

House Study Bill 107 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WAGNER)

A BILL FOR

1 An Act providing for the nonpartisan election of certain county
2 officers.

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

1 Section 1. Section 39.21, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. The county officers listed in section
4 39.17.

5 Sec. 2. Section 43.6, unnumbered paragraph 1, Code 2011, is
6 amended to read as follows:

7 Candidates for the office of senator in the Congress of the
8 United States, the offices listed in section 39.9, and county
9 supervisor, ~~and the offices listed in section 39.17~~ shall be
10 nominated in the year preceding the expiration of the term of
11 office of the incumbent.

12 Sec. 3. Section 43.6, subsection 2, Code 2011, is amended
13 to read as follows:

14 2. When a vacancy occurs in the office of county supervisor
15 ~~or any of the offices listed in section 39.17~~ and more than
16 seventy days remain in the term of office following the next
17 general election, the office shall be filled for the balance
18 of the unexpired term at that general election unless the
19 vacancy has been filled by a special election called more
20 than seventy-three days before the primary election. If
21 the vacancy occurs more than seventy-three days before the
22 primary election, political party candidates for that office
23 at the next general election shall be nominated at the primary
24 election. If an appointment to fill the vacancy in office is
25 made eighty-eight or more days before the primary election and
26 a petition requesting a special election has not been received
27 within fourteen days after the appointment is made, candidates
28 for the office shall be nominated at the primary election.

29 Sec. 4. Section 43.20, subsection 1, paragraph d, Code 2011,
30 is amended to read as follows:

31 d. If for ~~an~~ the office of county supervisor to be filled
32 by the voters of the entire county or for the office of county
33 supervisor elected from a district within the county, by at
34 least two percent of the party vote in the county or supervisor
35 district, as shown by the last general election, or by at least

1 one hundred persons, whichever is less.

2 Sec. 5. Section 43.52, unnumbered paragraph 1, Code 2011,
3 is amended to read as follows:

4 The nominee of each political party for ~~any~~ the office ~~to be~~
5 ~~filled of county supervisor elected~~ by the voters of the entire
6 county, or for the office of county supervisor elected from
7 a district within the county, shall be the person receiving
8 the highest number of votes cast in the primary election by
9 the voters of that party for the office, and that person shall
10 appear as the party's candidate for the office on the general
11 election ballot.

12 Sec. 6. Section 43.67, subsection 1, Code 2011, is amended
13 to read as follows:

14 1. Each candidate nominated pursuant to section 43.52
15 or 43.65 is entitled to have the candidate's name printed
16 on the official ballot to be voted at the general election
17 without other certificate unless the candidate was nominated
18 by write-in votes. Immediately after the completion of the
19 canvass held under section 43.49, the county auditor shall
20 notify each person who was nominated by write-in votes for
21 ~~a county~~ the office of county supervisor that the person is
22 required to file an affidavit of candidacy if the person wishes
23 to be a candidate for that office at the general election.
24 Immediately after the completion of the canvass held under
25 section 43.63, the secretary of state shall notify each person
26 who was nominated by write-in votes for a state or federal
27 office that the person is required to file an affidavit of
28 candidacy if the person wishes to be a candidate for that
29 office at the general election. If the affidavit is not
30 filed by 5:00 p.m. on the seventh day after the completion
31 of the canvass, that person's name shall not be placed upon
32 the official general election ballot. The affidavit shall be
33 signed by the candidate, notarized, and filed with the county
34 auditor or the secretary of state, whichever is applicable.

35 Sec. 7. Section 43.77, subsection 5, unnumbered paragraph

1 1, Code 2011, is amended to read as follows:

2 A vacancy has occurred in the office of county supervisor
3 ~~or in any of the offices listed in section 39.17~~ and the term
4 of office has more than seventy days remaining after the
5 date of the next general election and one of the following
6 circumstances applies:

7 Sec. 8. Section 43.78, subsection 1, paragraph d, Code 2011,
8 is amended to read as follows:

9 d. For any the office to be filled of county supervisor
10 elected by the voters of ~~an~~ the entire county, by the party's
11 county convention, which may be reconvened by the county party
12 chairperson if the vacancy occurs after the convention has been
13 held or too late to be filled at the time it is held.

14 Sec. 9. Section 43.78, subsection 1, paragraph f, Code 2011,
15 is amended by striking the paragraph.

16 Sec. 10. Section 43.78, subsections 3 and 4, Code 2011, are
17 amended to read as follows:

18 3. The name of any candidate designated to fill a vacancy on
19 the general election ballot in accordance with subsection 1,
20 paragraph "d", or "e", ~~or~~ "f" shall be submitted in writing to
21 the commissioner not later than 5:00 p.m. on the sixty-ninth
22 day before the date of the general election.

23 4. Political party candidates for a vacant seat in
24 the United States house of representatives, the board of
25 supervisors, ~~the elected county offices,~~ or the general
26 assembly which is to be filled at a special election called
27 pursuant to section 69.14 or 69.14A shall be nominated in the
28 manner provided by subsection 1 of this section for filling a
29 vacancy on the general election ballot for the same office.
30 The name of a candidate so nominated shall be submitted in
31 writing to the appropriate commissioner, as required by section
32 43.88, at the earliest practicable time.

33 Sec. 11. Section 49.37, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. The commissioner shall arrange the ~~partisan~~ county

1 offices on the ballot with the board of supervisors first,
2 followed by the other county offices in the same sequence in
3 which they appear in section 39.17. ~~Nonpartisan~~ The offices
4 listed in section 39.21, subsections 1 through 4 shall be
5 listed on the ballot after partisan county offices.

6 Sec. 12. Section 69.14A, subsection 4, Code 2011, is amended
7 to read as follows:

8 4. Notwithstanding ~~subsections~~ subsection 1 and 2, if a
9 nomination has been made at the primary election for an office
10 in which a vacancy has been filled by appointment, the office
11 shall be filled at the next general election, and not at any
12 special election in the same political subdivision.

13 Sec. 13. Section 331.238, subsection 3, Code 2011, is
14 amended to read as follows:

15 3. An alternative form of county government shall provide
16 for the partisan election of its governing board and for the
17 election of its other elective officers on a nonpartisan basis.

18 Sec. 14. Section 331.261, subsection 1, paragraph k, Code
19 2011, is amended to read as follows:

20 k. The partisan election of the legislative body of
21 the community commonwealth government and the election on
22 a nonpartisan basis of the other elective officials of the
23 community commonwealth government.

24 EXPLANATION

25 This bill provides that the county auditor, sheriff, county
26 treasurer, recorder, and county attorney shall be elected on a
27 nonpartisan basis.