

Senate Study Bill 1013 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WEBSTER)

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:

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1 Section 1. Section 43.24, subsection 1, paragraph b,
2 subparagraph (4), Code 2025, is amended to read as follows:

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

6 Sec. 2. Section 43.24, subsection 3, Code 2025, is amended by
7 adding the following new paragraph:

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

12 Sec. 3. Section 43.78, subsection 1, paragraph f, Code 2025,
13 is amended to read as follows:

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

22 Sec. 4. Section 43.112, Code 2025, is amended to read as
23 follows:

24 **43.112 Nominations in certain cities and school districts.**

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

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

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

8 Sec. 5. Section 43.114, Code 2025, is amended to read as
9 follows:

10 **43.114 Time of holding special charter city or school**
11 **district primary.**

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

17 Sec. 6. Section 43.115, subsection 1, Code 2025, is amended
18 to read as follows:

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

30 Sec. 7. Section 43.115, Code 2025, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 1A. All candidates for nominations to be
33 made in school district primary elections held pursuant to
34 section 43.112 shall file nomination papers with the secretary
35 of the school board no later than 5:00 p.m. forty days before

1 the date of the election as established by section 43.114.
2 The number of eligible electors signing petitions required for
3 printing the name of a candidate upon the official primary ballot
4 shall be twenty-five for a seat to be filled by the voters of
5 the entire school district and ten for a seat to be filled by the
6 voters of a director district.

7 Sec. 8. Section 43.116, Code 2025, is amended to read as
8 follows:

9 **43.116 Ballot vacancies in special charter city and school**
10 **district elections.**

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

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

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

29 2. A ballot vacancy as defined by this section may be filled
30 by the city central committee of the party on whose ticket the
31 vacancy exists or, in the case of an officer elected by the
32 voters of a district within the city, by those members of the
33 committee who represent the precincts lying within that district.
34 The name of a candidate so designated to fill such a ballot
35 vacancy shall be submitted in writing to the city clerk or school

1 district not later than 5:00 p.m. on the seventh day following
2 the city or school primary election.

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

7 Sec. 9. Section 43.118, Code 2025, is amended to read as
8 follows:

9 **43.118 Expense.**

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

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

16 Sec. 10. Section 45.1, subsection 9, paragraph a, Code 2025,
17 is amended to read as follows:

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

24 Sec. 11. Section 45.1, subsection 10, Code 2025, is amended
25 by striking the subsection.

26 Sec. 12. Section 49.31, subsection 2, paragraph d, Code 2025,
27 is amended to read as follows:

28 d. On the regular and special city election and school
29 election ballots the names of candidates for city, school
30 district, and merged area offices shall be arranged by drawing
31 lots for position. ~~The commissioner shall hold the drawing on~~
32 ~~the second business day following the deadline for filing of~~
33 ~~nomination papers or petitions under sections 260C.15, 277.4, and~~
34 ~~376.4.~~ If a candidate withdraws, dies, or is removed from the
35 ballot after the ballot position of names has been determined,

1 such candidate's name shall be removed from the ballot, and the
2 order of the remaining names shall not be changed.

3 Sec. 13. Section 50.48, subsection 1, paragraph a, unnumbered
4 paragraph 1, Code 2025, is amended to read as follows:

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

15 Sec. 14. Section 50.48, subsection 8, Code 2025, is amended
16 by striking the subsection.

17 Sec. 15. Section 69.12, subsection 1, paragraph b,
18 subparagraph (2), Code 2025, is amended to read as follows:

19 (2) ~~The candidate filing deadline specified in section 376.4~~
20 ~~for the regular city election or the filing deadline specified in~~
21 ~~section 372.13, subsection 2, for a special city election.~~

