

**House File 652 - Introduced**

HOUSE FILE 652  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 48)

**A BILL FOR**

1 An Act relating to the administration of city and school  
2 elections.

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

1 Section 1. Section 44.9, subsection 3, Code 2019, is amended  
2 to read as follows:

3 3. In the office of the proper school board secretary, at  
4 least ~~thirty-five~~ forty-two days before the day of a regularly  
5 scheduled school election.

6 Sec. 2. Section 50.48, subsection 7, Code 2019, is amended  
7 to read as follows:

8 7. If the election is ~~an election held by a city which~~  
9 ~~is not the final election for the office in question~~ a city  
10 primary election held pursuant to section 376.7, the recount  
11 shall progress according to the times provided by this  
12 subsection. If this subsection applies the canvass shall be  
13 held by the second day after the election, the request for  
14 a recount must be made by the third day after the election,  
15 the board shall convene to conduct the recount by the sixth  
16 day after the election, and the report shall be filed by the  
17 ~~eleventh~~ eighth day after the election.

18 Sec. 3. Section 50.48, Code 2019, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 8. When a city council has chosen a runoff  
21 election pursuant to section 376.9, the recount shall progress  
22 according to the times provided by this subsection. If this  
23 subsection applies, the canvass shall be conducted pursuant  
24 to section 50.24. The request for a recount must be made  
25 by the day after the canvass, and the board shall convene  
26 for the first time not later than the first Friday following  
27 the canvass. The report shall be filed not later than the  
28 fourteenth day after the election.

29 Sec. 4. Section 260C.12, subsection 1, as amended by 2017  
30 Iowa Acts, chapter 155, section 2, is amended to read as  
31 follows:

32 1. The board of directors of the merged area shall organize  
33 at the first regular meeting following the regular school  
34 election or at a special meeting called by the secretary of the  
35 board to organize the board in advance of the first regular

1 meeting ~~following the regular school election~~ after the canvass  
2 for the regular school election. Organization of the board  
3 shall be effected by the election of a president and other  
4 officers from the board membership as board members determine.  
5 The board of directors shall appoint a secretary and a  
6 treasurer who shall each give bond as prescribed in section  
7 291.2 and who shall each receive the salary determined by the  
8 board. The secretary and treasurer shall perform duties under  
9 chapter 291 and additional duties the board of directors deems  
10 necessary. However, the board may appoint one person to serve  
11 as the secretary and treasurer. If one person serves as the  
12 secretary and treasurer, only one bond is necessary for that  
13 person. The frequency of meetings other than organizational  
14 meetings shall be as determined by the board of directors but  
15 the president or a majority of the members may call a special  
16 meeting at any time.

17 Sec. 5. Section 260C.15, subsection 5, as amended by 2017  
18 Iowa Acts, chapter 155, section 4, is amended to read as  
19 follows:

20 5. The votes cast in the election shall be canvassed and  
21 abstracts of the votes cast shall be certified as required by  
22 section 277.20. In each county whose commissioner of elections  
23 is responsible under [section 47.2](#) for conducting elections  
24 held for a merged area, the county board of supervisors shall  
25 convene ~~on the last Monday in November or at the last regular~~  
26 ~~board meeting in November,~~ on the second Monday or Tuesday  
27 after the day of the election to canvass the abstracts of votes  
28 cast and declare the results of the voting. The commissioner  
29 shall at once issue certificates of election to each person  
30 declared elected, and shall certify to the merged area board in  
31 substantially the manner prescribed by [section 50.27](#) the result  
32 of the voting on any public question submitted to the voters  
33 of the merged area. Members elected to the board of directors  
34 of a merged area shall qualify by taking the oath of office  
35 prescribed in [section 277.28](#).

1     Sec. 6. Section 277.4, subsection 3, Code 2019, is amended  
2 to read as follows:

3     3. The secretary of the school board shall accept the  
4 petition for filing if on its face it appears to have the  
5 requisite number of signatures and if it is timely filed. The  
6 secretary of the school board shall note upon each petition  
7 and affidavit accepted for filing the date and time that the  
8 petition was filed. The secretary of the school board shall  
9 deliver all nomination petitions, together with the complete  
10 text of any public measure being submitted by the board to the  
11 electorate, to the county commissioner of elections on the day  
12 following the last day on which nomination petitions can be  
13 filed, and not later than ~~5:00 p.m.~~ 12:00 noon on that day.

14     Sec. 7. Section 279.1, subsection 1, Code 2019, is amended  
15 to read as follows:

16     1. The board of directors of each school corporation shall  
17 meet and organize at the first regular meeting or at a special  
18 meeting called by the secretary of the board to organize the  
19 board in advance of the first regular meeting after the canvass  
20 for the regular school election at some suitable place to be  
21 designated by the secretary. Notice of the place and hour of  
22 the meeting shall be given by the secretary to each member and  
23 member-elect of the board.

24     Sec. 8. Section 376.5, Code 2019, is amended to read as  
25 follows:

26     **376.5 Publication of ballot.**

27     Notice containing a copy of the ballot for each regular,  
28 special, primary, or runoff city election must be published by  
29 the county commissioner of elections as provided in section  
30 362.3, except that notice of a regular, primary, or runoff  
31 election may be published not less than four days before the  
32 date of the election. The published ~~ballot~~ notice must contain  
33 the names of all candidates, and may not contain any party  
34 designations. The published ~~ballot~~ notice must contain any  
35 question to be submitted to the voters.

