

House File 569 - Reprinted

HOUSE FILE 569
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 223)

(As Amended and Passed by the House March 16, 2011)

A BILL FOR

1 An Act relating to filling vacancies in the office of
2 representative in Congress and in elective city offices.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.3, subsection 7, Code 2011, is amended
2 to read as follows:

3 7. "*General election*" means the biennial election for
4 national or state officers, members of Congress and of the
5 general assembly, county and township officers, and for the
6 choice of other officers or the decision of questions as
7 provided by law and, where applicable, includes the regular
8 city election described in section 376.1.

9 Sec. 2. Section 43.24, subsection 1, paragraph b, Code 2011,
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (2A) Objections to nominations to fill
12 vacancies in the office of representative in Congress at a
13 special election held under section 69.14 shall be filed with
14 the state commissioner not less than sixty days prior to the
15 date set for the special election.

16 Sec. 3. Section 43.24, subsection 1, paragraph b,
17 subparagraph (3), Code 2011, is amended to read as follows:

18 (3) Objections to nominations to fill vacancies in the
19 general assembly at a special election held under section
20 69.14, under which the forty-day notice of election provision
21 applies, shall be filed with the state commissioner not less
22 than fifteen days prior to the date set for the special
23 election. If the forty-day notice provision does not apply,
24 objections to nominations to fill vacancies at a special
25 election held under section 69.14 may be filed any time prior
26 to the date set for the special election.

27 Sec. 4. Section 43.24, subsection 2, paragraph b, Code 2011,
28 is amended to read as follows:

29 *b.* If an objection is filed to a nomination to fill
30 a vacancy in the general assembly at a special election
31 held under section 69.14, under which the forty-day notice
32 of election provision of section 69.14 does not apply,
33 notice of the objection shall be made to the candidate by
34 the state commissioner as soon as practicable. Under this
35 paragraph, failure to notify a candidate of an objection to the

1 candidate's nomination prior to the date set for the special
2 election does not invalidate the hearing conducted under
3 subsection 3. The hearing to an objection shall proceed as
4 quickly as possible to expedite the special election.

5 Sec. 5. Section 43.88, Code 2011, is amended to read as
6 follows:

7 **43.88 Certification of nominations.**

8 1. Nominations made by state, district, and county
9 conventions, shall, under the name, place of residence, and
10 post office address of the nominee, and the office to which
11 nominated, and the name of the political party making the
12 nomination, be forthwith certified to the proper officer by
13 the chairperson and secretary of the convention, or by the
14 committee, as the case may be, and if such certificate is
15 received in time, the names of such nominees shall be printed
16 on the official ballot the same as if the nomination had been
17 made in the primary election.

18 2. Nominations made to fill vacancies in the office of
19 representative in Congress at a special election shall be
20 certified to the state commissioner not less than sixty-two
21 days prior to the date set for the special election.

22 Nominations made to fill vacancies in other offices to which
23 this chapter applies at a special election shall be certified
24 to the proper official not less than twenty-five days prior
25 to the date set for the special election. In the event the
26 special election is to fill a vacancy in the general assembly
27 while it is in session or within forty-five days of the
28 convening of any session, the nomination shall be certified
29 not less than fourteen days before the date of the special
30 election.

31 3. Nominations certified to the proper official under this
32 section shall be accompanied by an affidavit executed by the
33 nominee in substantially the form required by section 43.67.

34 Sec. 6. Section 44.4, subsection 1, Code 2011, is amended
35 to read as follows:

1 1. Nominations made pursuant to this chapter and
2 chapter 45 which are required to be filed in the office of
3 the state commissioner shall be filed in that office not
4 more than ninety-nine days nor later than 5:00 p.m. on the
5 eighty-first day before the date of the general election to
6 be held in November. Nominations made for a special election
7 called pursuant to section 69.14 to fill vacancies in the
8 general assembly shall be filed by 5:00 p.m. not less than
9 twenty-five days before the date of an election called upon
10 at least forty days' notice and not less than fourteen days
11 before the date of an election called upon at least eighteen
12 days' notice. Nominations made to fill vacancies in the
13 office of representative in Congress at a special election
14 shall be certified to the state commissioner not less that
15 sixty-two days prior to the date set for the special election.
16 Nominations made for a special election called pursuant to
17 section 69.14A shall be filed by 5:00 p.m. not less than
18 twenty-five days before the date of the election. Nominations
19 made pursuant to this chapter and chapter 45 which are required
20 to be filed in the office of the commissioner shall be filed
21 in that office not more than ninety-two days nor later than
22 5:00 p.m. on the sixty-ninth day before the date of the general
23 election. Nominations made pursuant to this chapter or chapter
24 45 for city office shall be filed not more than seventy-two
25 days nor later than 5:00 p.m. on the forty-seventh day before
26 the city election with the city clerk, who shall process them
27 as provided by law.

