

## CHAPTER 1024

## PRIMARY ELECTION POSTPONED

H. F. 1265

AN ACT relating to the 1972 primary election.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The provisions of this Act which are in conflict with  
2 the provisions of chapters forty-three (43) and fifty-three (53) of  
3 the Code shall govern for the primary election to be held on August  
4 1, 1972.

1 SEC. 2. The primary election for the year 1972 shall be held on  
2 August 1, 1972.

1 SEC. 3.

2 1. Notwithstanding the provisions of section forty-nine point four  
3 (49.4), Code 1971, as amended by chapter ninety-nine (99), section one  
4 (1), and chapter ninety-eight (98), section twenty-one (21), Acts of  
5 the Sixty-fourth General Assembly, First Session, a board of super-  
6 visors required to establish new election precincts with a population  
7 of three thousand five hundred or less by December thirty-first of the  
8 year immediately following the year in which the last federal decennial  
9 census was taken, shall not be required to establish such new election  
10 precincts until a new apportionment plan has been adopted in the  
11 year 1972 and made public by the Iowa supreme court. Upon the  
12 adoption of the new apportionment plan by the Iowa supreme court,  
13 the board of supervisors shall cause new election precincts to be drawn  
14 pursuant to the provisions of section forty-nine point four (49.4) of  
15 the Code as amended by chapter ninety-nine (99), section one (1),  
16 and chapter ninety-eight (98), section twenty-one (21), Acts of the  
17 Sixty-fourth General Assembly, First Session. The board of super-  
18 visors shall issue an order establishing the new election precincts and  
19 defining the boundaries of such precincts not more than forty-seven  
20 days from the date the Iowa supreme court adopts a new apportion-  
21 ment plan. The board of supervisors shall file a copy of the order  
22 with the secretary of state.

23 2. If any board of supervisors fails to fix election precinct boun-  
24 daries as required under the provisions of this Act, the secretary of  
25 state may file an action in mandamus in the district court of Polk  
26 county to compel the board of supervisors to perform its duties as re-  
27 quired by this Act or he may fix the boundaries of the election pre-  
28 cincts in the county as soon as possible. Any expenses incurred by  
29 the secretary of state shall be assessed to the county and paid by the  
30 county to the secretary of state.

31 3. The secretary of state shall remit such expense funds to the  
32 treasurer of state who shall deposit them in the general fund of the  
33 state. Such expense funds are appropriated to the secretary of state  
34 for the purpose of reimbursing the office of the secretary of state for  
35 any expenses incurred in the administration of this section.

36 4. The secretary of state may request the attorney general to assist  
37 him in enforcing the provisions of this section and the attorney gen-  
38 eral shall provide such assistance as is requested.

39 5. The secretary of state may request the services of personnel of

40 the legislative service bureau and other persons and material available  
41 to the legislative service bureau and other persons for the purpose of  
42 fixing the boundaries of election precincts as provided in this section.

1 SEC. 4.

2 1. Notwithstanding the provisions of section forty-nine point five  
3 (49.5), Code 1971, as amended by chapter ninety-nine (99), section  
4 two (2), and chapter ninety-eight (98), section twenty-two (22), Acts  
5 of the Sixty-fourth General Assembly, First Session, the city council  
6 of any city required to establish new election precincts with a popula-  
7 tion of three thousand five hundred or less by December thirty-first of  
8 the year immediately following the year in which the last federal  
9 decennial census was taken, shall not be required to establish new  
10 election precincts until a new apportionment plan has been adopted in  
11 the year 1972 and made public by the Iowa supreme court. Upon the  
12 adoption of the new apportionment plan by the Iowa supreme court,  
13 the council of each city shall cause new election precincts to be drawn  
14 pursuant to the provisions of section forty-nine point five (49.5) of  
15 the Code, as amended by chapter ninety-nine (99), section two (2),  
16 and chapter ninety-eight (98), section twenty-two (22), Acts of the  
17 Sixty-fourth General Assembly, First Session. The city council of  
18 each city shall issue an order establishing the new election precincts  
19 and defining the boundaries of such precincts not more than forty  
20 days from the date the Iowa supreme court adopts a new apportion-  
21 ment plan.

22 2. The city clerk of each city shall, not more than fifteen days from  
23 the date the Iowa supreme court adopts a new apportionment plan,  
24 file a report with the secretary of state of the progress made in re-  
25 precincting and the date on which the city clerk expects to complete  
26 the reprecincting of the city.

27 3. At the end of thirty days from the date the Iowa supreme court  
28 adopts a new apportionment plan, the city clerk shall file a report  
29 with the secretary of state stating the progress of reprecincting and  
30 whether the city will be reprecincted at the end of forty days.

