

**House File 2480 - Introduced**

HOUSE FILE 2480

BY STOLTENBERG

**A BILL FOR**

1 An Act requiring primary elections for the nomination of  
2 candidates for city, school district, and merged area  
3 elections, and including applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 43.24, subsection 1, paragraph b,  
2 subparagraph (4), Code 2024, is amended to read as follows:

3 (4) Those filed with the city clerk or the secretary of  
4 the school board under this chapter, at least thirty-six days  
5 before the city or school primary election.

6 Sec. 2. Section 43.24, subsection 3, Code 2024, is amended  
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* Objections filed with the secretary of  
9 the school board shall be considered as provided in paragraph  
10 *"b"*. The secretary of the school board shall forward the  
11 objection to the commissioner of a county including the school  
12 district.

13 Sec. 3. Section 43.78, subsection 1, paragraph f, Code 2024,  
14 is amended to read as follows:

15 *f.* For any other partisan office filled by the voters of a  
16 subdivision of a county, by those members of the party's county  
17 central committee who represent the precincts lying within that  
18 district, who shall be convened or reconvened as appropriate by  
19 the county party chairperson. ~~However, this paragraph shall~~  
20 ~~not apply to partisan city offices in special charter cities~~  
21 ~~for which candidates are nominated under this chapter, but such~~  
22 ~~ballot vacancies shall be filled as provided by section 43.116.~~

23 Sec. 4. Section 43.112, Code 2024, is amended to read as  
24 follows:

25 **43.112 Nominations in certain cities and school districts.**

26 1. This chapter shall, so far as applicable, govern the  
27 nominations of candidates by political parties for all offices  
28 to be filled by a direct vote of the people in cities acting  
29 ~~under a special charter in 1973 and having a population of~~  
30 ~~over fifty thousand, except all such cities as choose by~~  
31 ~~special election to conduct nonpartisan city elections under~~  
32 ~~the provisions of chapter 44, 45, or 376. An election on the~~  
33 ~~question of conducting city elections in such a special charter~~  
34 ~~city on a nonpartisan basis may be called by the city council~~  
35 ~~on its own initiative, and shall be called by the council upon~~

1 ~~receipt of a petition of the voters which so requests and~~  
2 ~~is presented in conformity with section 362.4, but a special~~  
3 ~~election on that question shall be held concurrently with any~~  
4 ~~election being held on the first Tuesday after the first Monday~~  
5 ~~in November of any odd-numbered year and school districts.~~

6 2. Sections 43.114 through 43.118 shall apply only to all  
7 ~~cities to which this chapter is made applicable by this section~~  
8 ~~and school districts.~~

9 Sec. 5. Section 43.114, Code 2024, is amended to read as  
10 follows:

11 43.114 Time of holding special charter city or school  
12 district primary.

13 In ~~special charter cities and school districts~~ holding a  
14 city or school district primary election under the provisions  
15 of section 43.112, the primary shall be held on the first  
16 Tuesday in October of the year in which regular city or school  
17 elections are held.

18 Sec. 6. Section 43.115, subsection 1, Code 2024, is amended  
19 to read as follows:

20 1. All candidates for nominations to be made in city primary  
21 elections held pursuant to section 43.112 shall file nomination  
22 papers with the city clerk no later than 5:00 p.m. forty days  
23 before the date of the election as established by section  
24 ~~43.114, except that candidates for precinct committee member~~  
25 ~~shall file affidavits of candidacy as required by section~~  
26 ~~420.130~~. The number of eligible electors signing petitions  
27 required for printing the name of a candidate upon the official  
28 primary ballot shall be one hundred for an office to be filled  
29 by the voters of the entire city and twenty-five for an office  
30 to be filled by the voters of a subdivision of the city.

31 Sec. 7. Section 43.115, Code 2024, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 1A. All candidates for nominations to be  
34 made in school district primary elections held pursuant to  
35 section 43.112 shall file nomination papers with the secretary

1 of the school board no later than 5:00 p.m. forty days before  
2 the date of the election as established by section 43.114. The  
3 number of eligible electors signing petitions required for  
4 printing the name of a candidate upon the official primary  
5 ballot shall be twenty-five for a seat to be filled by the  
6 voters of the entire school district and ten for a seat to be  
7 filled by the voters of a director district.