28 Sec. 7. Section 44.4, subsection 2, paragraph a, Code 2011,
29 is amended by adding the following new subparagraphs:

30 NEW SUBPARAGRAPH. (2A) Objections to nominations to fill
31 vacancies in the office of representative in Congress at a
32 special election held under section 69.14 shall be filed with
33 the state commissioner not less than sixty days prior to the
34 date set for the special election.

35 NEW SUBPARAGRAPH. (2B) Objections to nominations to

1 fill vacancies in the general assembly at a special election
2 held under section 69.14, under which the forty-day notice
3 of election provision applies, shall be filed with the state
4 commissioner not less than fifteen days prior to the date set
5 for the special election. If the forty-day notice provision
6 does not apply, objections to nominations to fill vacancies at
7 a special election held under section 69.14 may be filed any
8 time prior to the date set for the special election.

9 Sec. 8. Section 69.14, Code 2011, is amended to read as
10 follows:

11 **69.14 Special election to fill vacancies.**

12 A special election to fill a vacancy shall be held for a
13 representative in Congress, or senator or representative in the
14 general assembly, when the body in which such vacancy exists is
15 in session, or will convene prior to the next general election,
16 ~~and the.~~ The governor shall order, not later than five days
17 from the date the vacancy exists, a special election, giving
18 not less than seventy-six days' notice of such election to
19 fill a vacancy in the office of representative in Congress or
20 forty days' notice of such election to fill a vacancy in the
21 office of senator or representative in the general assembly.
22 In the event the special election is to fill a vacancy in the
23 general assembly while it is in session or within forty-five
24 days of the convening of any session, the time limit provided
25 in this section shall not apply and the governor shall order
26 such special election at the earliest practical time, giving
27 at least eighteen days' notice of the special election. Any
28 special election called under this section must be held on
29 a Tuesday and shall not be held on the same day as a school
30 election within the district.

31 Sec. 9. Section 372.13, subsection 2, paragraph a,
32 unnumbered paragraph 1, Code 2011, is amended to read as
33 follows:

34 By appointment by the remaining members of the council,
35 except that if the remaining members do not constitute a quorum

1 of the full membership, paragraph "b" shall be followed. The
2 appointment shall be made within forty days after the vacancy
3 occurs and shall be for the period until the next pending
4 ~~election as defined in section 69.12, and shall be made within~~
5 ~~forty days after the vacancy occurs~~ general election of a city,
6 described in section 376.1 as the regular city election, unless
7 there is an intervening special election to fill a vacancy
8 in another elective city office in that city or there is an
9 intervening special election on a city ballot proposition
10 for that city, in which case the office shall be placed on
11 the ballot at such intervening election and the appointee's
12 term of appointment shall be until a successor is elected
13 and qualifies. If the council chooses to proceed under this
14 paragraph, it shall publish notice in the manner prescribed by
15 section 362.3, stating that the council intends to fill the
16 vacancy by appointment but that the electors of the city or
17 ward, as the case may be, have the right to file a petition
18 requiring that the vacancy be filled by a special election.
19 The council may publish notice in advance if an elected
20 official submits a resignation to take effect at a future date.
21 The council may make an appointment to fill the vacancy after
22 the notice is published or after the vacancy occurs, whichever
23 is later. However, if within fourteen days after publication
24 of the notice or within fourteen days after the appointment
25 is made, there is filed with the city clerk a petition which
26 requests a special election to fill the vacancy, an appointment
27 to fill the vacancy is temporary and the council shall call
28 a special election to fill the vacancy permanently, under
29 paragraph "b". The number of signatures of eligible electors of
30 a city for a valid petition shall be determined as follows: