

Senate File 101 - Introduced

SENATE FILE 101

BY D. JOHNSON

A BILL FOR

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

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

1 Section 1. Section 39.21, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. The county officers described in
4 sections 39.17 and 39.18.

5 Sec. 2. Section 43.6, Code 2017, is amended to read as
6 follows:

7 **43.6 Nomination of U. S. senators, and state ~~and county~~**
8 **officers.**

9 1. Candidates for the office of senator in the Congress
10 of the United States, and the offices listed in [section 39.9](#),
11 ~~county supervisor, and the offices listed in section 39.17~~
12 shall be nominated in the year preceding the expiration of the
13 term of office of the incumbent.

14 ~~1.~~ 2. When a vacancy occurs in the office of senator in
15 the Congress of the United States, secretary of state, auditor
16 of state, treasurer of state, secretary of agriculture, or
17 attorney general and [section 69.13](#) requires that the vacancy
18 be filled for the balance of the unexpired term at a general
19 election, candidates for the office shall be nominated in the
20 preceding primary election if the vacancy occurs eighty-nine
21 or more days before the date of that primary election. If the
22 vacancy occurs less than one hundred four days before the date
23 of that primary election, the state commissioner shall accept
24 nomination papers for that office only until 5:00 p.m. on the
25 seventy-fourth day before the primary election, the provisions
26 of [section 43.11](#) notwithstanding. If the vacancy occurs later
27 than eighty-nine days before the date of that primary election,
28 but not less than eighty-nine days before the date of the
29 general election, the nominations shall be made in the manner
30 prescribed by [this chapter](#) for filling vacancies in nominations
31 for offices to be voted for at the general election.

32 ~~2.~~ ~~When a vacancy occurs in the office of county supervisor~~
33 ~~or any of the offices listed in [section 39.17](#) and more than~~
34 ~~seventy days remain in the term of office following the next~~
35 ~~general election, the office shall be filled for the balance~~

~~1 of the unexpired term at that general election unless the
2 vacancy has been filled by a special election called more
3 than seventy-three days before the primary election. If
4 the vacancy occurs more than seventy-three days before the
5 primary election, political party candidates for that office
6 at the next general election shall be nominated at the primary
7 election. If an appointment to fill the vacancy in office is
8 made eighty-eight or more days before the primary election and
9 a petition requesting a special election has not been received
10 within fourteen days after the appointment is made, candidates
11 for the office shall be nominated at the primary election.~~

12 Sec. 3. Section 43.11, Code 2017, is amended to read as
13 follows:

14 **43.11 Filing of nomination papers.**

15 ~~Nomination papers in behalf of a candidate shall be filed:~~

16 ~~1. For an elective county office, in the office of the
17 county commissioner not earlier than ninety-two days nor later
18 than 5:00 p.m. on the sixty-ninth day before the day fixed for
19 holding the primary election.~~

20 ~~2. For Nomination papers in behalf of a candidate
21 for United States senator, for an elective state office,
22 for representative in Congress, and for member of the
23 general assembly, shall be filed in the office of the state
24 commissioner not earlier than ninety-nine days nor later than
25 5:00 p.m. on the eighty-first day before the day fixed for
26 holding the primary election.~~

27 Sec. 4. Section 43.15, subsection 3, Code 2017, is amended
28 to read as follows:

29 3. All signers, for all nominations, of each separate
30 part of a nomination paper, shall reside in the same county,
31 representative or senatorial district for members of the
32 general assembly. ~~In counties where the supervisors are
33 elected from districts, signers of nomination petitions for
34 supervisor candidates shall reside in the supervisor district
35 the candidate seeks to represent.~~

1 Sec. 5. Section 43.20, subsection 1, paragraph d, Code 2017,
2 is amended by striking the paragraph.

3 Sec. 6. Section 43.24, subsection 1, paragraph b,
4 subparagraph (2), Code 2017, is amended by striking the
5 subparagraph.

6 Sec. 7. Section 43.24, subsection 3, paragraph b, Code 2017,
7 is amended by striking the paragraph.

8 Sec. 8. Section 43.51, Code 2017, is amended to read as
9 follows:

10 **43.51 Finality of canvass.**

11 Such canvass and certificate shall be final as to all
12 candidates for nomination to any ~~elective county office or~~
13 office of a ~~subdivision of a county~~ special charter city.

