

House File 2369 - Introduced

HOUSE FILE 2369
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 514)

A BILL FOR

1 An Act setting the dates for the submission of local public
2 measures to the electors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, unnumbered paragraph
2 1, Code 2018, is amended to read as follows:

3 ~~Unless otherwise provided by law~~ Except as provided in
4 sections 75.1, 423B.1, or other law, special elections on
5 public measures are limited to the following dates:

6 Sec. 2. Section 75.1, Code 2018, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 3. A proposition to authorize an issuance
9 of bonds shall only be submitted to the electors on the first
10 Tuesday after the first Monday in November of each year. This
11 subsection shall not apply to a proposition to authorize an
12 issuance of bonds proposed in response to a natural disaster or
13 other disaster emergency proclaimed by the governor pursuant to
14 section 29C.6 or by the president of the United States.

15 Sec. 3. Section 296.3, Code 2018, is amended to read as
16 follows:

17 **296.3 Election called.**

18 Within ten days of receipt of a petition filed under section
19 296.2, the president of the board of directors shall call
20 a meeting of the board. The meeting shall be held within
21 thirty days after the petition was received. At the meeting,
22 the board shall call the election, fixing the time of the
23 election, ~~which may be at the time and place of holding the~~
24 ~~regular school election~~ shall be as provided in section 75.1,
25 subsection 3. However, if the board determines by unanimous
26 vote that the proposition or propositions requested by a
27 petition to be submitted at an election are grossly unrealistic
28 or contrary to the needs of the school district, no election
29 shall be called. If more than one petition has been received
30 by the time the board meets to consider the petition triggering
31 the meeting, the board shall act upon the petitions in the
32 order they were received at the meeting called to consider the
33 initial petition. The decision of the board may be appealed to
34 the state board of education as provided in **chapter 290**. The
35 president shall notify the county commissioner of elections of

1 the time of the election.

2 Sec. 4. Section 423B.1, subsection 5, Code 2018, is amended
3 to read as follows:

4 5. The county commissioner of elections shall submit the
5 question of imposition of a local option tax at an election
6 held on a ~~date specified in section 39.2, subsection 4,~~
7 paragraph "a" the first Tuesday after the first Monday in
8 November, except as provided in section 75.1, subsection 3.
9 The election shall not be held sooner than sixty days after
10 publication of notice of the ballot proposition. The ballot
11 proposition shall specify the type and rate of tax and in the
12 case of a vehicle tax the classes that will be exempt and in
13 the case of a local sales and services tax the date it will
14 be imposed which date shall not be earlier than ninety days
15 following the election. The ballot proposition shall also
16 specify the approximate amount of local option tax revenues
17 that will be used for property tax relief and shall contain
18 a statement as to the specific purpose or purposes for which
19 the revenues shall otherwise be expended. If the county
20 board of supervisors decides under [subsection 6](#) to specify a
21 date on which the local option sales and services tax shall
22 automatically be repealed, the date of the repeal shall also be
23 specified on the ballot. The rate of the vehicle tax shall be
24 in increments of one dollar per vehicle as set by the petition
25 seeking to impose the tax. The rate of a local sales and
26 services tax shall not be more than one percent as set by the
27 governing body. The state commissioner of elections shall
28 establish by rule the form for the ballot proposition which
29 form shall be uniform throughout the state.

30 Sec. 5. APPLICABILITY. Notwithstanding section 47.6,
31 subsection 1, paragraph "b", the governing body of a political
32 subdivision may, by a resolution filed with the county
33 commissioner of elections, remove a public measure from a
34 ballot that is not in compliance with section 75.1, subsection
35 3, as enacted by this Act, or section 423B.1, as amended by

1 this Act, prior to January 1, 2019.

2

EXPLANATION

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

5 This bill requires all propositions to authorize the
6 issuance of bonds by a county, township, school corporation,
7 city, or any local board or commission or the imposition
8 of local option taxes by a city or county to be submitted
9 to electors on the first Tuesday after the first Monday in
10 November of each year. This requirement does not apply to
11 a proposition to authorize an issuance of bonds proposed in
12 response to a natural disaster or other disaster emergency
13 proclaimed by the governor pursuant to Code section 296.6 or
14 by the president of the United States. The bill exempts such
15 elections from certain limitations on the withdrawal of public
16 measures from a ballot until January 1, 2019.