

House File 120

HOUSE FILE _____
BY KAUFMANN and RAECKER

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

A BILL FOR

1 An Act allowing voters to reject all candidates on general
2 election ballots for certain offices and providing for a
3 special election and for filing deadlines.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1350YH 83
6 sc/nh/5

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1 1 Section 1. Section 49.37, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. a. Any ballot upon which appears the
1 4 names of candidates for an elective state office or for the
1 5 general assembly shall contain for each of those offices an
1 6 additional line equivalent to the lines on which the
1 7 candidates' names appear and placed at the end of the row or
1 8 column containing the names of the candidates for that office.
1 9 Each such additional line shall contain a voting target
1 10 whereby the voter may express the voter's choice of that line
1 11 in the same manner as the voter would choose a candidate, and
1 12 the line shall read "None of These Candidates".

1 13 b. For purposes of this subsection, "elective state
1 14 office" means the offices of governor and lieutenant governor,
1 15 secretary of state, auditor of state, treasurer of state,
1 16 secretary of agriculture, and attorney general.

1 17 Sec. 2. Section 50.45, Code 2009, is amended to read as
1 18 follows:

1 19 50.45 CANVASS PUBLIC == RESULT DETERMINED.

1 20 1. All canvasses of tally lists shall be public, and the
1 21 persons having the greatest number of votes shall be declared
1 22 elected, except that if the choice "None of These Candidates"
1 23 receives a simple majority of the total votes cast for that
1 24 office, no person shall be declared elected, and the governor
1 25 shall order a special election and issue a proclamation
1 26 pursuant to section 39.6. The special election shall be
1 27 conducted in the manner provided for in section 69.21.

1 28 2. When a public measure has been submitted to the
1 29 electors, the proposition shall be declared to have been
1 30 adopted if the vote cast in favor of the question is greater
1 31 than fifty percent of the total vote cast in favor and against
1 32 the question, unless laws pertaining specifically to the
1 33 public measure election establish a higher percentage of a
1 34 favorable vote. All ballots cast and not counted as a vote in
1 35 favor or against the proposition shall not be used in
2 1 computing the total vote cast in favor and against the
2 2 proposition.

2 3 Sec. 3. Section 50.46, Code 2009, is amended to read as
2 4 follows:

2 5 50.46 SPECIAL ELECTIONS == CANVASS AND CERTIFICATE.

2 6 When a special election has been held to fill a vacancy,
2 7 pursuant to section 69.14, or when a special election has been
2 8 held pursuant to section 69.21, the board of county canvassers
2 9 shall meet at ~~one o'clock in the afternoon of 1:00 p.m. on~~ the
2 10 second day after the election, and canvass the votes cast at
2 11 the election. The commissioner, as soon as the canvass is
2 12 completed, shall transmit to the state commissioner an
2 13 abstract of the votes so canvassed, and the state board,
2 14 within five days after receiving such abstracts, shall canvass
2 15 the tally lists. A certificate of election shall be issued by
2 16 the county or state board of canvassers, as in other cases.
2 17 All the provisions regulating elections, obtaining tally
2 18 lists, and canvass of votes at general elections, except as to
2 19 time, shall apply to special elections.

2 20 Sec. 4. NEW SECTION. 69.21 SPECIAL ELECTION == GENERAL
2 21 ASSEMBLY AND ELECTIVE STATE OFFICES.
2 22 1. A special election ordered pursuant to section 50.45
2 23 shall be held not less than forty=two and not more than fifty
2 24 days following the date the governor ordered the special
2 25 election.
2 26 2. a. A political party that had a candidate on the
2 27 general election ballot for the office for which a special
2 28 election has been ordered may nominate another candidate for
2 29 the office in the manner provided for in section 43.78,
2 30 subsection 1.
2 31 b. Nominations for all other candidates may be made as
2 32 follows:
2 33 (1) For an elective state office, by nomination petition
2 34 signed by not less than one thousand eligible electors of the
2 35 state.
3 1 (2) For senator in the general assembly, by nomination
3 2 petition signed by not less than one hundred eligible electors
3 3 of the senate district.
3 4 (3) For representative in the general assembly, by
3 5 nomination petition signed by not less than fifty eligible
3 6 electors of the representative district.
3 7 c. A candidate whose name was on the general election
3 8 ballot for the office for which a special election has been
3 9 ordered is disqualified from nomination in the special
3 10 election.
3 11 3. Nomination petitions must be filed in the office of the
3 12 state commissioner of elections not later than 5:00 p.m. on
3 13 the twenty=fifth day before the special election. Each
3 14 nomination petition must be accompanied by an affidavit
3 15 executed by the candidate in the same form as that provided in
3 16 section 43.18, section 44.3, subsection 2, or section 45.3,
3 17 whichever is applicable.
3 18 4. a. A candidate nominated for an office to be filled at
3 19 the special election may withdraw as a nominee for that office
3 20 on or before, but not later than, the fifteenth day before the
3 21 date of the special election by notifying the state
3 22 commissioner of elections in writing.
3 23 b. If a person who has filed nomination papers with the
3 24 state commissioner as a candidate in the special election dies
3 25 or withdraws on or before the fifteenth day before the special
3 26 election, the appropriate convention of that person's
3 27 political party may designate one additional special election
3 28 candidate for the nomination that person was seeking, if the
3 29 designation is submitted to the state commissioner in writing
3 30 no later than 5:00 p.m. on the twelfth day before the date of
3 31 the special election.
3 32 5. Objections to the eligibility of a candidate in the
3 33 special election must be filed pursuant to section 43.24 not
3 34 less than nineteen days before the date of the special
3 35 election.
4 1 6. The state commissioner of elections shall certify to
4 2 the commissioner of each county at the earliest practicable
4 3 time, and under separate party headings, the name of each
4 4 person nominated, the office to which the person is nominated,
4 5 and the order in which the tickets of the several political
4 6 parties shall appear on the official ballot.
4 7 7. The ballots provided for the special election shall not
4 8 contain the designation "None of These Candidates".
4 9 8. The votes cast in the special election shall be
4 10 canvassed and a certificate of election issued in the manner
4 11 provided for in section 50.46. The candidate=elect shall be
4 12 sworn into office immediately following the issuance of the
4 13 certificate of election by the state commissioner of
4 14 elections.
4 15 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 16 3, shall not apply to this Act.
4 17 EXPLANATION
4 18 This bill provides that general election ballots for
4 19 elective state offices and for the general assembly shall
4 20 include the designation "None of These Candidates" as a choice
4 21 for the voter. Elective state office means governor and
4 22 lieutenant governor, secretary of state, auditor of state,
4 23 treasurer of state, secretary of agriculture, and attorney
4 24 general.
4 25 The bill also provides that if the choice "None of These
4 26 Candidates" receives a simple majority of the votes cast for a
4 27 particular office, a special election shall be ordered for
4 28 that office. The special election is to be held not less than
4 29 42 and not more than 50 days following the date the special
4 30 election is ordered. New candidates may be nominated by

4 31 convention or by petition. Candidates on the original general
4 32 election ballot are disqualified from nomination as a
4 33 candidate in the special election. Candidates elected at the
4 34 special election are to be sworn in immediately after the
4 35 state commissioner issues the certificate of election.
5 1 The bill may include a state mandate as defined in Code
5 2 section 25B.3. The bill makes inapplicable Code section
5 3 25B.2, subsection 3, which would relieve a political
5 4 subdivision from complying with a state mandate if funding for
5 5 the cost of the state mandate is not provided or specified.
5 6 Therefore, political subdivisions are required to comply with
5 7 any state mandate included in the bill.
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