22 Sec. 16. Section 260C.15, subsections 2 and 3, Code 2025, are
23 amended to read as follows:

24 2. A candidate for member of the board of directors of a
25 merged area shall be nominated by ~~a petition signed by not less~~
26 ~~than fifty eligible electors of the director district from which~~
27 ~~the member is to be elected. The petition shall state the number~~
28 ~~of the director district from which the candidate seeks election,~~
29 ~~and the candidate's name and status as an eligible elector of~~
30 ~~the director district. Signers of the petition, in addition to~~
31 ~~signing their names, shall show their residence, including street~~
32 ~~and number if any, the school district in which they reside, and~~
33 ~~the date they signed the petition. A person may sign nomination~~
34 ~~petitions for more than one candidate for the same office,~~
35 ~~and the signature is not invalid solely because the person~~

1 ~~signed nomination petitions for one or more other candidates~~
2 ~~for the office. The petition shall include the affidavit of~~
3 ~~the candidate being nominated, stating the candidate's name and~~
4 ~~residence, and that the individual is a candidate, is eligible~~
5 ~~for the office sought, and if elected will qualify for the office~~
6 ~~as provided in section 277.4.~~

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

23 Sec. 17. Section 260C.15, subsection 4, paragraphs a and b,
24 Code 2025, are amended to read as follows:

25 a. ~~Objections to the legal sufficiency of a nomination~~
26 ~~petition or to the eligibility of a candidate may be filed by any~~
27 ~~person who would have the right to vote for a candidate for the~~
28 ~~office in question.~~

29 b. The objection must be filed with the secretary of the
30 board at least forty-two days before the day of the election
31 at which members of the board are elected. When objections
32 are filed, notice shall immediately be given to the candidate
33 affected, addressed to the candidate's place of residence as
34 given on the candidate's affidavit, stating that objections have
35 been made to the ~~legal sufficiency of the petition or to the~~

1 eligibility of the candidate, and also stating the time and
2 place the objections will be considered. The board secretary
3 shall also attempt to notify the candidate by telephone if
4 the candidate provided a telephone number on the candidate's
5 affidavit.

6 Sec. 18. Section 275.25, subsection 1, paragraph b, Code
7 2025, is amended to read as follows:

8 b. The election shall be conducted as provided in ~~section~~
9 sections 277.37, and ~~nomination petitions shall be filed pursuant~~
10 ~~to section 277.4~~, except as otherwise provided in this
11 subsection. ~~Nomination petitions shall be filed with the~~
12 ~~secretary of the board of the existing school district in which~~
13 ~~the candidate resides not less than twenty-eight days before the~~
14 ~~date set for the special school election. The secretary of~~
15 ~~the board, or the secretary's designee, shall be present in the~~
16 ~~secretary's office until 5:00 p.m. on the final day to file the~~
17 ~~nomination papers. The nomination papers shall be delivered to~~
18 ~~the commissioner no later than 5:00 p.m. on the twenty-seventh~~
19 ~~day before the election.~~

20 Sec. 19. Section 277.4, Code 2025, is amended by striking the
21 section and inserting in lieu thereof the following:

22 **277.4 Nominations — primary elections.**

23 Nominations shall be made by primary elections held pursuant
24 to sections 43.112 through 43.118.

25 Sec. 20. Section 277.5, subsection 1, Code 2025, is amended
26 to read as follows:

27 1. ~~Objections to the legal sufficiency of a nomination~~
28 ~~petition or to the eligibility of a candidate may be filed by~~
29 any person who would have the right to vote for a candidate
30 for the office in question. The objection must be filed with
31 the secretary of the school board at least forty-two days
32 before the day of the school election. When objections are
33 filed notice shall forthwith be given to the candidate affected,
34 addressed to the candidate's place of residence as given on the
35 candidate's affidavit, stating that objections have been made to

1 the legal sufficiency of the petition or to the eligibility of
2 the candidate, and also stating the time and place the objections
3 will be considered.

4 Sec. 21. Section 279.6, subsection 1, paragraph b,
5 subparagraph (1), Code 2025, is amended to read as follows:

6 (1) If within fourteen days after publication of a notice
7 required pursuant to paragraph "a" for a vacancy that occurs
8 more than one hundred eighty days before the next regular school
9 election, or after the filing period closes pursuant to section
10 277.4, ~~subsection 1,~~ for the next regular school election, there
11 is filed with the secretary of the school board a petition
12 requesting a special election to fill the vacancy, an appointment
13 to fill the vacancy is temporary until a successor is elected and
14 qualified, and the board shall call a special election pursuant
15 to section 279.7, to fill the vacancy for the remaining balance
16 of the unexpired term.

