

**House Study Bill 118 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act relating to filling a vacancy in an elective city  
2 office.

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

1 Section 1. Section 372.13, subsection 2, paragraph a,  
2 unnumbered paragraph 1, Code 2011, is amended to read as  
3 follows:

4 By appointment by the remaining members of the council,  
5 except that if the remaining members do not constitute a quorum  
6 of the full membership, paragraph "b" shall be followed. The  
7 appointment shall be made within forty days after the vacancy  
8 occurs and shall be for the period until the next pending  
9 election as defined in section 69.12, and shall be made within  
10 forty days after the vacancy occurs regular city election,  
11 unless there is an intervening special election to fill a  
12 vacancy in another elective city office in that city or there  
13 is an intervening special election on a city ballot proposition  
14 for that city, in which case the office shall be placed on  
15 the ballot at such intervening election and the appointee's  
16 term of appointment shall be until a successor is elected  
17 and qualifies. If the council chooses to proceed under this  
18 paragraph, it shall publish notice in the manner prescribed by  
19 section 362.3, stating that the council intends to fill the  
20 vacancy by appointment but that the electors of the city or  
21 ward, as the case may be, have the right to file a petition  
22 requiring that the vacancy be filled by a special election.  
23 The council may publish notice in advance if an elected  
24 official submits a resignation to take effect at a future date.  
25 The council may make an appointment to fill the vacancy after  
26 the notice is published or after the vacancy occurs, whichever  
27 is later. However, if within fourteen days after publication  
28 of the notice or within fourteen days after the appointment  
29 is made, there is filed with the city clerk a petition which  
30 requests a special election to fill the vacancy, an appointment  
31 to fill the vacancy is temporary and the council shall call  
32 a special election to fill the vacancy permanently, under  
33 paragraph "b". The number of signatures of eligible electors of  
34 a city for a valid petition shall be determined as follows:

35 EXPLANATION

1 This bill makes changes relating to filling a vacancy in an  
2 elective city office.

3 The bill specifies that if an appointment is made to  
4 fill a vacancy in an elective city office, the term of  
5 appointment runs until the next regular city election, unless  
6 an intervening special election on a city ballot proposition  
7 or to fill another vacancy in an elective city office is held,  
8 and, in that case, the vacancy shall be filled at such special  
9 election.