14 Sec. 9. Section 43.53, Code 2017, is amended to read as
15 follows:

16 **43.53 Nominees for ~~subdivision~~ special charter city office**
17 **— write-in candidates.**

18 The nominee of each political party for any office to be
19 filled by the voters of any ~~political subdivision~~ special
20 charter city within the county shall be the person receiving
21 the highest number of votes cast in the primary election by
22 the voters of that party for the office. That person shall
23 appear as the party's candidate for the office on the general
24 election ballot. A person whose name is not printed on the
25 official primary ballot shall not be declared nominated as a
26 candidate for such office in the ~~general~~ regular city election
27 unless that person receives at least five votes. ~~Nomination of~~
28 ~~a candidate for the office of county supervisor elected from a~~
29 ~~district within the county shall be governed by section 43.52~~
30 ~~and not by this section.~~

31 Sec. 10. Section 43.62, subsection 1, Code 2017, is amended
32 to read as follows:

33 1. The names of the candidates nominated by the electors of
34 ~~the county or subdivision thereof~~ a special charter city and
35 the offices for which they are so nominated.

1 Sec. 11. Section 43.66, Code 2017, is amended to read as
2 follows:

3 **43.66 Write-in candidates.**

4 The fact that the candidate who receives the highest number
5 of votes cast for any party's nomination for an office to
6 which section ~~43.52~~ or 43.65 is applicable is a person whose
7 name was not printed on the official primary election ballot
8 shall not affect the validity of the person's nomination as a
9 candidate for that office in the general election. However,
10 if there is no candidate on the official primary ballot of
11 a political party for nomination to a particular office, a
12 write-in candidate may obtain the party's nomination to that
13 office in the primary if the candidate receives a number of
14 votes equal to at least thirty-five percent of the total vote
15 cast for all of that party's candidates for that office in
16 the last preceding primary election for which the party had
17 candidates on the ballot for that office. If there have been
18 no candidates from a political party for a seat in the general
19 assembly since the most recent redistricting of the general
20 assembly, a write-in candidate shall be considered nominated
21 who receives a number of votes equal to at least thirty-five
22 percent of the total votes cast, at the last preceding primary
23 election in the precincts which currently constitute the
24 general assembly district, for all of that party's candidates
25 for representative in the Congress of the United States or
26 who receives at least one hundred votes, whichever number is
27 greater. ~~When two or more nominees are required, the division~~
28 ~~procedure prescribed in section 43.52 shall be applied to~~
29 ~~establish the minimum number of write-in votes necessary for~~
30 ~~nomination.~~ If the primary is inconclusive, the necessary
31 nominations shall be made in accordance with section 43.78,
32 subsection 1.

33 Sec. 12. Section 43.67, subsection 1, Code 2017, is amended
34 to read as follows:

35 1. Each candidate nominated pursuant to section ~~43.52~~

1 ~~or~~ 43.65 is entitled to have the candidate's name printed
2 on the official ballot to be voted at the general election
3 without other certificate unless the candidate was nominated
4 by write-in votes. ~~Immediately after the completion of~~
5 ~~the canvass held under section 43.49, the county auditor~~
6 ~~shall notify each person who was nominated by write-in votes~~
7 ~~for a county office that the person is required to file an~~
8 ~~affidavit of candidacy if the person wishes to be a candidate~~
9 ~~for that office at the general election. Immediately after~~
10 the completion of the canvass held under section 43.63, the
11 secretary of state shall notify each person who was nominated
12 by write-in votes for a state or federal office that the
13 person is required to file an affidavit of candidacy if the
14 person wishes to be a candidate for that office at the general
15 election. If the affidavit is not filed by 5:00 p.m. on the
16 seventh day after the completion of the canvass, that person's
17 name shall not be placed upon the official general election
18 ballot. The affidavit shall be signed by the candidate,
19 notarized, and filed with the ~~county auditor or the secretary~~
20 of state, ~~whichever is applicable.~~

21 Sec. 13. Section 43.77, subsection 2, Code 2017, is amended
22 to read as follows:

23 2. The primary election was inconclusive as to that office
24 because no candidate for the party's nomination for that office
25 received the number of votes required by section ~~43.52,~~ 43.53,
26 or 43.65, whichever is applicable.