8 Sec. 8. Section 43.116, Code 2024, is amended to read as  
9 follows:

10 **43.116 Ballot vacancies in ~~special charter city~~ and school**  
11 **district elections.**

12 1. A vacancy on the ballot for an election at which city  
13 officers or school board members are to be chosen, and for  
14 which candidates have been nominated under **this chapter**, exists  
15 when any political party lacks a candidate for an office to be  
16 filled at that election because:

17 a. Either no person filed at the time required by section  
18 43.115 as a candidate for the party's nomination for that  
19 office in the city or school primary election held under  
20 section 43.112, or all persons who did so subsequently withdrew  
21 as candidates, were found to lack the requisite requirements  
22 for the office, or died before the date of the city or school  
23 primary election, and no candidate received a number of  
24 write-in votes sufficient for nomination under **section 43.53**;  
25 or

26 b. The person nominated in the city or school primary  
27 election as the party's candidate for that office withdrew  
28 by giving written notice to that effect to the city clerk or  
29 secretary of the school board not later than 5:00 p.m. on the  
30 day of the canvass of that city or school primary election.

31 2. A ballot vacancy as defined by **this section** may be filled  
32 by the city central committee of the party on whose ticket  
33 the vacancy exists or, in the case of an officer elected by  
34 the voters of a district within the city, by those members of  
35 the committee who represent the precincts lying within that

1 district. The name of a candidate so designated to fill such a  
2 ballot vacancy shall be submitted in writing to the city clerk  
3 or school district not later than 5:00 p.m. on the seventh day  
4 following the city or school primary election.

5 3. If a special election is held to fill a vacancy in an  
6 elective city office or school board seat, nominations by  
7 political parties shall be made following the provisions of  
8 subsection 2.

9 Sec. 9. Section 43.118, Code 2024, is amended to read as  
10 follows:

11 **43.118 Expense.**

12 1. The entire expense of conducting the city primary  
13 election and preparation of election registers shall be audited  
14 by the city council and paid by the city.

15 2. The entire expense of conducting the school primary  
16 election and preparation of election registers shall be audited  
17 by the school board and paid by the school district.

18 Sec. 10. Section 45.1, subsection 9, paragraph a, Code 2024,  
19 is amended to read as follows:

20 ~~a. Except as otherwise provided in subsection 10, in~~  
21 In cities having a population of twenty-five thousand or  
22 greater according to the most recent federal decennial census,  
23 nominations may be made by nomination papers signed by not less  
24 than seventy-five eligible electors who are residents of the  
25 city or ward.

26 Sec. 11. Section 45.1, subsection 10, Code 2024, is amended  
27 by striking the subsection.

28 Sec. 12. Section 49.31, subsection 2, paragraph d, Code  
29 2024, is amended to read as follows:

30 ~~d. On the regular and special city election and school~~  
31 ~~election ballots the names of candidates for city, school~~  
32 ~~district, and merged area offices shall be arranged by drawing~~  
33 ~~lots for position. The commissioner shall hold the drawing on~~  
34 ~~the second business day following the deadline for filing of~~  
35 ~~nomination papers or petitions under sections 260C.15, 277.4,~~

1 ~~and 376.4.~~ If a candidate withdraws, dies, or is removed  
2 from the ballot after the ballot position of names has been  
3 determined, such candidate's name shall be removed from the  
4 ballot, and the order of the remaining names shall not be  
5 changed.

6 Sec. 13. Section 50.48, subsection 1, paragraph a,  
7 unnumbered paragraph 1, Code 2024, is amended to read as  
8 follows:

9 The county board of canvassers shall order a recount of the  
10 votes cast for a particular office or nomination in one or  
11 more specified election precincts in that county if a written  
12 request for a recount is made not later than 5:00 p.m. on the  
13 third day following the county board's canvass of the election  
14 in question. ~~For a city runoff election held pursuant to~~  
15 ~~section 376.9, the written request must be made not later than~~  
16 ~~5:00 p.m. on the day following the county board's canvass of~~  
17 ~~the city runoff election.~~ The request shall be filed with the  
18 commissioner of that county and shall be signed by either of  
19 the following:

20 Sec. 14. Section 50.48, subsection 8, Code 2024, is amended  
21 by striking the subsection.

22 Sec. 15. Section 69.12, subsection 1, paragraph b,  
23 subparagraph (2), Code 2024, is amended to read as follows:

24 (2) ~~The candidate filing deadline specified in section~~  
25 ~~376.4 for the regular city election or the filing deadline~~  
26 ~~specified in section 372.13, subsection 2, for a special city~~  
27 ~~election.~~

28 Sec. 16. Section 260C.15, subsections 2 and 3, Code 2024,  
29 are amended to read as follows:

30 2. A candidate for member of the board of directors of a  
31 merged area shall be nominated ~~by a petition signed by not~~  
32 ~~less than fifty eligible electors of the director district~~  
33 ~~from which the member is to be elected.~~ The petition shall  
34 ~~state the number of the director district from which the~~  
35 ~~candidate seeks election, and the candidate's name and status~~

