SENATE FILE 443
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 314)

(As Amended and Passed by the Senate March 6, 2023)

_____ = New Language by the Senate

* = Language Stricken by the Senate

A BILL FOR

An Act relating to county supervisors, concerning county supervisor representation plans and county supervisor vacancies, and including effective date provisions.

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

DIVISION I

PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION PLANS

Section 1. Section 331.206, subsection 2, paragraph a, Code 2023, is amended to read as follows:

a. 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 a population of one hundred twenty-five thousand or more based on the most recent federal decennial census shall use plan "three" for the election of supervisors.

Sec. 2. Section 331.207, subsection 6, Code 2023, is amended by striking the subsection.

Sec. 3. TRANSITION PROVISION.

1. Notwithstanding any provision of law to the contrary, a county with a population of one hundred twenty-five thousand or more based on the most recent federal decennial census that does not use plan "three" for the election of supervisors, as defined in section 331.206, as of the effective date of this Act, shall not be required to elect supervisors using plan "three" until the election for supervisors in 2024, following the adoption of a representation plan drawn pursuant to section 331.210A, subsection 2, paragraph "f", and the requirements of this section.

2. A county required to adopt a representation plan as provided in this section shall establish a temporary county redistricting commission by the later of thirty days after the effective date of this Act or May 15, 2023, and shall complete a plan, in conformity with the requirements of sections 331.209 and 331.210A no later than November 1, 2023. The plan shall be submitted to the state commissioner of elections and shall become effective January 1, 2024.

DIVISION II

COUNTY SUPERVISOR VACANCIES

Sec. 4. Section 43.6, subsection 2, Code 2023, is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. ~~If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.~~

Sec. 5. Section 69.14A, subsection 1, Code 2023, is amended by striking the subsection and inserting in lieu thereof the following:

1. A vacancy on the board of supervisors shall be filled by special election held to fill the office for the remaining balance of the unexpired term.

a. The committee of county officers designated to fill the vacancy in section 69.8 shall call for a special election to fill the vacancy. The committee shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

b. However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the

committee. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

c. If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 6. Section 331.201, subsection 3, Code 2023, is amended to read as follows:

3. The office of supervisor is an elective office ~~except that if~~. If a vacancy occurs on the board, a successor ~~may~~ shall be ~~appointed~~ elected to the unexpired term as provided in section 69.14A.

Sec. 7. Section 331.214, subsection 2, paragraph c, Code 2023, is amended to read as follows:

c. If the board declares a vacancy under this subsection and the remaining balance of the supervisor's unexpired term is two and one-half years or more, a special election shall be held to fill the office as provided in section 69.14A, subsection 1~~, paragraph "c"~~.

DIVISION III

EFFECTIVE DATE

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.