1     Sec. 9. Section 376.7, Code 2019, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 3. If the city holding a primary  
4 election is located in more than one county, the controlling  
5 commissioner for that city under section 47.2, subsection  
6 2, shall conduct a second canvass on the first Monday or  
7 Tuesday after the day of the election. However, if a recount  
8 is requested pursuant to section 50.48, the controlling  
9 commissioner shall conduct the second canvass within two  
10 business days after the conclusion of the recount proceeding.  
11 Each commissioner conducting a canvass for the city pursuant  
12 to section 50.24, subsection 1, shall transmit abstracts for  
13 the offices of that city to the controlling commissioner for  
14 that city, along with individual tallies for each write-in  
15 candidate. At the second canvass, the county board of  
16 supervisors of the county of the controlling commissioner shall  
17 canvass the abstracts received pursuant to this subsection and  
18 shall prepare a combined city abstract stating the number of  
19 votes cast in the city for each office. The combined city  
20 abstract shall further indicate the name of each person who  
21 received votes for each office on the ballot, and the number of  
22 votes each person received for that office. The votes of all  
23 write-in candidates who each received less than five percent  
24 of the total votes cast in the city for an office shall be  
25 reported collectively under the heading "scattering".

26     Sec. 10. Section 376.9, subsection 1, Code 2019, is amended  
27 to read as follows:

28     1. A runoff election may be held only for positions unfilled  
29 because of failure of a sufficient number of candidates to  
30 receive a majority vote in the regular city election. When a  
31 council has chosen a runoff election in lieu of a primary, the  
32 county board of supervisors shall publicly canvass the tally  
33 lists of the vote cast in the regular city election, following  
34 the procedures prescribed in [section 50.24](#), ~~at a meeting to be~~  
35 ~~held on the second day following the regular city election, and~~

1 ~~beginning no earlier than 1:00 p.m. on that day.~~ Candidates  
2 who do not receive a majority of the votes cast for an office,  
3 but who receive the highest number of votes cast for that  
4 office in the regular city election, to the extent of twice  
5 the number of unfilled positions, are candidates in the runoff  
6 election.

7 Sec. 11. 2017 Iowa Acts, chapter 155, section 45, is amended  
8 to read as follows:

9 SEC. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

10 1. Notwithstanding the provisions of [section 260C.11](#)  
11 designating a term of four years for members of a board of  
12 directors of a merged area, the term of office for a seat on a  
13 board of directors filled at the regular school election held  
14 on:

15 a. September 8, 2015, shall expire ~~November 5, 2019~~ upon  
16 the board's organizational meeting held pursuant to section  
17 260C.12, subsection 1.

18 b. September 12, 2017, shall expire ~~November 2, 2021~~ upon  
19 the board's organizational meeting held pursuant to section  
20 260C.12, subsection 1.

21 2. Notwithstanding the provisions of section 273.8,  
22 subsection 1, designating a term of four years for members of  
23 a board of directors of an area education agency, the term of  
24 office for a seat on a board of directors filled by election  
25 in:

26 a. September 2015 shall expire November 30, 2019.

27 b. September 2017 shall expire November 30, 2021.

28 3. Notwithstanding the provisions of [section 274.7](#)  
29 designating a term of four years for members of a board of  
30 directors of a school district, the term of office for a seat  
31 on a board of directors filled at the regular school election  
32 held on:

33 a. September 8, 2015, shall expire ~~November 5, 2019~~ upon the  
34 board's organizational meeting held pursuant to section 279.1.

35 b. September 12, 2017, shall expire ~~November 2, 2021~~ upon

1 the board's organizational meeting held pursuant to section  
2 279.1.

3 EXPLANATION

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

6 This bill relates to the administration of combined city and  
7 school elections. The bill changes the withdrawal deadline  
8 for candidates in a school election from 35 days before the  
9 election to 42 days before the election, the same deadline for  
10 candidates in a city election. The bill applies the recount  
11 provisions of Code section 50.48(7) to city primary elections  
12 held pursuant to Code section 376.7 and requires the recount  
13 board for such recounts to file a report by the eighth day  
14 after the election.

15 The bill changes the timeline for recounts for city runoff  
16 elections. The bill requires the canvass for such elections  
17 to be held on the first Monday or Tuesday after the day of  
18 the election. The bill requires a request for a recount of  
19 such an election to be filed by the day after the canvass, and  
20 the recount board to convene no later than the first Friday  
21 following the canvass. The bill requires the report of the  
22 recount board to be filed not later than the fourteenth day  
23 after the election.

24 The bill requires the board of directors of a merged area  
25 to organize at the first regular or special meeting after the  
26 canvass of the regular school election. The bill also changes  
27 the date of the canvass for an election held in a merged area  
28 to the second Monday or Tuesday following an election, the  
29 same deadline for a second canvass required of certain cities  
30 and school districts pursuant to 2017 Iowa Acts, chapter 155,  
31 section 28.

32 The bill moves the deadline for the secretary of a school  
33 board to deliver nomination petitions, along with the text of  
34 any public measure being submitted by the school board, from  
35 5:00 p.m. on the day following the last day on which petitions

1 can be accepted to noon on that day.

2 The bill allows the board of directors of a school  
3 corporation to organize at a special meeting called by the  
4 secretary of the board to organize the board after the canvass  
5 of an election for school board members.

6 The bill creates rules regarding the canvassing and  
7 recounting of primary elections in cities located in more than  
8 one county.

9 The bill changes the expiration date of the terms of office  
10 of members of boards of directors of a merged area or school  
11 district elected in September 2015 or 2017 to the day of the  
12 board's organizational meeting following the election.