

FEB 9 2005
LOCAL GOVERNMENT

HOUSE FILE 234
BY PAULSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to retention of city and county assessors at
2 election and including an effective date and transition
3 provision.

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

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HF 234

1 Section 1. Section 441.8, unnumbered paragraphs 1, 2, 6,
2 and 7, Code 2005, are amended to read as follows:

3 The term of office of an assessor appointed under this
4 chapter shall be for six years beginning January 1 following
5 appointment. Appointments-for-each-succeeding-term-shall-be
6 made-in-the-same-manner-as-the-original-appointment-except
7 that-not-less-than-ninety-days-before-the-expiration-of-the
8 term-of-the-assessor-the-conference-board-shall-hold-a-meeting
9 to-determine-whether-or-not-it-desires-to-reappoint-the
10 incumbent-assessor-to-a-new-term. At the end of each regular
11 term of office, the incumbent assessor is subject to retention
12 in office by election pursuant to section 441.8A. If an
13 incumbent assessor chooses not to seek retention in office,
14 the office is considered vacant at the expiration of the
15 incumbent's regular term and the conference board shall fill
16 the vacancy by appointment pursuant to section 441.6.

17 ~~Effective-January-1,--1980,--the-conference-board-shall-have~~
18 ~~the-power-to-reappoint-the~~ An incumbent assessor is eligible
19 to declare candidacy for retention only if the incumbent
20 assessor has satisfactorily completed the continuing education
21 program provided for in this section.

22 Upon receiving credit equal to one hundred fifty hours of
23 classroom instruction during the assessor's current term of
24 office of which at least ninety of the one hundred fifty hours
25 are from courses requiring an examination upon conclusion of
26 the course, the director of revenue shall certify to the
27 assessor's conference board that the assessor is eligible to
28 ~~be-reappointed~~ stand for retention to the position. For
29 persons appointed to complete an unexpired term, the number of
30 credits required to be certified as eligible for reappointment
31 shall be prorated according to the amount of time remaining in
32 the present term of the assessor. If the person was an
33 assessor in another jurisdiction, the assessor may carry
34 forward any credit hours received in the previous position in
35 excess of the number that would be necessary to be considered

1 current in that position.

2 Within each six-year period following the appointment of a
3 deputy assessor, the deputy assessor shall comply with this
4 section except that upon the successful completion of ninety
5 hours of classroom instruction of which at least sixty of the
6 ninety hours are from courses requiring an examination upon
7 conclusion of the course, the deputy assessor shall be
8 certified by the director of revenue as being eligible to
9 remain in the position. If a deputy assessor fails to comply
10 with this section, the deputy assessor shall be removed from
11 the position until successful completion of the required hours
12 of credit. If a deputy is appointed to the office of
13 assessor, the hours of credit obtained as deputy pursuant to
14 this section shall be credited to that individual as assessor
15 and for the individual to be reappointed eligible to stand for
16 retention at the expiration of the term as assessor, that
17 individual must obtain the credits which are necessary to
18 total the number of hours for reappointment eligibility to
19 stand for retention.

20 Sec. 2. NEW SECTION. 441.8A ASSESSOR RETENTION
21 ELECTIONS.

22 1. Retention elections for county assessors shall be held
23 at the time of the general election. Retention elections for
24 city assessors shall be held at the time of the regular city
25 election.

26 2. a. Electors entitled to vote at the general election
27 or the regular city election, as applicable, shall be entitled
28 to vote at the assessor retention election. The election
29 registers used for the general election or the regular city
30 election, as applicable, shall also constitute the election
31 registers for the assessor retention election.

32 b. So far as applicable, election and absent voter laws
33 shall apply to assessor retention elections. An application
34 for an absent voter ballot for a general election or a regular
35 city election shall also constitute an application for an

1 absent voter ballot for an assessor retention election to be
2 held at the same time, and the ballots shall be mailed or
3 delivered to the voter together. The sealed envelope
4 transmitted by the absent voter to the county commissioner of
5 elections containing the absent voter election ballot may also
6 contain the assessor retention election ballot.

7 All voting procedures provided by chapter 53 for absent
8 voting by members of the armed forces in general elections
9 shall be applicable to assessor retention elections.

10 3. At least one hundred four days before the assessor
11 retention election preceding expiration of the regular term of
12 office, an assessor may file a declaration of candidacy with
13 the state commissioner of elections to stand for retention or
14 rejection at that election. If an assessor fails to file the
15 declaration, the office shall be vacant at the end of the
16 term. An assessor filing the declaration shall stand for
17 retention in the assessing jurisdiction where the assessor has
18 served.

