

Senate File 330 - Introduced

SENATE FILE 330

BY WEBSTER

A BILL FOR

1 An Act relating to special elections to fill vacancies in
2 county boards of supervisors and city elective offices, and
3 including applicability provisions.

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

1 Section 1. Section 43.6, subsection 2, Code 2023, is amended
2 to read as follows:

3 2. ~~When~~ Except as provided in subsection 3, when a vacancy
4 occurs in the office of county supervisor or any of the offices
5 listed in [section 39.17](#) and more than seventy days remain in
6 the term of office following the next general election, the
7 office shall be filled for the balance of the unexpired term
8 at that general election unless the vacancy has been filled
9 by a special election called more than seventy-three days
10 before the primary election. If the vacancy occurs more than
11 seventy-three days before the primary election, political party
12 candidates for that office at the next general election shall
13 be nominated at the primary election. If an appointment to
14 fill the vacancy in office is made eighty-eight or more days
15 before the primary election and a petition requesting a special
16 election has not been received within fourteen days after
17 the appointment is made, candidates for the office shall be
18 nominated at the primary election.

19 Sec. 2. Section 43.6, Code 2023, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 3. Notwithstanding subsection 2, when
22 a vacancy occurs in the office of county supervisor and at
23 least six months remain in the term of office after the vacancy
24 occurs, the office shall be filled for the balance of the
25 unexpired term at a special election as provided in section
26 69.14A.

27 Sec. 3. Section 69.14A, subsection 1, paragraph b,
28 subparagraph (1), Code 2023, is amended to read as follows:

29 (1) The committee of county officers designated to fill
30 the vacancy in [section 69.8](#) may, on its own motion, or shall,
31 upon receipt of a petition as provided in paragraph "a", or
32 if at least six months remain in the term of office after the
33 vacancy occurs, call for a special election to fill the vacancy
34 in lieu of appointment. The committee shall order the special
35 election at the earliest practicable date, but giving at least

1 thirty-two days' notice of the election. A special election
2 called under [this section](#) shall be held on a Tuesday and shall
3 not be held on the same day as a school election within the
4 county.

5 Sec. 4. Section 372.13, subsection 2, unnumbered paragraph
6 1, Code 2023, is amended to read as follows:

7 A vacancy in an elective city office during a term of office
8 shall be filled, at the council's option, except as provided in
9 paragraph "b", by one of the two following procedures:

10 Sec. 5. Section 372.13, subsection 2, paragraph b,
11 subparagraph (1), Code 2023, is amended to read as follows:

12 (1) By a special election held to fill the office for the
13 remaining balance of the unexpired term. If the council opts
14 for a special election or a valid petition is filed under
15 paragraph "a", or if at least one year remains in the term of
16 office after the vacancy occurs, the special election may be
17 held concurrently with any pending election as provided by
18 section 69.12 if by so doing the vacancy will be filled not
19 more than ninety days after it occurs. Otherwise, a special
20 election to fill the office shall be called by the council at
21 the earliest practicable date. The council shall give the
22 county commissioner at least thirty-two days' written notice
23 of the date chosen for the special election. The council of a
24 city where a primary election may be required shall give the
25 county commissioner at least sixty days' written notice of the
26 date chosen for the special election. A special election held
27 under [this subsection](#) is subject to sections 376.4 through
28 376.11, but the dates for actions in relation to the special
29 election shall be calculated with regard to the date for which
30 the special election is called. However, a nomination petition
31 must be filed not less than twenty-five days before the date
32 of the special election and, where a primary election may be
33 required, a nomination petition must be filed not less than
34 fifty-three days before the date of the special election.

35 Sec. 6. APPLICABILITY. This Act applies to vacancies in

1 county boards of supervisors and city elective offices arising
2 on or after the effective date of this Act.

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 special elections to fill vacancies
7 in county boards of supervisors and elective city offices.
8 The bill requires that a special election be called to fill
9 a vacancy in the office of county supervisor if at least six
10 months remain in the term of office when the vacancy occurs.
11 The bill also requires that a special election be called to
12 fill a vacancy in an elected city office if at least one year
13 remains in the term of office when the vacancy occurs. Under
14 current law, a vacancy in the office of county supervisor or an
15 elected city office must be filled by a special election only
16 upon receipt of a petition for a special election to fill the
17 vacancy, or if the board of supervisors declares that a vacancy
18 exists in the office of county supervisor due to the physical
19 or mental status of a supervisor if at least two and one-half
20 years remain in the term.

21 The bill applies to vacancies in county boards of
22 supervisors and city elective offices arising on or after the
23 effective date of the bill.