

House File 157 - Introduced

HOUSE FILE 157

BY KAUFMANN and RAECKER

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:

1 Section 1. Section 49.37, Code 2011, is amended by adding
2 the following new subsection:

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

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

17 Sec. 2. Section 50.45, Code 2011, is amended to read as
18 follows:

19 **50.45 Canvass public — result determined.**

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

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

1 total vote cast in favor and against the proposition.

2 Sec. 3. Section 50.46, Code 2011, is amended to read as
3 follows:

4 **50.46 Special elections — canvass and certificate.**

5 When a special election has been held to fill a vacancy,
6 pursuant to section 69.14, or when a special election has been
7 held pursuant to section 69.21, the board of county canvassers
8 shall meet no earlier than 1:00 p.m. on the second day after
9 the election, and canvass the votes cast at the election. If
10 the second day after the election is a public holiday, section
11 4.1, subsection 34, controls. The commissioner, as soon as the
12 canvass is completed, shall transmit to the state commissioner
13 an abstract of the votes so canvassed, and the state board,
14 within five days after receiving such abstracts, shall canvass
15 the tally lists. A certificate of election shall be issued by
16 the county or state board of canvassers, as in other cases.
17 All the provisions regulating elections, obtaining tally lists,
18 and canvass of votes at general elections, except as to time,
19 shall apply to special elections.

20 Sec. 4. NEW SECTION. **69.21 Special election — general**
21 **assembly and elective state offices.**

22 1. A special election ordered pursuant to section shall
23 be held not less than forty-two and not more than fifty days
24 following the date the governor ordered the special election.

25 2. *a.* A political party that had a candidate on the general
26 election ballot for the office for which a special election has
27 been ordered may nominate another candidate for the office in
28 the manner provided for in section 43.78, subsection 1.

29 *b.* Nominations for all other candidates may be made as
30 follows:

31 (1) For an elective state office, by nomination petition
32 signed by not less than one thousand eligible electors of the
33 state.

34 (2) For senator in the general assembly, by nomination
35 petition signed by not less than one hundred eligible electors

1 of the senate district.

2 (3) For representative in the general assembly, by
3 nomination petition signed by not less than fifty eligible
4 electors of the representative district.

5 *c.* A candidate whose name was on the general election ballot
6 for the office for which a special election has been ordered is
7 disqualified from nomination in the special election.

8 3. Nomination petitions must be filed in the office of the
9 state commissioner of elections not later than 5:00 p.m. on the
10 twenty-fifth day before the special election. Each nomination
11 petition must be accompanied by an affidavit executed by the
12 candidate in the same form as that provided in section 43.18,
13 section 44.3, subsection 2, or section 45.3, whichever is
14 applicable.

15 4. *a.* A candidate nominated for an office to be filled
16 at the special election may withdraw as a nominee for that
17 office on or before, but not later than, the fifteenth day
18 before the date of the special election by notifying the state
19 commissioner of elections in writing.

20 *b.* If a person who has filed nomination papers with the
21 state commissioner as a candidate in the special election dies
22 or withdraws on or before the fifteenth day before the special
23 election, the appropriate convention of that person's political
24 party may designate one additional special election candidate
25 for the nomination that person was seeking, if the designation
26 is submitted to the state commissioner in writing no later than
27 5:00 p.m. on the twelfth day before the date of the special
28 election.

29 5. Objections to the eligibility of a candidate in the
30 special election must be filed pursuant to section 43.24
31 not less than nineteen days before the date of the special
32 election.

33 6. The state commissioner of elections shall certify to the
34 commissioner of each county at the earliest practicable time,
35 and under separate party headings, the name of each person

1 nominated, the office to which the person is nominated, and the
2 order in which the tickets of the several political parties
3 shall appear on the official ballot.

4 7. The ballots provided for the special election shall not
5 contain the designation "None of These Candidates".

6 8. The votes cast in the special election shall be canvassed
7 and a certificate of election issued in the manner provided
8 for in section 50.46. The candidate-elect shall be sworn into
9 office immediately following the issuance of the certificate of
10 election by the state commissioner of elections.

11 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
12 3, shall not apply to this Act.

13 EXPLANATION

14 This bill provides that general election ballots for
15 elective state offices and for the general assembly shall
16 include the designation "None of These Candidates" as a choice
17 for the voter. Elective state office means governor and
18 lieutenant governor, secretary of state, auditor of state,
19 treasurer of state, secretary of agriculture, and attorney
20 general.

21 The bill also provides that if the choice "None of These
22 Candidates" receives a simple majority of the votes cast for a
23 particular office, a special election shall be ordered for that
24 office. The special election is to be held not less than and
25 not more than 50 days following the date the special election
26 is ordered. New candidates may be nominated by convention
27 or by petition. Candidates on the original general election
28 ballot are disqualified from nomination as a candidate in the
29 special election. Candidates elected at the special election
30 are to be sworn in immediately after the state commissioner
31 issues the certificate of election.

32 The bill may include a state mandate as defined in Code
33 section 25B.3. The bill makes inapplicable Code section 25B.2,
34 subsection 3, which would relieve a political subdivision from
35 complying with a state mandate if funding for the cost of

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1 the state mandate is not provided or specified. Therefore,
2 political subdivisions are required to comply with any state
3 mandate included in the bill.