

**49A.10 Action to test legality.**

1. Whenever an amendment to the Constitution of the State of Iowa is proposed and agreed to by the general assembly and is agreed to by the succeeding general assembly, any taxpayer may file suit in equity in the district court at the seat of government of the state, challenging the validity, legality, or constitutionality of the amendment. In the suit, the district court shall have jurisdiction to determine the validity, legality, or constitutionality of the amendment and enter its decree accordingly. The court may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting the constitutional amendment to the electorate, if the proposed constitutional amendment is found to be invalid, illegal, or unconstitutional.

2. An amendment to the Constitution of the State of Iowa which has been proposed and agreed to by the general assembly and has been agreed to by the succeeding general assembly shall not be determined invalid in any action challenging the validity, legality, or constitutionality of such amendment in the event of an error or omission occurring with one of the publication requirements of [section 49A.1](#) and shall be submitted to the electorate for ratification at the next general or special election as determined by the general assembly.

[C31, 35, §77-d1; C39, §77.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.10]

C93, §49A.10

[2019 Acts, ch 129, §5, 7](#); [2020 Acts, ch 1063, §34](#)

Referred to in [§49A.11](#)

General procedure, [§619.2](#), 619.3, 624.7, 625A.3, 625A.6, 625A.13

Subsection 1 amended