

House File 2179 - Introduced

HOUSE FILE 2179

BY HORA

A BILL FOR

1 An Act relating to county supervisors, concerning county
2 supervisor representation plans and county supervisor
3 vacancies, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION PLANS

Section 1. Section 331.206, subsection 2, paragraph a, Code 2024, is amended to read as follows:

a. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years and shall only be changed by a special election as provided in section 331.207. However, a county with a population of sixty thousand or more based on the most recent federal decennial census shall use plan "three" for the election of supervisors.

Sec. 2. Section 331.207, subsection 2, Code 2024, is amended to read as follows:

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered year, ~~subject to subsection 6.~~ The special election shall be held on the first Tuesday in August of the odd-numbered year. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election. The last in the series of publications shall occur not less than four nor more than twenty days before the election.

Sec. 3. Section 331.207, subsection 6, Code 2024, is amended by striking the subsection.

Sec. 4. TRANSITION PROVISION.

1. Notwithstanding any provision of law to the contrary, a county with a population of sixty thousand or more based on the most recent federal decennial census that does not use plan "three" for the election of supervisors, as defined in section 331.206, as of the effective date of this Act, shall not be required to elect supervisors using plan "three" until the election for supervisors in 2026, following the adoption of a representation plan drawn pursuant to section 331.210A,

1 subsection 2, paragraph "f", and the requirements of this
2 section.

3 2. A county required to adopt a representation plan as
4 provided in this section shall establish a temporary county
5 redistricting commission by the later of thirty days after the
6 effective date of this Act or May 15, 2024, and shall complete
7 a plan, in conformity with the requirements of sections 331.209
8 and 331.210A, no later than November 1, 2024. The plan shall
9 be submitted to the state commissioner of elections and shall
10 become effective January 1, 2025.

11 DIVISION II

12 PLAN "TWO" COUNTY SUPERVISOR REPRESENTATION PLANS

13 Sec. 5. Section 49.3, subsection 2, paragraph a, Code 2024,
14 is amended to read as follows:

15 a. All boundaries, ~~except for supervisor districts for~~
16 ~~counties using supervisor representation plan "two" pursuant to~~
17 ~~section 331.209~~, shall follow precinct boundaries.

18 Sec. 6. Section 331.203, subsection 2, paragraph b, Code
19 2024, is amended to read as follows:

20 b. If ~~plan "two" or plan "three"~~ as defined in section
21 331.206 is in effect, the temporary county redistricting
22 commission shall divide the county into five equal-population
23 districts by December 15 of the year preceding the year of the
24 next general election and at that general election, five board
25 members shall be elected, two for initial terms of two years
26 and three for four-year terms. The districts shall be drawn in
27 the manner provided under ~~sections~~ section 331.209 and ~~331.210~~.
28 The terms of the three incumbent supervisors shall expire on
29 the date that the five-member board becomes effective.

30 Sec. 7. Section 331.204, subsection 3, Code 2024, is amended
31 to read as follows:

32 3. At the next general election following the one at
33 which the proposition to reduce the membership of the board
34 to three is approved, the membership of the board shall be
35 elected according to the supervisor representation plan in

1 effect in the county. If the supervisor representation plan
2 includes equal-population districts, the districts shall be
3 designated by December 15 of the year preceding the year of the
4 next general election by the temporary county redistricting
5 commission. The districts shall be drawn in the manner
6 provided under ~~sections~~ section 331.209 and ~~331.210~~. One
7 member of the board shall be elected to a two-year term and the
8 remaining two members shall be elected to four-year terms. The
9 length of the term for which a person is a candidate and the
10 date when the term begins shall be indicated on the ballot.

11 Sec. 8. Section 331.206, subsection 1, paragraph b, Code
12 2024, is amended by striking the paragraph.

13 Sec. 9. Section 331.206, subsection 2, paragraph b, Code
14 2024, is amended to read as follows:

15 b. A plan selected by the board shall become effective
16 on the first day in January which is not a Sunday or holiday
17 following the next general election, at which time the terms of
18 the members expire and the terms of the members elected under
19 the requirements of the new supervisor representation plan
20 at the general election as specified in section 331.208, or
21 331.209, ~~or 331.210~~ shall commence.

