

House File 127 - Introduced

HOUSE FILE 127

BY BARKER, LAWLER, BEHN,
LATHAM, HORA, WULF, GUSTOFF,
KAUFMANN, HARRIS, SORESENSEN,
and FETT

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:

unofficial

DIVISION I

PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION PLANS AND SPECIAL
ELECTIONS

Section 1. Section 331.206, subsection 2, paragraph a, Code 2025, is amended to read as follows:

α. 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 either a population of one hundred twenty-five thousand or more based on the most recent federal decennial census or the main campus of an institution of higher learning governed by the state board of regents shall use plan "three" for the election of supervisors.

Sec. 2. Section 331.207, subsections 2 and 5, Code 2025, are 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 7. The special election shall be held on the first Tuesday after the first Monday in August November 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.

5. If the plan adopted by a plurality of the ballots cast in the special election represents a change from plan "one" to plan "two" or "three", or from plan "two" to plan "three", as each plan is defined in section 331.206, the temporary county redistricting commission shall divide the county into districts as provided in sections 331.209 and 331.210. The plan shall be completed not later than November 1 December 31 following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective the following

1 January 1.

2 Sec. 3. Section 331.207, subsection 6, Code 2025, is amended
3 by striking the subsection.

4 Sec. 4. TRANSITION PROVISION.

5 1. Notwithstanding any provision of law to the contrary,
6 a county with either a population of one hundred twenty-five
7 thousand or more based on the most recent federal decennial
8 census or the main campus of an institution of higher learning
9 governed by the state board of regents that does not use
10 plan "three" for the election of supervisors, as defined in
11 section 331.206, as of the effective date of this Act, shall
12 elect supervisors using plan "three" during the 2026 general
13 election, using a representation plan drawn pursuant to section
14 331.210A, subsection 2, paragraph "f", and the requirements of
15 this section.

16 2. A county required to use a representation plan as provided
17 in this section shall establish a temporary county redistricting
18 commission by the later of thirty days after the effective date
19 of this Act or May 15, 2025, and shall complete a precinct
20 plan, in conformity with the requirements of sections 331.209
21 and 331.210A, no later than October 1, 2025. The precinct
22 plan shall be submitted to the state commissioner of elections
23 and the legislative services agency shall draw and publish the
24 representation plan by January 1, 2026.

25 DIVISION II

26 COUNTY SUPERVISOR VACANCIES

27 Sec. 5. Section 43.6, subsection 2, Code 2025, is amended to
28 read as follows:

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

1 occurs more than seventy-three days before the primary election,
2 political party candidates for that office at the next general
3 election shall be nominated at the primary election. If an
4 appointment to fill the vacancy in office is made in accordance
5 with section 69.14A, subsection 1, paragraph "a", eighty-eight or
6 more days before the primary election and a petition requesting
7 a special election has not been received within fourteen days
8 after the appointment is made, candidates for the office shall be
9 nominated at the primary election.

10 Sec. 6. Section 69.14A, subsection 1, paragraph a, unnumbered
11 paragraph 1, Code 2025, is amended to read as follows:

12 By If the population of the county is less than one hundred
13 twenty-five thousand based on the most recent federal decennial
14 census and if the county does not include the main campus of
15 an institution of higher learning governed by the state board
16 of regents, by appointment by the committee of county officers
17 designated to fill the vacancy in section 69.8.

18 Sec. 7. Section 69.14A, subsection 1, paragraph b, unnumbered
19 paragraph 1, Code 2025, is amended to read as follows:

20 By If the population of the county is one hundred
21 twenty-five thousand or more based on the most recent federal
22 decennial census or the county includes the main campus of an
23 institution of higher learning governed by the state board of
24 regents, by special election held to fill the office for the
25 remaining balance of the unexpired term.

26 Sec. 8. Section 331.201, subsection 3, Code 2025, is amended
27 to read as follows:

28 3. The office of supervisor is an elective office except that
29 if a vacancy occurs on the board, a successor may be appointed
30 to the unexpired term as provided in section 69.14A, subsection
31 1, paragraph "a", if the population of the county is less than
32 one hundred twenty-five thousand based on the most recent federal
33 decennial census and if the county does not include the main
34 campus of an institution of higher learning governed by the state
35 board of regents.

1 Sec. 9. Section 331.214, subsection 2, paragraph c, Code
2 2025, is amended to read as follows:

3 c. If the board declares a vacancy under this subsection and
4 the remaining balance of the supervisor's unexpired term is two
5 and one-half years or more, a special election shall be held
6 to fill the office as provided in section 69.14A, subsection 1,
7 paragraph "c", if the population of the county is one hundred
8 twenty-five thousand or more based on the most recent federal
9 decennial census or the county includes the main campus of an
10 institution of higher learning governed by the state board of
11 regents. However, if the population of the county is less than
12 one hundred twenty-five thousand based on the most recent federal
13 decennial census and if the county does not include the main
14 campus of an institution of higher learning governed by the state
15 board of regents, an appointment shall be made to fill the office
16 as provided in section 69.14A, subsection 1, paragraph "a".

17 DIVISION III

18 EFFECTIVE DATE

19 Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate
20 importance, takes effect upon enactment.

21 EXPLANATION

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

24 This bill concerns county supervisor representation plans and
25 county supervisor vacancies.

26 DIVISION I — PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION
27 PLANS AND SPECIAL ELECTIONS. The bill requires a county with
28 either a population of 125,000 or more based on the most recent
29 federal decennial census or the main campus of an institution
30 of higher learning governed by the state board of regents
31 to use plan "three" for the election of county supervisors.
32 Plan "three" requires individual members of the board of
33 supervisors for that county to be elected from single-member,
34 equal-population districts. The bill provides that such counties
35 that do not use plan "three" for the election of supervisors

1 as of the effective date of the bill must submit a precinct
2 plan to the state commissioner of elections by October 1. The
3 legislative services agency must draw the representation plan,
4 in conformity with the provisions of law governing the adoption
5 of a plan "three" representation plan, for use by such counties
6 to elect supervisors under plan "three" during the 2026 general
7 election.

8 The bill requires special elections for the purpose of
9 selecting a supervisor representation plan to be held on the
10 first Tuesday after the first Monday in November, rather than the
11 first Tuesday in August. In accordance with Code section 39.2
12 (special elections), a special election may be held on the same
13 day as a regularly scheduled election. The bill also requires a
14 new representation plan, if a plan "two" or "three" is approved
15 at the special election, to be completed not later than December
16 31, rather than November 1. Such a plan will still take effect
17 the following January 1.

18 The bill fixes an internal subsection reference that
19 was inadvertently not updated when Code section 331.207 was
20 renumbered for the 2019 Code.

21 DIVISION II — COUNTY SUPERVISOR VACANCIES. The bill requires
22 vacancies on the board of supervisors to be filled by special
23 election in a county with either a population of 125,000 or more
24 or the main campus of an institution of higher learning governed
25 by the state board of regents. Current law allows for vacancies
26 to be filled by appointment under certain circumstances. The
27 bill requires vacancies to be filled by appointment in a county
28 with a population of less than 125,000 that does not include an
29 institution of higher learning governed by the state board of
30 regents in accordance with current law, including a vacancy that
31 is treated as a resignation due to the physical or mental status
32 of a supervisor.

33 DIVISION III — EFFECTIVE DATE. The bill takes effect upon
34 enactment.