

House File 2151 - Introduced

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GAINES

A BILL FOR

1 An Act differentiating between filing deadlines for incumbents
2 and nonincumbents.

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

1 Section 1. Section 43.11, Code 2018, is amended to read as
2 follows:

3 **43.11 Filing of nomination papers.**

4 Nomination papers in behalf of a candidate shall be filed:

5 1. For an elective county office, in the office of the
6 county commissioner not earlier than ninety-two days nor later
7 than 5:00 p.m. on the ~~sixty-ninth~~ fifty-fifth day before
8 the day fixed for holding the primary election, except that
9 incumbent candidates shall file no later than 5:00 p.m. on the
10 sixty-ninth day before the day fixed for holding the primary
11 election.

12 2. For United States senator, for an elective state
13 office, for representative in Congress, and for member of the
14 general assembly, in the office of the state commissioner not
15 earlier than ninety-nine days nor later than 5:00 p.m. on the
16 ~~eighty-first~~ sixty-seventh day before the day fixed for holding
17 the primary election, except that incumbent candidates shall
18 file no later than 5:00 p.m. on the eighty-first day before the
19 day fixed for holding the primary election.

20 Sec. 2. Section 44.4, subsection 1, Code 2018, is amended
21 to read as follows:

22 1. Nominations made pursuant to [this chapter](#) and chapter
23 45 which are required to be filed in the office of the state
24 commissioner shall be filed in that office not more than
25 ninety-nine days nor later than 5:00 p.m. on the ~~seventy-third~~
26 fifty-ninth day before the date of the general election to be
27 held in November, except that incumbent candidates shall file
28 no later than 5:00 p.m. on the seventy-third day before the
29 date of the general election. Nominations made for a special
30 election called pursuant to [section 69.14](#) shall be filed by
31 5:00 p.m. not less than ~~twenty-five~~ eleven days before the date
32 of an election called upon at least forty days' notice, except
33 that incumbent candidates shall file no later than 5:00 p.m.
34 twenty-five days before such an election, and not less than
35 fourteen days before the date of an election called upon at

1 least eighteen days' notice. Nominations made for a special
2 election called pursuant to [section 69.14A](#) shall be filed by
3 5:00 p.m. not less than ~~twenty-five~~ eleven days before the
4 date of the election, except that incumbent candidates shall
5 file no later than 5:00 p.m. twenty-five days before such
6 an election. Nominations made pursuant to [this chapter](#) and
7 chapter 45 which are required to be filed in the office of
8 the commissioner shall be filed in that office not more than
9 ninety-two days nor later than 5:00 p.m. on the ~~sixty-ninth~~
10 fifty-fifth day before the date of the general election, except
11 that incumbent candidates shall file no later than 5:00 p.m. on
12 the sixty-ninth day before the date of the general election.
13 Nominations made pursuant to [this chapter](#) or [chapter 45](#) for
14 city office shall be filed not more than seventy-two days
15 nor later than 5:00 p.m. on the ~~forty-seventh~~ thirty-third
16 day before the city election with the county commissioner
17 of elections responsible under [section 47.2](#) for conducting
18 elections held for the city, who shall process them as provided
19 by law, except that incumbent candidates shall file no later
20 than 5:00 p.m. on the forty-seventh day before the election.

21 Sec. 3. Section 54.5, subsection 1, paragraph a, Code 2018,
22 is amended to read as follows:

23 a. The names of the candidates for president and vice
24 president of a political party as defined in the law relating
25 to primary elections, shall, by 5:00 p.m. on the ~~eighty-first~~
26 sixty-seventh day before the election, be certified to the
27 state commissioner by the chairperson and secretary of the
28 state central committee of the party, except that incumbent
29 candidates shall be so certified no later than 5:00 p.m. on the
30 eighty-first day before the election.

31 Sec. 4. Section 69.12, subsection 1, paragraph b,
32 subparagraphs (3) and (4), Code 2018, are amended to read as
33 follows:

34 (3) The ~~fortieth~~ twenty-sixth day before a regularly
35 scheduled school election.

1 (4) The ~~twenty-fifth~~ eleventh day before a special
2 election.

3 Sec. 5. Section 372.13, subsection 2, paragraph b,
4 subparagraph (1), Code 2018, is amended to read as follows:

5 (1) By a special election held to fill the office for the
6 remaining balance of the unexpired term. If the council opts
7 for a special election or a valid petition is filed under
8 paragraph "a", the special election may be held concurrently
9 with any pending election as provided by [section 69.12](#)
10 if by so doing the vacancy will be filled not more than
11 ninety days after it occurs. Otherwise, a special election
12 to fill the office shall be called by the council at the
13 earliest practicable date. The council shall give the county
14 commissioner at least thirty-two days' written notice of the
15 date chosen for the special election. The council of a city
16 where a primary election may be required shall give the county
17 commissioner at least sixty days' written notice of the date
18 chosen for the special election. A special election held under
19 this subsection is subject to [sections 376.4 through 376.11](#),
20 but the dates for actions in relation to the special election
21 shall be calculated with regard to the date for which the
22 special election is called. However, a nomination petition
23 must be filed not less than ~~twenty-five~~ eleven days before the
24 date of the special election and, where a primary election may
25 be required, a nomination petition must be filed not less than
26 ~~fifty-three~~ thirty-nine days before the date of the special
27 election.

28 Sec. 6. Section 376.4, subsection 1, paragraph a, Code 2018,
29 is amended to read as follows:

30 a. An eligible elector of a city may become a candidate for
31 an elective city office by filing with the county commissioner
32 of elections responsible under [section 47.2](#) for conducting
33 elections held for the city a valid petition requesting that
34 the elector's name be placed on the ballot for that office, or
35 by filing a valid petition with the designated city clerk. The

1 petition must be filed not more than seventy-one days and not
2 less than ~~forty-seven~~ thirty-three days before the date of the
3 election, except that incumbent candidates shall file no later
4 than forty-seven days before the election, and must be signed
5 by eligible electors equal in number to at least two percent
6 of those who voted to fill the same office at the last regular
7 city election, but not less than ten persons. However, for
8 those cities which may be required to hold a primary election,
9 the petition must be filed not more than eighty-five days and
10 not less than ~~sixty-eight~~ fifty-four days before the date of
11 the regular city election, except that incumbent candidates
12 shall file no later than sixty-eight days before the date of
13 the regular city election. Nomination petitions shall be filed
14 not later than 5:00 p.m. on the last day for filing.

15 EXPLANATION

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

18 This bill extends the filing deadline for nonincumbent
19 candidates by two weeks for all city, county, state, and
20 federal elections except special elections called with at least
21 18 days' but less than 40 days' notice, including elections
22 to fill vacancies that occur during the term of an elected
23 official.