22 Sec. 10. Section 331.207, subsections 3, 4, and 5, Code
23 2024, are amended to read as follows:

24 3. The supervisor representation plans submitted at the
25 special election shall be stated in substantially the following
26 manner:

27 The individual members of the board of supervisors in
28 county, Iowa, shall be elected:

29 Plan "one". At large and without district residence
30 requirements for the members.

31 ~~Plan "two". At large but with equal-population district~~
32 ~~residence requirements for the members.~~

33 Plan "three". From single-member equal-population districts
34 in which the electors of each district shall elect one member
35 who must reside in that district.

1 4. If the plan adopted by a plurality of the ballots cast
2 in the special election is not the supervisor representation
3 plan currently in effect in the county, the terms of the county
4 supervisors serving at the time of the special election shall
5 continue until the first day in January which is not a Sunday
6 or holiday following the next general election, at which time
7 the terms of the members shall expire and the terms of the
8 members elected under the requirements of the new supervisor
9 representation plan at the general election as specified in
10 section 331.208, or 331.209, ~~or 331.210~~ shall commence.

11 5. If the plan adopted by a plurality of the ballots cast
12 in the special election represents a change from plan "one" to
13 plan ~~"two" or "three"~~, ~~or from plan "two" to plan "three"~~, as
14 each plan is defined in section 331.206, the temporary county
15 redistricting commission shall divide the county into districts
16 as provided in sections section 331.209 and ~~331.210~~. The
17 plan shall be completed not later than November 1 following
18 the special election and shall be submitted to the state
19 commissioner of elections. The plan shall become effective the
20 following January 1.

21 Sec. 11. Section 331.209, unnumbered paragraph 1, Code
22 2024, is amended to read as follows:

23 If plan ~~"two"~~ "three" is selected pursuant to section
24 331.206 or 331.207, the board shall be elected as provided in
25 this section.

26 Sec. 12. Section 331.209, subsection 2, Code 2024, is
27 amended by striking the subsection and inserting in lieu
28 thereof the following:

29 2. The boundaries of supervisor districts shall follow
30 voting precinct lines and each member of the board and each
31 candidate for the office shall be elected or nominated at the
32 primary and general elections by only the electors of the
33 district which that candidate seeks to represent.

34 Sec. 13. Section 331.210A, subsection 1, paragraph a, Code
35 2024, is amended to read as follows:

1 a. Not later than May 15 of each year ending in one, a
2 temporary county redistricting commission shall be established
3 as provided by [this section](#) for counties which have either
4 ~~plan "two" or a plan "three"~~ supervisor representation ~~plans~~
5 plan. If a county has ~~either plan "two" or a plan "three"~~
6 supervisor representation ~~plans~~ plan and the number of members
7 of the board is increased or decreased under [section 331.203](#) or
8 331.204, the temporary county redistricting commission shall
9 be established by May 15 of the year preceding the year of the
10 next general election.

11 Sec. 14. REPEAL. Section 331.210, Code 2024, is repealed.

12 Sec. 15. PLAN "TWO" REPRESENTATION PLANS — TRANSITION
13 PROVISION.

14 1. Notwithstanding any provision of law to the contrary, a
15 county with a population of under sixty thousand based on the
16 most recent federal decennial census that uses plan "two" for
17 the election of supervisors, as defined in section 331.206, as
18 of the effective date of this Act, shall not be required to
19 elect supervisors using plan "one" or plan "three" until the
20 election for supervisors in 2026 subject to the requirements of
21 this section.

22 2. The board of supervisors of a county subject to the
23 requirements of subsection 1 shall, within thirty days of the
24 effective date of this Act, adopt, by resolution, either plan
25 "one" or plan "three" as the representation plan for the county
26 beginning with the election for supervisors in 2026.

27 3. If the board of supervisors adopts plan "three"
28 as provided in subsection 2, the county shall establish
29 a temporary county redistricting commission by the later
30 of thirty days after the date of the resolution adopting
31 plan "three" or May 15, 2024, and shall complete a plan, in
32 conformity with the requirements of sections 331.209 and
33 331.210A no later than November 1, 2024. The plan shall be
34 submitted to the state commissioner of elections and shall
35 become effective January 1, 2025.