19 4. At least sixty-nine days before each assessor retention
20 election, the state commissioner of elections shall certify to
21 the county commissioner of elections of each county the names
22 of the county or city assessors to be voted on in the county
23 at that election. The county commissioner of elections shall
24 place the names upon the appropriate ballots. The assessor
25 retention question on the ballot shall be in substantially the
26 following form:

27 Shall the following assessor for (insert county or city, as
28 appropriate) be retained in office?

29 CANDIDATE'S NAME YES NO

30 5. Voting at assessor retention elections shall be by
31 separate paper ballot, special paper ballot, ballot cards, or
32 by voting machine in the space provided for public measures.
33 If paper ballots are used, the election judges shall offer a
34 ballot to each voter. If special paper ballots or ballot
35 cards are used, either a separate ballot or a distinct heading

1 may be used to distinguish the assessor retention ballot.
2 Separate ballot boxes for the general election ballots, or
3 regular city election ballots, and the assessor retention
4 election ballots are not required. The general election
5 ballot, or regular city election ballot, and the assessor
6 retention election ballot may be voted in the same voting
7 booth.

8 6. An assessor must receive more affirmative than negative
9 votes to be retained in office. When the poll is closed, the
10 election judges shall publicly canvass the vote forthwith.
11 The board of supervisors shall canvass the returns on the
12 Monday or Tuesday after the election, and shall promptly
13 certify the number of affirmative and negative votes on each
14 assessor to the county commissioner of elections.

15 The county board of supervisors shall, at the time of
16 canvassing the vote cast at a general election or regular city
17 election, open and canvass all of the returns for the assessor
18 retention election. Each assessor who has received more
19 affirmative than negative votes shall receive from the county
20 board of supervisors an appropriate certificate so stating.

21 7. If an assessor is not retained, the office shall be
22 considered vacant and the conference board shall fill the
23 vacancy by appointment pursuant to section 441.6. An assessor
24 who is not retained in office, or who chooses not to seek
25 retention in office, is ineligible to serve as assessor in the
26 county or city where the assessor was not retained, or chose
27 not to seek retention, for the six years following the
28 retention election.

29 Sec. 3. EFFECTIVE DATE AND TRANSITION.

30 1. This Act takes effect January 1, 2007, for purposes of
31 the transition to retention of incumbent assessors by election
32 at the regular city election in November 2007 or the general
33 election in November 2008, whichever is applicable.

34 2. The terms of county assessors expiring on December 31,
35 2009, shall be shortened so that all county assessors, if they

1 wish to continue in office for another regular term, must
2 declare candidacy for retention at the general election in
3 November 2008. The regular term of those county assessors
4 retained at election in November 2008 and those county
5 assessors appointed in December 2008 because of the decision
6 of the incumbent assessor not to seek retention at the
7 election in November 2008, or because of the failure of the
8 incumbent to retain office at the election in November 2008,
9 shall begin January 1, 2009.

10 3. The conference board of a city with a city assessor
11 shall adopt a plan for shortening or lengthening the term of
12 the city assessor so that the retention question for the
13 incumbent city assessor will be on the ballot at the regular
14 city election in November 2007. The conference board of each
15 of those cities shall submit its plan to the department of
16 revenue by March 1, 2007. The department shall review and
17 comment on the plans and the plans shall be forwarded to the
18 state commissioner of elections and the appropriate county
19 commissioner of elections by April 15, 2007. In developing
20 the plan, the city conference board shall take into
21 consideration the date on which the city assessor's term
22 expires.

23 4. The regular term of those city assessors retained at
24 election in November 2007 and those city assessors appointed
25 in December 2007 because of the decision of the incumbent
26 assessor not to seek retention at the election in November
27 2007, or because of the failure of the incumbent to retain
28 office at the election in November 2007, shall begin January
29 1, 2008.

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EXPLANATION

31 This bill provides that incumbent city and county assessors
32 are subject to retention in office by election. The retention
33 election for county assessors shall be every six years at the
34 general election held in November of the even-numbered year.
35 The retention election for city assessors shall be every six

1 years at the regular city election held in November of the
2 odd-numbered year.

3 The conference board of each county and city, as
4 applicable, shall appoint a new assessor if the incumbent
5 assessor is not retained at election or if the incumbent
6 chooses not to run for retention. An incumbent assessor who
7 is not retained at election or who chooses not to run for
8 retention is ineligible to be appointed as assessor in the
9 county or city where the assessor served for six years after
10 the expiration of the assessor's term of office.

11 The bill takes effect January 1, 2007, and includes
12 transition provisions so that the first retention elections
13 can be held in November 2007 for city assessors and November
14 2008 for county assessors.

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