31 4. Each city clerk shall file a report with the secretary of state  
32 upon the completion of the reprecincting and the adoption of the  
33 reprecincting plan by the city council.

34 5. If the council of any city fails to fix election precinct boundaries  
35 as required under the provisions of this Act, the secretary of state  
36 may file an action in mandamus in the district court of Polk county  
37 to compel the city to perform its duties as required by this Act or he  
38 may fix the boundaries of the election precincts in such city as soon  
39 as possible. Any expenses incurred by the secretary of state shall be  
40 assessed to the city and paid by the city to the secretary of state.

41 6. The secretary of state shall remit such expense funds to the  
42 treasurer of state who shall deposit them in the general fund of the  
43 state. Such expense funds are appropriated to the secretary of state  
44 for the purpose of reimbursing the office of the secretary of state for  
45 any expenses incurred in the administration of this section.

46 7. The secretary of state may request the attorney general to as-  
47 sist him in enforcing the provisions of this section and the attorney  
48 general shall provide such assistance as requested.

49 8. The secretary of state may request the services of personnel of  
50 the legislative service bureau and other persons and material available

51 to the legislative service bureau and other persons for the purpose of  
52 fixing the boundaries of election precincts as provided in this section.

1 SEC. 5. The board of supervisors or city council shall approve the  
2 reprecincting plan within seven days from the date the plan is sub-  
3 mitted to the board or council and the precincts established shall be  
4 legal upon the approval of the board or council. The board of super-  
5 visors and the city council shall publish a map of the new precincts  
6 not later than July 24, 1972.

1 SEC. 6. Upon adoption of reprecincting plan by the city council or  
2 promulgation of the reprecincting plan by the secretary of state, the  
3 commissioner of registration shall commence the changing of the voter  
4 registration records.

1 SEC. 7. For the year 1972 only, nomination petitions in behalf of  
2 any candidate for an elective county office shall not be filed in the  
3 office of the county auditor later than June 9, 1972.

1 SEC. 8. For the year 1972 only, nomination petitions in behalf of  
2 a candidate for United States senator, representative in Congress,  
3 elective state office, and a member of the general assembly shall not  
4 be filed in the office of the secretary of state later than May 30, 1972.

1 SEC. 9. For the year 1972 only, the secretary of state shall, not  
2 later than June 9, 1972, furnish to each county auditor a certificate  
3 under his hand and seal, which certificate shall show:

4 1. The name and post office address of each person for whom a nom-  
5 ination paper has been filed in his office, and for whom the voters of  
6 said county have the right to vote at said election.

7 2. The office for which such person is a candidate.

8 3. The political party from which such person seeks a nomination.

1 SEC. 10. The county auditor shall have all ballots for the primary  
2 election to be held August 1, 1972 printed and ready for delivery not  
3 later than June 23, 1972.

1 SEC. 11. For the year 1972 only, any person under circumstances  
2 prescribed under section fifty-three point one (53.1) of the Code may  
3 vote by absentee ballot for the 1972 primary election from June 23,  
4 1972 up to and including July 31, 1972.

1 SEC. 12. For the year 1972 only, the county auditor shall deliver  
2 an absentee ballot to any qualified elector applying in person at the  
3 office of the county auditor and filing an application for an absentee  
4 ballot as required under the provisions of chapter fifty-three (53) of  
5 the Code, after July 16, 1972, if the ballot is immediately marked, en-  
6 closed in the ballot envelope with the proper affidavit thereon, and  
7 returned to the county auditor.

1 SEC. 13. For the year 1972 only, any qualified voter in the armed  
2 forces of the United States may personally appear in the office of the  
3 county auditor of the county of his residence and cast an absentee  
4 ballot at any time beginning June 23, 1972, up to and including July  
5 31, 1972.

1 SEC. 14. Acts and proceedings of elections relating to party com-  
2 mitteemen conducted pursuant to law at the precinct caucuses of a

3 political party subsequent to January 1, 1972 and preceding August  
4 1, 1972 are hereby declared to be legal and the two party committee-  
5 men elected in each precinct shall begin their term of office as pro-  
6 vided in section forty-three point ninety-nine (43.99) of the Code and  
7 their term of office shall expire on August 15, 1972. Upon the ex-  
8 piration of the terms of office of the precinct party committeemen on  
9 August 15, 1972, the chairman of each political party's state central  
10 committee shall determine the method of selection of new party com-  
11 mitteemen to serve a term commencing on August 16, 1972 until his  
12 successor is elected and qualified or he is removed as provided in sec-  
13 tion forty-three point ninety-nine (43.99) of the Code. However, the  
14 term of office of party committeemen elected prior to August 1, 1972,  
15 shall be for a full term if the boundaries of the precinct from which  
16 they were elected are not changed by August 1, 1972.