17 Sec. 22. Section 279.7, subsection 4, Code 2025, is amended
18 to read as follows:

19 4. ~~Nomination petitions~~ Nominations shall be ~~filed~~ made in
20 the manner provided in section 277.4, ~~except that the petitions~~
21 ~~shall be filed not less than twenty-five days before the date set~~
22 ~~for the election.~~

23 Sec. 23. Section 331.383, Code 2025, is amended to read as
24 follows:

25 **331.383 Duties and powers relating to elections.**

26 The board shall ensure that the county commissioner of
27 elections conducts primary, general, city, school, and special
28 elections in accordance with applicable state law. The board
29 shall canvass elections in accordance with sections 43.49 through
30 43.51, 43.60 through 43.62, 46.24, 50.13, 50.24 through 50.29,
31 50.44 through 50.47, 260C.39, 275.25, 277.20, 376.1, and 376.7,
32 ~~and 376.9.~~ The board shall prepare and deliver a list of
33 persons nominated in accordance with section 43.55, provide for
34 a recount in accordance with section 50.48, provide for election
35 precincts in accordance with sections 49.3, 49.4, 49.6 through

1 49.8, and 49.11, pay election costs as provided in section 47.3,
2 participate in election contests as provided in sections 62.1A
3 and 62.9, and perform other election duties required by state
4 law. The board ~~shall~~ may provide for the use of an optical
5 scan voting system as ~~provided~~ defined in sections ~~52.2 and~~
6 ~~52.3~~ section 52.1, or may provide for the counting of ballots
7 by election officials as provided in section 49.26, and shall
8 exercise other election powers as provided by state law.

9 Sec. 24. Section 376.3, Code 2025, is amended to read as
10 follows:

11 **376.3 Nominations.**

12 Candidates for elective city offices must be nominated as
13 provided in sections ~~376.4 through 376.9~~, unless by ordinance a
14 city chooses the provisions of chapter 44 or 45. However, a city
15 acting under a special charter in 1973 and having a population of
16 over fifty thousand shall continue to hold partisan elections as
17 provided in sections 43.112 through 43.118 and sections ~~420.126~~
18 376.12 through 420.137, unless the city by election as provided
19 in section ~~43.112~~ chooses to conduct city elections under this
20 chapter or chapter 44 or 45 376.23. The choice of one of
21 these options by such a special charter city does not otherwise
22 affect the validity of the city's charter. However, special
23 charter cities which choose to exercise the option to conduct
24 nonpartisan city elections may choose, in the same manner the
25 original decision was made, to resume holding city elections on a
26 partisan basis.

27 Sec. 25. Section 376.4, subsections 1, 2, 3, 4, 5, and 7,
28 Code 2025, are amended by striking the subsections.

29 Sec. 26. Section 376.4, subsection 6, Code 2025, is amended
30 to read as follows:

31 ~~6.~~ The city clerk shall deliver the text of any public
32 measure being submitted by the city council to the electorate to
33 the county commissioner of elections. ~~If the county commissioner~~
34 ~~has designated the city clerk to receive nomination papers for~~
35 ~~elective city offices pursuant to subsection 1, the city clerk~~

1 ~~shall deliver the nomination papers accepted for filing to~~
2 ~~the county commissioner.~~ The text of any public measure and
3 nomination papers required to be delivered under this subsection
4 section shall be delivered no later than the day after the last
5 day on which nomination petitions can be filed, and not later
6 than 12:00 noon on that day.