1 ~~as an eligible elector of the director district. Signers of~~  
2 ~~the petition, in addition to signing their names, shall show~~  
3 ~~their residence, including street and number if any, the school~~  
4 ~~district in which they reside, and the date they signed the~~  
5 ~~petition. A person may sign nomination petitions for more~~  
6 ~~than one candidate for the same office, and the signature~~  
7 ~~is not invalid solely because the person signed nomination~~  
8 ~~petitions for one or more other candidates for the office. The~~  
9 ~~petition shall include the affidavit of the candidate being~~  
10 ~~nominated, stating the candidate's name and residence, and~~  
11 ~~that the individual is a candidate, is eligible for the office~~  
12 ~~sought, and if elected will qualify for the office as provided~~  
13 ~~in section 277.4.~~

14 3. ~~Nomination papers on behalf of candidates for member of~~  
15 ~~the board of directors of a merged area shall be filed with~~  
16 ~~the secretary of the board not earlier than seventy-one days~~  
17 ~~nor later than 5:00 p.m. on the forty-seventh day prior to~~  
18 ~~the election at which members of the board are to be elected.~~  
19 On the day following the last day on which certificates of  
20 nomination petitions can be filed, and no later than 5:00 p.m.  
21 on that day, the secretary shall deliver all certificates  
22 of nomination petitions so filed, together with the text of  
23 any public measure being submitted by the board of directors  
24 to the electorate, to the merged area's controlling county  
25 commissioner of elections under section 47.2. That controlling  
26 commissioner shall certify the names of candidates, and the  
27 text and summary of any public measure being submitted to the  
28 electorate, to all county commissioners of elections in the  
29 merged area by the forty-second day prior to the election.

30 Sec. 17. Section 260C.15, subsection 4, paragraphs a and b,  
31 Code 2024, are amended to read as follows:

32 a. ~~Objections to the legal sufficiency of a nomination~~  
33 ~~petition or to the eligibility of a candidate may be filed by~~  
34 any person who would have the right to vote for a candidate for  
35 the office in question.

1     *b.* The objection must be filed with the secretary of the  
2 board at least forty-two days before the day of the election  
3 at which members of the board are elected. When objections  
4 are filed, notice shall immediately be given to the candidate  
5 affected, addressed to the candidate's place of residence as  
6 given on the candidate's affidavit, stating that objections  
7 have been made to the ~~legal sufficiency of the petition or to~~  
8 ~~the~~ eligibility of the candidate, and also stating the time and  
9 place the objections will be considered. The board secretary  
10 shall also attempt to notify the candidate by telephone if  
11 the candidate provided a telephone number on the candidate's  
12 affidavit.

13     Sec. 18. Section 275.25, subsection 1, paragraph b, Code  
14 2024, is amended to read as follows:

15     *b.* The election shall be conducted as provided in ~~section~~  
16 sections 277.3, and ~~nomination petitions shall be filed~~  
17 ~~pursuant to section 277.4~~, except as otherwise provided in  
18 this subsection. ~~Nomination petitions shall be filed with the~~  
19 ~~secretary of the board of the existing school district in which~~  
20 ~~the candidate resides not less than twenty-eight days before~~  
21 ~~the date set for the special school election. The secretary of~~  
22 ~~the board, or the secretary's designee, shall be present in the~~  
23 ~~secretary's office until 5:00 p.m. on the final day to file the~~  
24 ~~nomination papers. The nomination papers shall be delivered to~~  
25 ~~the commissioner no later than 5:00 p.m. on the twenty-seventh~~  
26 ~~day before the election.~~

27     Sec. 19. Section 277.4, Code 2024, is amended by striking  
28 the section and inserting in lieu thereof the following:

29     **277.4 Nominations — primary elections.**

30     Nominations shall be made by primary elections held pursuant  
31 to sections 43.112 through 43.118.

32     Sec. 20. Section 277.5, subsection 1, Code 2024, is amended  
33 to read as follows:

34     1. Objections to the ~~legal sufficiency of a nomination~~  
35 ~~petition or to the~~ eligibility of a candidate may be filed by



1 any person who would have the right to vote for a candidate for  
2 the office in question. The objection must be filed with the  
3 secretary of the school board at least forty-two days before  
4 the day of the school election. When objections are filed  
5 notice shall forthwith be given to the candidate affected,  
6 addressed to the candidate's place of residence as given on the  
7 candidate's affidavit, stating that objections have been made  
8 to the legal sufficiency of the petition or to the eligibility  
9 of the candidate, and also stating the time and place the  
10 objections will be considered.