1 SEC. 15. Acts and proceedings of elections relating to delegates to  
2 the county convention of a political party conducted at the precinct  
3 caucuses pursuant to section forty-three point four (43.4) of the Code  
4 subsequent to January 1, 1972 and preceding August 1, 1972 are here-  
5 by declared to be legal. If any political party holds more than one  
6 precinct caucus in any precinct, and the delegates to the county con-  
7 vention are contested, the legal delegates to the county convention  
8 shall be determined by a credentials committee of the political party  
9 at the county convention. The credentials committee shall be ap-  
10 pointed pursuant to the bylaws of the political party. Delegates to  
11 the county convention of a political party who were selected as pro-  
12 vided by law and the acts and proceedings of elections at the precinct  
13 caucuses are hereby declared to be legal.

1 SEC. 16. Duties performed and proceedings conducted in the year  
2 1972 prior to the effective date of this Act by any political party as  
3 required pursuant to chapter forty-three (43) of the Code are hereby  
4 declared to be legal.

1 SEC. 17. The provisions of this Act shall be printed in the session  
2 laws only, and shall not be made a permanent part of the Code of Iowa.

1 SEC. 18. For the year 1972 only, nomination papers in the form  
2 prescribed by section forty-three point fourteen (43.14) of the Code  
3 shall be legal and valid notwithstanding the fact that they refer to  
4 the primary election to be held in June, 1972, or the reference to June,  
5 1972, is struck through or is changed.

1 SEC. 19. For the year 1972 only, nomination papers otherwise  
2 meeting the requirements of sections forty-three point fifteen (43.15)  
3 and forty-three point seventeen (43.17) of the Code shall be legal and  
4 valid, notwithstanding the fact that they were signed before the su-  
5 preme court established new election districts so long as the place  
6 shown as the residence of the persons signing the nomination papers is  
7 in the new district established by the supreme court, and notwithstand-  
8 ing the fact that the election district may be described on the nomina-  
9 tion paper by a number different from that assigned to the new district  
10 created by the supreme court.

1 SEC. 20. Affidavits of candidacy otherwise meeting the require-  
2 ments of section forty-three point eighteen (43.18) of the Code shall

3 be legal and valid notwithstanding the fact that a candidate filing the  
4 same describes the legislative district from which he is seeking office  
5 by a number other than that assigned to the new district by the  
6 supreme court.

1 SEC. 21. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The Mus-  
3 catine Journal, a newspaper published in Muscatine, Iowa, and in  
4 Times-Democrat, a newspaper published in Davenport, Iowa.

Approved March 31, 1972.

I hereby certify that the foregoing Act, House File 1265, was published in The Musca-  
tine Journal, Muscatine, Iowa, April 7, 1972, and in the Times-Democrat, Davenport,  
Iowa, April 10, 1972.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 1025

### ELECTION LAWS

H. F. 1147

AN ACT relating to the election laws and providing penalties for violations thereof.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **State commissioner of elections.** The secretary of  
2 state is designated as the state commissioner of elections and shall  
3 supervise the activities of the county commissioners of elections.  
4 There is established within the office of the secretary of state a divi-  
5 sion of elections which shall be under the direction of the state com-  
6 missioner of elections. The state commissioner of elections may  
7 appoint a person to be in charge of the division of elections who shall  
8 perform such duties as may be assigned to him by the state commis-  
9 sioner of elections. The state commissioner of elections shall prescribe  
10 uniform election practices and procedures and shall prescribe the  
11 necessary forms required for voter registration and the conduct of  
12 elections. The state commissioner of elections may adopt rules and  
13 regulations, pursuant to chapter seventeen A (17A) of the Code, to  
14 carry out the provisions of this section.

1 SEC. 2. **County commissioner of elections.** The county auditor of  
2 each county is designated as the county commissioner of elections in  
3 each county. The county commissioner of elections shall conduct voter  
4 registration pursuant to chapter forty-eight (48) of the Code and  
5 conduct all elections within the county. All election and registration  
6 duties prior to the effective date of this Act imposed upon other public  
7 officials within the county are transferred to the county commissioner  
8 of elections. All of the present records of registration, precinct books,  
9 and all other documents and papers pertaining to the registration of  
10 electors or those electors who are currently registered that are upon  
11 the effective date of this Act, in the care, custody, and control of a  
12 city subject to the provisions of chapter forty-eight (48) of the Code