

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
2 county and city offices.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

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

29 **Sec. 3. NEW SECTION. 69.14B Anticipated vacancy —**
30 **election.**

31 1. Upon the receipt of a written affirmation more than
32 seventy-three days before the next general election that a
33 supervisor or county officer listed in section 39.17 intends
34 to resign after the next general election but before the
35 expiration of the supervisor's or county officer's term of

1 office, the board of supervisors shall, by a majority vote,
2 declare that a vacancy exists in the office as of the date
3 contained in the affirmation and the office shall appear on the
4 ballot at the next general election.

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

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

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

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1 contained in the affirmation. The office will then appear on
2 the ballot at the next general election with the description,
3 "To Fill Vacancy". The person elected at the general election
4 will assume office as of the date of the vacancy and after a
5 certificate of election is issued and the person has qualified
6 by taking the oath of office, and shall serve the balance of
7 the unexpired term.