

House File 2520 - Introduced

HOUSE FILE 2520
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 639)

A BILL FOR

1 An Act relating to elections to fill vacancies in elective county
2 and city offices.

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

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1 Section 1. Section 69.14A, subsection 1, paragraph a,
2 subparagraphs (1) and (2), Code 2026, are amended to read as
3 follows:

4 (1) The appointment shall be for the period until the next
5 pending election, as defined in section 69.12, and shall be made
6 within forty days after the vacancy occurs. If the committee of
7 county officers designated to fill the vacancy chooses to proceed
8 under this paragraph, the committee shall publish notice in the
9 manner prescribed by section 331.305 stating that the committee
10 intends to fill the vacancy by appointment but that the electors
11 of the district or county, as the case may be, have the right to
12 file a petition requiring that the vacancy be filled by special
13 election if the remaining balance of the unexpired term is at
14 least six months. The committee may publish notice in advance
15 if an elected official submits a resignation to take effect at
16 a future date. The committee may make an appointment to fill
17 the vacancy after the notice is published or after the vacancy
18 occurs, whichever is later. A person appointed to an office
19 under this subsection shall have actually resided in the county
20 which the appointee represents sixty days prior to appointment.

21 (2) However, if within fourteen days after publication of
22 the notice or within fourteen days after the appointment is
23 made, a petition is filed with the county auditor requesting a
24 special election to fill the vacancy and the remaining balance
25 of the unexpired term is at least six months, the appointment
26 is temporary and a special election shall be called as provided
27 in paragraph "b". The petition shall meet the requirements of
28 section 331.306, except that in counties where supervisors are
29 elected under plan "three", the number of signatures calculated
30 according to the formula in section 331.306 shall be divided by
31 the number of supervisor districts in the county.

32 Sec. 2. Section 69.14A, subsection 2, paragraph a,
33 subparagraphs (1) and (2), Code 2026, are amended to read as
34 follows:

35 (1) The appointment shall be for the period until the next

1 general election, and shall be made within forty days after
 2 the vacancy occurs. If the board of supervisors chooses to
 3 proceed under this paragraph, the board shall publish notice in
 4 the manner prescribed by section 331.305 stating that the board
 5 intends to fill the vacancy by appointment but that the electors
 6 of the county have the right to file a petition requiring that
 7 the vacancy be filled by special election if the remaining
 8 balance of the unexpired term is at least six months. The board
 9 may publish notice in advance if an elected official submits a
 10 resignation to take effect at a future date. The board may
 11 make an appointment to fill the vacancy after the notice is
 12 published or after the vacancy occurs, whichever is later. A
 13 person appointed to an office under this subsection, except for
 14 a county attorney, shall have actually resided in the county
 15 which the appointee represents sixty days prior to appointment.
 16 A person appointed to the office of county attorney shall be a
 17 resident of the county at the time of appointment.

18 (2) However, if within fourteen days after the appointment
 19 is made, a petition is circulated and filed with the county
 20 auditor requesting a special election to fill the vacancy and the
 21 remaining balance of the unexpired term is at least six months,
 22 the appointment is temporary and a special election shall be
 23 called as provided in paragraph "b". The petition shall meet
 24 the requirements of section 331.306. A signature shall not be
 25 considered valid if the signature is dated prior to the date on
 26 which the appointment was made.

27 Sec. 3. NEW SECTION. **69.14B Anticipated vacancy —**
 28 **election.**

29 1. Upon the receipt of a written affirmation more than
 30 seventy-three days before the next general election that a
 31 supervisor or county officer listed in section 39.17 intends to
 32 resign after the next general election but before the expiration
 33 of the supervisor's or county officer's term of office, the board
 34 of supervisors shall, by a majority vote, declare that a vacancy
 35 exists in the office as of the date contained in the affirmation

1 and the office shall appear on the ballot at the next general
2 election.

3 2. The office to be filled at a general election pursuant to
4 subsection 1 shall be listed on the ballot with the name of the
5 office and the additional description, "To Fill Vacancy". The
6 person elected at the general election shall assume office as of
7 the date of the vacancy, as declared by the board, and after a
8 certificate of election is issued and the person has qualified
9 by taking the oath of office, and shall serve the balance of the
10 unexpired term.

11 Sec. 4. Section 372.13, subsection 2, paragraph a,
12 subparagraph (2), unnumbered paragraph 1, Code 2026, is amended
13 to read as follows:

14 If the council chooses to proceed under this paragraph,
15 it shall publish notice in the manner prescribed by section
16 362.3, stating that the council intends to fill the vacancy by
17 appointment but that the electors of the city or ward, as the
18 case may be, have the right to file a petition requiring that the
19 vacancy be filled by a special election if the remaining balance
20 of the unexpired term is at least six months. The council
21 may publish notice in advance if an elected official submits
22 a resignation to take effect at a future date. The council
23 may make an appointment to fill the vacancy after the notice
24 is published or after the vacancy occurs, whichever is later.
25 However, if within fourteen days after publication of the notice
26 or within fourteen days after the appointment is made, there is
27 filed with the city clerk a petition which requests a special
28 election to fill the vacancy and the remaining balance of the
29 unexpired term is at least six months, an appointment to fill
30 the vacancy is temporary and the council shall call a special
31 election to fill the vacancy permanently, under paragraph "b".
32 The number of signatures of eligible electors of a city for a
33 valid petition shall be determined as follows:

34 Sec. 5. NEW SECTION. **372.13B Anticipated vacancy —**
35 **election.**

1 1. Upon the receipt of a written affirmation more than
2 seventy-three days before the next general election that an
3 elected city officer intends to resign after the next general
4 election but before the expiration of the officer's term of
5 office, the council shall, by a majority vote, declare that a
6 vacancy exists in the office as of the date contained in the
7 affirmation and the office shall appear on the ballot at the next
8 general election.

9 2. The office to be filled at a general election pursuant to
10 subsection 1 shall be listed on the ballot with the name of the
11 office and the additional description, "To Fill Vacancy". The
12 person elected at the general election shall assume office as of
13 the date of the vacancy, as declared by the council, and after
14 a certificate of election is issued and the person has qualified
15 by taking the oath of office, and shall serve the balance of the
16 unexpired term.

17 EXPLANATION

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

20 This bill relates to vacancies in elected county and city
21 offices. If a county board of supervisors or city council
22 chooses to fill a vacancy in an elective office by appointment,
23 the bill allows eligible electors of a county or city to submit
24 a petition to fill the vacancy by a special election only if the
25 remaining balance of the unexpired term is at least six months.

26 The bill requires a county board of supervisors or city
27 council that receives a written affirmation more than 73 days
28 before the next general election that an elected officer intends
29 to resign after the next general election but before the
30 expiration of the officer's term of office to, by majority vote,
31 declare that the office is vacant as of the date contained in the
32 affirmation. The office will then appear on the ballot at the
33 next general election with the description, "To Fill Vacancy".
34 The person elected at the general election will assume office as
35 of the date of the vacancy and after a certificate of election is

1 issued and the person has qualified by taking the oath of office,
2 and shall serve the balance of the unexpired term.

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