

Senate File 314 - Introduced

SENATE FILE 314

BY DRISCOLL

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 2023, 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 6, Code 2023, is amended by striking the subsection.

Sec. 3. 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 2024, following the adoption of a representation plan drawn pursuant to section 331.210A, subsection 2, paragraph "f", and the requirements of this section.

2. A county required to adopt a representation plan as provided in this section shall establish a temporary county redistricting commission by the later of thirty days after the effective date of this Act or May 15, 2023, and shall complete a plan, in conformity with the requirements of sections 331.209 and 331.210A no later than November 1, 2023. The plan shall be submitted to the state commissioner of elections and shall become effective January 1, 2024.

DIVISION II

PLAN "TWO" COUNTY SUPERVISOR REPRESENTATION PLANS

1 Sec. 4. Section 49.3, subsection 2, paragraph a, Code 2023,
2 is amended to read as follows:

3 a. All boundaries, ~~except for supervisor districts for~~
4 ~~counties using supervisor representation plan "two" pursuant to~~
5 ~~section 331.209~~, shall follow precinct boundaries.

6 Sec. 5. Section 331.203, subsection 2, paragraph b, Code
7 2023, is amended to read as follows:

8 b. If ~~plan "two" or plan "three"~~ as defined in section
9 331.206 is in effect, the temporary county redistricting
10 commission shall divide the county into five equal-population
11 districts by December 15 of the year preceding the year of the
12 next general election and at that general election, five board
13 members shall be elected, two for initial terms of two years
14 and three for four-year terms. The districts shall be drawn in
15 the manner provided under ~~sections~~ section 331.209 and ~~331.210~~.
16 The terms of the three incumbent supervisors shall expire on
17 the date that the five-member board becomes effective.

18 Sec. 6. Section 331.204, subsection 3, Code 2023, is amended
19 to read as follows:

20 3. At the next general election following the one at
21 which the proposition to reduce the membership of the board
22 to three is approved, the membership of the board shall be
23 elected according to the supervisor representation plan in
24 effect in the county. If the supervisor representation plan
25 includes equal-population districts, the districts shall be
26 designated by December 15 of the year preceding the year of the
27 next general election by the temporary county redistricting
28 commission. The districts shall be drawn in the manner
29 provided under ~~sections~~ section 331.209 and ~~331.210~~. One
30 member of the board shall be elected to a two-year term and the
31 remaining two members shall be elected to four-year terms. The
32 length of the term for which a person is a candidate and the
33 date when the term begins shall be indicated on the ballot.

34 Sec. 7. Section 331.206, subsection 1, paragraph b, Code
35 2023, is amended by striking the paragraph.

1 Sec. 8. Section 331.206, subsection 2, paragraph b, Code
2 2023, is amended to read as follows:

3 **b.** A plan selected by the board shall become effective
4 on the first day in January which is not a Sunday or holiday
5 following the next general election, at which time the terms of
6 the members expire and the terms of the members elected under
7 the requirements of the new supervisor representation plan
8 at the general election as specified in [section 331.208](#), or
9 [331.209](#), ~~or 331.210~~ shall commence.

10 Sec. 9. Section 331.207, subsections 3, 4, and 5, Code 2023,
11 are amended to read as follows:

12 3. The supervisor representation plans submitted at the
13 special election shall be stated in substantially the following
14 manner:

15 The individual members of the board of supervisors in
16 county, Iowa, shall be elected:

17 Plan "one". At large and without district residence
18 requirements for the members.

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

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

24 4. If the plan adopted by a plurality of the ballots cast
25 in the special election is not the supervisor representation
26 plan currently in effect in the county, the terms of the county
27 supervisors serving at the time of the special election shall
28 continue until the first day in January which is not a Sunday
29 or holiday following the next general election, at which time
30 the terms of the members shall expire and the terms of the
31 members elected under the requirements of the new supervisor
32 representation plan at the general election as specified in
33 [section 331.208](#), or [331.209](#), ~~or 331.210~~ shall commence.

34 5. If the plan adopted by a plurality of the ballots cast
35 in the special election represents a change from plan "one" to

1 plan ~~“two” or “three”~~, ~~or from plan “two” to plan “three”~~, as
2 each plan is defined in [section 331.206](#), the temporary county
3 redistricting commission shall divide the county into districts
4 as provided in ~~sections~~ [section 331.209](#) and ~~331.210~~. The
5 plan shall be completed not later than November 1 following
6 the special election and shall be submitted to the state
7 commissioner of elections. The plan shall become effective the
8 following January 1.

9 Sec. 10. Section 331.209, unnumbered paragraph 1, Code
10 2023, is amended to read as follows:

11 If plan ~~“two”~~ “three” is selected pursuant to section
12 331.206 or [331.207](#), the board shall be elected as provided in
13 this section.

14 Sec. 11. Section 331.209, subsection 2, Code 2023, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 2. The boundaries of supervisor districts shall follow
18 voting precinct lines and each member of the board and each
19 candidate for the office shall be elected or nominated at the
20 primary and general elections by only the electors of the
21 district which that candidate seeks to represent.

22 Sec. 12. Section 331.210A, subsection 1, paragraph a, Code
23 2023, is amended to read as follows:

24 a. Not later than May 15 of each year ending in one, a
25 temporary county redistricting commission shall be established
26 as provided by [this section](#) for counties which have either
27 ~~plan “two” or~~ a plan “three” supervisor representation ~~plans~~
28 plan. If a county has ~~either plan “two” or~~ a plan “three”
29 supervisor representation ~~plans~~ plan and the number of members
30 of the board is increased or decreased under [section 331.203](#) or
31 [331.204](#), the temporary county redistricting commission shall
32 be established by May 15 of the year preceding the year of the
33 next general election.