27 Sec. 14. Section 43.77, subsection 5, Code 2017, is amended
28 by striking the subsection.

29 Sec. 15. Section 43.78, subsection 1, paragraphs d, e, and
30 f, Code 2017, are amended by striking the paragraphs.

31 Sec. 16. Section 43.78, subsection 3, Code 2017, is amended
32 by striking the subsection.

33 Sec. 17. Section 43.78, subsection 4, Code 2017, is amended
34 to read as follows:

35 4. Political party candidates for a vacant seat in

1 the United States house of representatives, ~~the board of~~
2 ~~supervisors, the elected county offices,~~ or the general
3 assembly which is to be filled at a special election called
4 pursuant to section 69.14 ~~or 69.14A~~ shall be nominated in the
5 manner provided by [subsection 1](#) of [this section](#) for filling a
6 vacancy on the general election ballot for the same office.
7 The name of a candidate so nominated shall be submitted in
8 writing to the appropriate commissioner, as required by section
9 43.88, at the earliest practicable time.

10 Sec. 18. Section 43.79, Code 2017, is amended to read as
11 follows:

12 **43.79 Death of candidate after time for withdrawal.**

13 The death of a candidate nominated as provided by law for any
14 office to be filled at a general election, during the period
15 beginning on the eighty-eighth day before the general election,
16 ~~in the case of any candidate whose nomination papers were filed~~
17 ~~with the state commissioner, or beginning on the seventy-third~~
18 ~~day before the general election, in the case of any candidate~~
19 ~~whose nomination papers were filed with the commissioner,~~
20 and ending on the last day before the general election shall
21 not operate to remove the deceased candidate's name from the
22 general election ballot. If the deceased candidate was seeking
23 the office of senator or representative in the Congress of
24 the United States, governor, attorney general, or senator or
25 representative in the general assembly ~~or county supervisor,~~
26 section 49.58 shall control. If the deceased candidate was
27 seeking any other office, and as a result of the candidate's
28 death a vacancy is subsequently found to exist, the vacancy
29 shall be filled as provided by [chapter 69](#).

30 Sec. 19. Section 49.37, subsection 3, Code 2017, is amended
31 to read as follows:

32 3. The commissioner shall arrange the ~~partisan~~ county
33 offices on the ballot with the board of supervisors first,
34 followed by the other county offices in the same sequence in
35 which they appear in [section 39.17](#). ~~Nonpartisan,~~ followed by

1 the offices shall be listed after partisan offices in section
2 39.21, in the same sequence in which they appear in that
3 section.

4 Sec. 20. Section 49.104, subsection 5, Code 2017, is amended
5 to read as follows:

6 5. One observer at a time representing any nonparty
7 political organization, any candidate nominated by petition
8 pursuant to [chapter 45](#), or any other nonpartisan candidate
9 ~~in a city or school election~~, appearing on the ballot of the
10 election in progress. Candidates who send observers to the
11 polls shall provide each observer with a letter of appointment
12 in the form prescribed by the state commissioner.

13 Sec. 21. Section 53.23, subsection 4, Code 2017, is amended
14 to read as follows:

15 4. The room where members of the special precinct election
16 board are engaged in counting absentee ballots on the day
17 before the election pursuant to [subsection 3](#), paragraph "c",
18 or during the hours the polls are open shall be policed so
19 as to prevent any person other than those whose presence is
20 authorized by this subsection from obtaining information
21 about the progress of the count. The only persons who may
22 be admitted to that room are the members of the board, one
23 challenger representing each political party, one observer
24 representing any nonparty political organization or any
25 candidate nominated by petition pursuant to [chapter 45](#) or
26 any other nonpartisan candidate ~~in a city or school election~~
27 appearing on the ballot of the election in progress, one
28 observer representing persons supporting a public measure
29 appearing on the ballot and one observer representing
30 persons opposed to such measure, and the commissioner or the
31 commissioner's designee. It shall be unlawful for any of these
32 persons to communicate or attempt to communicate, directly or
33 indirectly, information regarding the progress of the count at
34 any time while the board is convened pursuant to [subsection 3](#),
35 paragraph "c", or at any time before the polls are closed.

S.F. 101

1 conduct of partisan elections for special charter cities.