council vacancy by special election and also makes
3 6 changes relating to the availability of satellite absentee
3 7 voting at city primary and city runoff elections, as follows:
3 8   1. The bill provides that satellite absentee voting
3 9 stations may be used for city primary elections and city
3 10 runoff elections. The bill also provides, however, that if
3 11 there is a special election scheduled between the day of the
3 12 regular city election and the day of the runoff election, the
3 13 county commissioner of elections is not required to establish
3 14 a satellite absentee voting station for the runoff election.
3 15   The bill also allows posting of notice of location of a
3 16 satellite absentee voting station for a city runoff election
3 17 if it is not feasible to publish the notice in a timely
3 18 manner.
3 19   2. The bill also provides that a nomination petition for a
3 20 special election called to fill a vacancy on a city council
3 21 must be filed not less than 25 days before the date of the
3 22 special election. For those cities where a primary election
3 23 may be required, the nomination petition must be filed not
3 24 less than 52 days before the date of the special election.
3 25 LSB 1850SC 82
3 26 eg:sc/gg/14.1