7 Sec. 27. Section 376.5, Code 2025, is amended to read as
8 follows:

9 **376.5 Publication of ballot.**

10 Notice for each regular, special, primary, or runoff city
11 election shall be published by the county commissioner of
12 elections as provided in section 362.3, except that notice of
13 a regular, primary, or runoff election may be published not
14 less than four days before the date of the election. The
15 published notice must list the names of all candidates, ~~and must~~
16 ~~not contain any party designations.~~ The published notice must
17 include any question to be submitted to the voters. The notice
18 may contain one or more facsimiles of the portion of the ballot
19 containing the first arrangement of candidates as prescribed by
20 section 49.31, subsection 2.

21 Sec. 28. Section 376.7, subsection 1, Code 2025, is amended
22 to read as follows:

23 1. ~~If a primary election is necessary, it~~ The primary
24 election shall be held on the Tuesday four weeks before the date
25 of the regular city election. For each office on the ballot, a
26 voter shall only vote for the number of persons to be elected to
27 that office at the regular city election. The county board of
28 supervisors shall publicly canvass the tally lists of the vote
29 cast in the primary election, following the procedures prescribed
30 in section 50.24, at a meeting to be held on the second day
31 following the primary election, and beginning no earlier than
32 1:00 p.m. on that day.

33 Sec. 29. Section 376.8, subsections 2 and 3, Code 2025, are
34 amended by striking the subsections.

35 Sec. 30. Section 376.11, subsection 2, Code 2025, is amended

1 to read as follows:

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

22 Sec. 31. Section 376.11, subsections 4 and 5, Code 2025, are
23 amended by striking the subsections.

24 Sec. 32. Section 420.126, Code 2025, is amended to read as
25 follows:

26 **420.126 City convention.**

27 Political parties in ~~special charter cities having a~~
28 ~~population of fifty thousand or more~~ a city shall hold a city
29 convention within the city on the second Friday following the
30 primary election. The city central committee shall set the time
31 and place of the convention and shall file the same in the office
32 of the city clerk at least ten days prior to the convention.

33 Sec. 33. Section 420.137, Code 2025, is amended to read as
34 follows:

35 **420.137 Applicable laws.**

1 All laws governing political parties and the nomination of
2 candidates in elections shall, as far as applicable, govern the
3 political parties and nomination and election of candidates in
4 cities ~~acting under a special charter in 1973 and having a~~
5 ~~population of fifty thousand or more, except where such a city~~
6 ~~by election chooses to conduct city elections under chapter 44,~~
7 ~~45, or 376.~~

8 Sec. 34. CODE EDITOR DIRECTIVE.

9 1. The Code editor is directed to make the following
10 transfers:

- 11 a. Section 420.126 to section 376.12.
- 12 b. Section 420.127 to section 376.13.
- 13 c. Section 420.128 to section 376.14.
- 14 d. Section 420.129 to section 376.15.
- 15 e. Section 420.130 to section 376.16.
- 16 f. Section 420.131 to section 376.17.
- 17 g. Section 420.132 to section 376.18.
- 18 h. Section 420.133 to section 376.19.
- 19 i. Section 420.134 to section 376.20.
- 20 j. Section 420.135 to section 376.21.
- 21 k. Section 420.136 to section 376.22.
- 22 l. Section 420.137 to section 376.23.

23 2. The Code editor shall correct internal references in the
24 Code and in any enacted legislation as necessary due to the
25 enactment of this section.

26 Sec. 35. REPEAL. Sections 376.4A, 376.6, and 376.9, Code
27 2025, are repealed.

28 Sec. 36. APPLICABILITY. This Act applies to elections held
29 on or after January 1, 2027.

30 EXPLANATION

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

33 This bill relates to nominations of candidates for elections
34 to city, school district, and merged area offices. The bill
35 requires candidates for such elections to be nominated by primary

1 elections held pursuant to Code chapter 43 (partisan nominations
2 — primary election). Currently such elections are nonpartisan
3 except for special charter cities under Code chapter 420. The
4 bill repeals other methods for the nomination of candidates,
5 including nominations by petition and runoff elections. The bill
6 allows the board of supervisors of a county to decide whether
7 to conduct an election using an optical scan voting system or by
8 counting ballots by hand. The bill applies to elections held on
9 or after January 1, 2027.

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