34 Sec. 13. REPEAL. Section 331.210, Code 2023, is repealed.

35 Sec. 14. PLAN “TWO” REPRESENTATION PLANS — TRANSITION

1 PROVISION.

2 1. Notwithstanding any provision of law to the contrary, a
3 county with a population of under sixty thousand based on the
4 most recent federal decennial census that uses plan "two" for
5 the election of supervisors, as defined in section 331.206, as
6 of the effective date of this Act, shall not be required to
7 elect supervisors using plan "one" or plan "three" until the
8 election for supervisors in 2024 subject to the requirements of
9 this section.

10 2. The board of supervisors of a county subject to the
11 requirements of subsection 1 shall, within thirty days of the
12 effective date of this Act, adopt, by resolution, either plan
13 "one" or plan "three" as the representation plan for the county
14 beginning with the election for supervisors in 2024.

15 3. If the board of supervisors adopts plan "three"
16 as provided in subsection 2, the county shall establish
17 a temporary county redistricting commission by the later
18 of thirty days after the date of the resolution adopting
19 plan "three" or May 15, 2023, and shall complete a plan, in
20 conformity with the requirements of sections 331.209 and
21 331.210A no later than November 1, 2023. The plan shall be
22 submitted to the state commissioner of elections and shall
23 become effective January 1, 2024.

24 DIVISION III

25 COUNTY SUPERVISOR VACANCIES

26 Sec. 15. Section 43.6, subsection 2, Code 2023, is amended
27 to read as follows:

28 2. When a vacancy occurs in the office of county supervisor
29 or any of the offices listed in [section 39.17](#) and more than
30 seventy days remain in the term of office following the next
31 general election, the office shall be filled for the balance
32 of the unexpired term at that general election unless the
33 vacancy has been filled by a special election called more
34 than seventy-three days before the primary election. If
35 the vacancy occurs more than seventy-three days before the

1 primary election, political party candidates for that office
2 at the next general election shall be nominated at the primary
3 election. ~~If an appointment to fill the vacancy in office is~~
4 ~~made eighty-eight or more days before the primary election and~~
5 ~~a petition requesting a special election has not been received~~
6 ~~within fourteen days after the appointment is made, candidates~~
7 ~~for the office shall be nominated at the primary election.~~

8 Sec. 16. Section 69.14A, subsection 1, Code 2023, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:

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

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

22 b. However, if a vacancy on the board of supervisors
23 occurs after the date of the primary election and more than
24 seventy-three days before the general election, a special
25 election to fill the vacancy shall not be called by the
26 committee. If the term of office in which the vacancy exists
27 will expire more than seventy days after the general election,
28 the office shall be listed on the ballot, as "For Board of
29 Supervisors, To Fill Vacancy". The person elected at the
30 general election shall assume office as soon as a certificate
31 of election is issued and the person has qualified by taking
32 the oath of office. The person shall serve the balance of the
33 unexpired term.

34 c. If the term of office in which the vacancy exists will
35 expire within seventy days after the general election, the

1 person elected to the succeeding term shall also serve the
2 balance of the unexpired term. The person elected at the
3 general election shall assume office as soon as a certificate
4 of election is issued and the person has qualified by taking
5 the oath of office.

6 Sec. 17. Section 331.201, subsection 3, Code 2023, is
7 amended to read as follows:

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

12 Sec. 18. Section 331.214, subsection 2, paragraph c, Code
13 2023, is amended to read as follows:

14 c. If the board declares a vacancy under [this subsection](#) and
15 the remaining balance of the supervisor's unexpired term is two
16 and one-half years or more, a special election shall be held
17 to fill the office as provided in [section 69.14A](#), subsection
18 ~~1, paragraph "c"~~.

19 DIVISION IV

20 EFFECTIVE DATE

21 Sec. 19. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

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

26 This bill concerns county supervisor representation plans
27 and county supervisor vacancies.

28 DIVISION I — PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION
29 PLANS. This division requires a county with a population of
30 60,000 or more based on the most recent federal decennial
31 census to use plan "three" for the election of county
32 supervisors. Plan "three" requires individual members of
33 the board of supervisors for that county to be elected from
34 single-member equal-population districts. The bill provides
35 that a county with a population of 60,000 or more as of the

1 effective date of the bill, that does not use plan "three"
2 as of that date for the election of supervisors shall not
3 be required to elect supervisors under plan "three" until
4 the election for supervisors in 2024 following adoption of a
5 representation plan in conformity with the provisions of law
6 governing the adoption of a plan "three" representation plan.

7 DIVISION II — PLAN "TWO" COUNTY SUPERVISOR REPRESENTATION
8 PLANS. This division eliminates the option for counties to
9 use plan "two" for the election of county supervisors. Plan
10 "two" requires individual members of the board of supervisors
11 for that county to be elected at large with equal-population
12 district residence requirements. The bill provides that a
13 county with a population of under 60,000 as of the effective
14 date of the bill, that uses plan "two" as of that date for
15 the election of supervisors shall not be required to elect
16 supervisors under plan "one" or "three" until the election
17 for supervisors in 2024. The bill requires the board of
18 supervisors of a county subject to the requirements of
19 the division to adopt either plan "one" or plan "three" by
20 resolution within 30 days of the effective date of the bill.
21 If plan "three" is adopted, the county shall adopt a plan
22 "three" representation plan in conformity with the provisions
23 of law governing the adoption of a plan "three" representation
24 plan to be used for the election of supervisors in 2024.

25 DIVISION III — COUNTY SUPERVISOR VACANCIES. This division
26 requires vacancies on the board of supervisors to be filled
27 by special election. Current law allows for vacancies to be
28 filled by appointment under certain circumstances.

29 DIVISION IV — EFFECTIVE DATE. The bill takes effect upon
30 enactment.