

House Study Bill 624 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

1 An Act relating to the administration of city elections by
2 permitting the county commissioner of elections to designate
3 a city clerk to receive city candidate filings.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 376.4, subsections 1, 3, 4, 5, and 6,
2 Code 2016, are amended to read as follows:

3 1. *a.* An eligible elector of a city may become a candidate
4 for an elective city office by filing with the county
5 commissioner of elections responsible under [section 47.2](#)
6 for conducting elections held for the city a valid petition
7 requesting that the elector's name be placed on the ballot for
8 that office, or by filing a valid petition with the designated
9 city clerk. The petition must be filed not more than
10 seventy-one days and not less than forty-seven days before the
11 date of the election, and must be signed by eligible electors
12 equal in number to at least two percent of those who voted to
13 fill the same office at the last regular city election, but not
14 less than ten persons. However, for those cities which may be
15 required to hold a primary election, the petition must be filed
16 not more than eighty-five days and not less than sixty-eight
17 days before the date of the regular city election. Nomination
18 petitions shall be filed not later than 5:00 p.m. on the last
19 day for filing.

20 *b.* The petitioners for an individual seeking election from
21 a ward must be residents of the ward at the time of signing the
22 petition. An individual is not eligible for election from a
23 ward unless the individual is a resident of the ward at the
24 time the individual files the petition and at the time of
25 election.

26 *c.* The county commissioner may designate the city clerk of
27 a city to receive nomination papers for elective city offices.
28 If so designated, the city clerk shall have all the duties of
29 the county commissioner provided in this section.

30 3. On the final date for filing nomination papers the office
31 of the county commissioner and the office of the city clerk
32 designated pursuant to subsection 1 shall remain open until
33 5:00 p.m.

34 4. The county commissioner or the city clerk designated
35 pursuant to subsection 1 shall review each petition and

1 affidavit of candidacy for completeness following the standards
2 in [section 45.5](#) and shall accept the petition for filing
3 if on its face it appears to have the requisite number of
4 signatures and if it is timely filed. The county commissioner
5 or the designated city clerk shall note upon each petition and
6 affidavit accepted for filing the date and time that they were
7 filed. The county commissioner or the designated city clerk
8 shall return any rejected nomination papers to the person on
9 whose behalf the nomination papers were filed.

10 5. Nomination papers filed with the county commissioner or
11 the city clerk designated pursuant to subsection 1 shall be
12 available for public inspection.

13 6. The city clerk shall deliver the text of any public
14 measure being submitted by the city council to the electorate
15 to the county commissioner of elections. If the county
16 commissioner has designated the city clerk to receive
17 nomination papers for elective city offices pursuant to
18 subsection 1, the city clerk shall deliver the nomination
19 papers accepted for filing to the county commissioner. The
20 text of any public measure and nomination papers required to
21 be delivered under this subsection shall be delivered no later
22 than the day after the last day on which nomination petitions
23 can be filed, and not later than 5:00 p.m. 12:00 noon on that
24 day.

25

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the administration of city elections.
29 Under the bill, the county commissioner of elections (county
30 auditor) is allowed to designate a city clerk to receive
31 candidate filings for city offices, and a designated city clerk
32 is responsible for carrying out certain duties related to the
33 review and acceptance or rejection of nomination papers. The
34 office of the city clerk designated to receive such filings is
35 required to remain open until 5:00 p.m. on the final day for

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1 filing such nomination papers, and the city clerk is required
2 to deliver nomination papers and the text of any public measure
3 to the county commissioner by 12:00 noon on the day after the
4 nomination petition filing deadline. Under current law, city
5 clerks are required to deliver the text of any public measure
6 to the county commissioner by 5:00 p.m. on the day of the
7 petition filing deadline.