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DIVISION III

COUNTY SUPERVISOR VACANCIES

Sec. 16. Section 43.6, subsection 2, Code 2024, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in [section 39.17](#) and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. ~~If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.~~

Sec. 17. Section 69.14A, subsection 1, Code 2024, is amended by striking the subsection and inserting in lieu thereof the following:

1. A vacancy on the board of supervisors shall be filled by special election held to fill the office for the remaining balance of the unexpired term.

a. The committee of county officers designated to fill the vacancy in section 69.8 shall call for a special election to fill the vacancy. The committee shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this subsection shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

b. However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than

1 seventy-three days before the general election, a special
2 election to fill the vacancy shall not be called by the
3 committee. If the term of office in which the vacancy exists
4 will expire more than seventy days after the general election,
5 the office shall be listed on the ballot, as "For Board of
6 Supervisors, To Fill Vacancy". The person elected at the
7 general election shall assume office as soon as a certificate
8 of election is issued and the person has qualified by taking
9 the oath of office. The person shall serve the balance of the
10 unexpired term.

11 c. If the term of office in which the vacancy exists will
12 expire within seventy days after the general election, the
13 person elected to the succeeding term shall also serve the
14 balance of the unexpired term. The person elected at the
15 general election shall assume office as soon as a certificate
16 of election is issued and the person has qualified by taking
17 the oath of office.

18 Sec. 18. Section 331.201, subsection 3, Code 2024, is
19 amended to read as follows:

20 3. The office of supervisor is an elective office ~~except~~
21 ~~that if.~~ If a vacancy occurs on the board, a successor ~~may~~
22 shall be appointed elected to the unexpired term as provided
23 in [section 69.14A](#).

24 Sec. 19. Section 331.214, subsection 2, paragraph c, Code
25 2024, is amended to read as follows:

26 c. If the board declares a vacancy under [this subsection](#) and
27 the remaining balance of the supervisor's unexpired term is two
28 and one-half years or more, a special election shall be held
29 to fill the office as provided in [section 69.14A](#), subsection
30 ~~1, paragraph "c"~~.

31 DIVISION IV

32 EFFECTIVE DATE

33 Sec. 20. EFFECTIVE DATE. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

35 EXPLANATION

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

3 This bill concerns county supervisor representation plans
4 and county supervisor vacancies.

5 DIVISION I — PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION
6 PLANS. This division requires a county with a population of
7 60,000 or more based on the most recent federal decennial
8 census to use plan "three" for the election of county
9 supervisors. Plan "three" requires individual members of
10 the board of supervisors for that county to be elected from
11 single-member equal-population districts. The bill provides
12 that a county with a population of 60,000 or more as of the
13 effective date of the bill, that does not use plan "three"
14 as of that date for the election of supervisors shall not
15 be required to elect supervisors under plan "three" until
16 the election for supervisors in 2026 following adoption of a
17 representation plan in conformity with the provisions of law
18 governing the adoption of a plan "three" representation plan.

19 DIVISION II — PLAN "TWO" COUNTY SUPERVISOR REPRESENTATION
20 PLANS. This division eliminates the option for counties to
21 use plan "two" for the election of county supervisors. Plan
22 "two" requires individual members of the board of supervisors
23 for that county to be elected at large with equal-population
24 district residence requirements. The bill provides that a
25 county with a population of under 60,000 as of the effective
26 date of the bill, that uses plan "two" as of that date for
27 the election of supervisors shall not be required to elect
28 supervisors under plan "one" or "three" until the election
29 for supervisors in 2026. The bill requires the board of
30 supervisors of a county subject to the requirements of
31 the division to adopt either plan "one" or plan "three" by
32 resolution within 30 days of the effective date of the bill.
33 If plan "three" is adopted, the county shall adopt a plan
34 "three" representation plan in conformity with the provisions
35 of law governing the adoption of a plan "three" representation

1 plan to be used for the election of supervisors in 2026.

2 DIVISION III — COUNTY SUPERVISOR VACANCIES. This division
3 requires vacancies on the board of supervisors to be filled
4 by special election. Current law allows for vacancies to be
5 filled by appointment under certain circumstances.

6 DIVISION IV — EFFECTIVE DATE. The bill takes effect upon
7 enactment.