11 Sec. 21. Section 279.6, subsection 1, paragraph b,  
12 subparagraph (1), Code 2024, is amended to read as follows:

13 (1) If within fourteen days after publication of a notice  
14 required pursuant to paragraph "a" for a vacancy that occurs  
15 more than one hundred eighty days before the next regular  
16 school election, or after the filing period closes pursuant  
17 to section 277.4, ~~subsection 1,~~ for the next regular school  
18 election, there is filed with the secretary of the school board  
19 a petition requesting a special election to fill the vacancy,  
20 an appointment to fill the vacancy is temporary until a  
21 successor is elected and qualified, and the board shall call a  
22 special election pursuant to [section 279.7](#), to fill the vacancy  
23 for the remaining balance of the unexpired term.

24 Sec. 22. Section 279.7, subsection 4, Code 2024, is amended  
25 to read as follows:

26 4. ~~Nomination petitions~~ Nominations shall be filed made in  
27 the manner provided in [section 277.4](#), ~~except that the petitions~~  
28 ~~shall be filed not less than twenty-five days before the date~~  
29 ~~set for the election.~~

30 Sec. 23. Section 331.383, Code 2024, is amended to read as  
31 follows:

32 **331.383 Duties and powers relating to elections.**

33 The board shall ensure that the county commissioner of  
34 elections conducts primary, general, city, school, and special  
35 elections in accordance with applicable state law. The board

1 shall canvass elections in accordance with sections 43.49  
 2 through 43.51, ~~43.60 through 43.62, 46.24, 50.13, 50.24 through~~  
 3 ~~50.29, 50.44 through 50.47, 260C.39, 275.25, 277.20, 376.1,~~  
 4 ~~and 376.7, and 376.9.~~ The board shall prepare and deliver a  
 5 list of persons nominated in accordance with section 43.55,  
 6 provide for a recount in accordance with section 50.48, provide  
 7 for election precincts in accordance with sections 49.3, 49.4,  
 8 49.6 through 49.8, and 49.11, pay election costs as provided  
 9 in section 47.3, participate in election contests as provided  
 10 in sections 62.1A and 62.9, and perform other election duties  
 11 required by state law. The board ~~shall~~ may provide for the  
 12 use of an optical scan voting system as ~~provided~~ defined in  
 13 ~~sections 52.2 and 52.3~~ section 52.1, or may provide for the  
 14 counting of ballots by election officials as provided in  
 15 section 49.26, and shall exercise other election powers as  
 16 provided by state law.

17 Sec. 24. Section 376.3, Code 2024, is amended to read as  
 18 follows:

19 **376.3 Nominations.**

20 Candidates for elective city offices must be nominated as  
 21 provided in ~~sections 376.4 through 376.9,~~ unless by ordinance  
 22 a city chooses the provisions of ~~chapter 44 or 45.~~ However,  
 23 a city acting under a special charter in 1973 and having a  
 24 population of over fifty thousand shall continue to hold  
 25 partisan elections as provided in sections 43.112 through  
 26 43.118 and sections ~~420.126~~ 376.12 through ~~420.137,~~ unless  
 27 the city by election as provided in ~~section 43.112~~ chooses to  
 28 conduct city elections under ~~this chapter or chapter 44 or 45~~  
 29 376.23. The choice of one of these options by such a special  
 30 charter city does not otherwise affect the validity of the  
 31 city's charter. However, special charter cities which choose  
 32 to exercise the option to conduct nonpartisan city elections  
 33 may choose, in the same manner the original decision was made,  
 34 to resume holding city elections on a partisan basis.

35 Sec. 25. Section 376.4, subsections 1, 2, 3, 4, 5, and 7,

1 Code 2024, are amended by striking the subsections.

2 Sec. 26. Section 376.4, subsection 6, Code 2024, is amended  
3 to read as follows:

4 ~~6. The city clerk shall deliver the text of any public~~  
5 ~~measure being submitted by the city council to the electorate~~  
6 ~~to the county commissioner of elections. If the county~~  
7 ~~commissioner has designated the city clerk to receive~~  
8 ~~nomination papers for elective city offices pursuant to~~  
9 ~~subsection 1, the city clerk shall deliver the nomination~~  
10 ~~papers accepted for filing to the county commissioner. The~~  
11 ~~text of any public measure and nomination papers required to~~  
12 ~~be delivered under this subsection section shall be delivered~~  
13 ~~no later than the day after the last day on which nomination~~  
14 ~~petitions can be filed, and not later than 12:00 noon on that~~  
15 ~~day.~~

16 Sec. 27. Section 376.5, Code 2024, is amended to read as  
17 follows:

18 **376.5 Publication of ballot.**

19 Notice for each regular, special, primary, or runoff city  
20 election shall be published by the county commissioner of  
21 elections as provided in [section 362.3](#), except that notice of a  
22 regular, primary, or runoff election may be published not less  
23 than four days before the date of the election. The published  
24 notice must list the names of all candidates, ~~and must not~~  
25 ~~contain any party designations.~~ The published notice must  
26 include any question to be submitted to the voters. The notice  
27 may contain one or more facsimiles of the portion of the ballot  
28 containing the first arrangement of candidates as prescribed  
29 by [section 49.31, subsection 2](#).

30 Sec. 28. Section 376.7, subsection 1, Code 2024, is amended  
31 to read as follows:

32 1. ~~If a primary election is necessary, it~~ The primary  
33 election shall be held on the Tuesday four weeks before the  
34 date of the regular city election. For each office on the  
35 ballot, a voter shall only vote for the number of persons to

1 be elected to that office at the regular city election. The  
2 county board of supervisors shall publicly canvass the tally  
3 lists of the vote cast in the primary election, following the  
4 procedures prescribed in [section 50.24](#), at a meeting to be held  
5 on the second day following the primary election, and beginning  
6 no earlier than 1:00 p.m. on that day.

7 Sec. 29. Section 376.8, subsections 2 and 3, Code 2024, are  
8 amended by striking the subsections.

9 Sec. 30. Section 376.11, subsection 2, Code 2024, is amended  
10 to read as follows:

11 ~~2. Except in cities where the council has chosen a runoff~~  
12 ~~election in lieu of a primary, following~~ Following the  
13 resignation of a person who was elected by write-in votes,  
14 the city clerk shall notify the person who received the next  
15 highest number of votes cast for the office that the person  
16 may assume the office. If there is more than one person who  
17 received the next highest number of votes cast for the office,  
18 lots shall be drawn pursuant to [section 50.44](#) to determine the  
19 person who received the next highest number of votes. If the  
20 person accepts the position, the person shall be considered the  
21 duly elected officer unless, within ten days after the clerk  
22 has given notice, a petition requesting a special election  
23 is filed by eligible electors of the city equal in number to  
24 twenty-five percent of the number of persons who voted for the  
25 office at the election. If the person declines, the person  
26 shall do so in writing to the city clerk within ten days and the  
27 office shall be considered vacant at the end of the term. The  
28 vacancy shall be filled pursuant to the provisions of section  
29 372.13, subsection 2. If the council chooses to appoint, the  
30 appointment may be made before the end of the current term.

31 Sec. 31. Section 376.11, subsections 4 and 5, Code 2024, are  
32 amended by striking the subsections.

33 Sec. 32. Section 420.126, Code 2024, is amended to read as  
34 follows:

35 **420.126 City convention.**

1 Political parties in ~~special charter cities having a~~  
2 ~~population of fifty thousand or more~~ a city shall hold a city  
3 convention within the city on the second Friday following the  
4 primary election. The city central committee shall set the  
5 time and place of the convention and shall file the same in  
6 the office of the city clerk at least ten days prior to the  
7 convention.

8 Sec. 33. Section 420.137, Code 2024, is amended to read as  
9 follows:

10 **420.137 Applicable laws.**

11 All laws governing political parties and the nomination of  
12 candidates in elections shall, as far as applicable, govern the  
13 political parties and nomination and election of candidates  
14 in cities ~~acting under a special charter in 1973 and having a~~  
15 ~~population of fifty thousand or more, except where such a city~~  
16 ~~by election chooses to conduct city elections under [chapter 44](#),~~  
17 [45](#), or ~~376~~.

18 Sec. 34. CODE EDITOR DIRECTIVE.

19 1. The Code editor is directed to make the following  
20 transfers:

- 21 a. Section 420.126 to section 376.12.
- 22 b. Section 420.127 to section 376.13.
- 23 c. Section 420.128 to section 376.14.
- 24 d. Section 420.129 to section 376.15.
- 25 e. Section 420.130 to section 376.16.
- 26 f. Section 420.131 to section 376.17.
- 27 g. Section 420.132 to section 376.18.
- 28 h. Section 420.133 to section 376.19.
- 29 i. Section 420.134 to section 376.20.
- 30 j. Section 420.135 to section 376.21.
- 31 k. Section 420.136 to section 376.22.
- 32 l. Section 420.137 to section 376.23.

33 2. The Code editor shall correct internal references in the  
34 Code and in any enacted legislation as necessary due to the  
35 enactment of this section.

