

1 SEC. 5. Section twenty-five A point thirteen (25A.13), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Every claim and suit ~~against the state~~ permitted under this chapter
4 shall be forever barred, unless within two years after such claim ac-
5 crued, the claim is made in writing to the state appeal board under this
6 chapter. The time to begin a suit under this chapter shall be extended
7 for a period of six months from the date of mailing of notice to the
8 claimant by the state appeal board as to the final disposition of the
9 claim or from the date of withdrawal of the claim from the state ap-
10 peal board under section 25A.5, if the time to begin suit would other-
11 wise expire before the end of such period.

1 SEC. 6. Section twenty-five A point fourteen (25A.14), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The provisions of this chapter shall not apply *with respect to any*
4 *claim against the state*, to:

1 SEC. 7. Chapter twenty-five A (25A), Code 1975, is amended by
2 adding the following new sections:

3 **NEW SECTION. Officers and employees defended.** The state shall
4 defend any employee of the state, whether elected or appointed and,
5 except in cases of malfeasance in office, willful and unauthorized inju-
6 ry to persons or property, or willful and wanton conduct, shall save
7 harmless and indemnify such employees of the state against any tort
8 claim or demand, whether groundless or otherwise, arising out of an al-
9 leged act or omission occurring within the scope of their employment
10 or duties.

11 **NEW SECTION.** The state shall defend, indemnify and hold harmless
12 an employee of the state in any action commenced in federal court un-
13 der section one thousand nine hundred eighty-three (1983), Title forty-
14 two (42), United States Code, against the employee for acts of the em-
15 ployee while acting in the scope of employment. If the acts or omis-
16 sions of the employee, upon which the action is based, are within the
17 exceptions to claim as defined in section twenty-five A point two
18 (25A.2), subsection five (5), paragraph b, of the Code, the state shall
19 not indemnify or hold harmless the employee.

Approved June 30, 1975

CHAPTER 81

ELECTION PROCEDURES

H. F. 700

AN ACT relating to procedures for preparing for, giving notice of, conducting and canvassing elections, to the election of presidential electors, and to the registration of voters, and prescribing penalties.

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

1 SECTION 1. Section two point twenty-seven (2.27), Code 1975, as
2 amended by the Acts of the Sixty-sixth General Assembly, 1975 Ses-
3 sion, House File one hundred sixty (160), section one (1), is amended to
4 read as follows:

5 **2.27 Canvass of votes for governor.** The general assembly shall
6 meet in joint session on the same day the assembly first convenes in

7 January of 1979 and every four years thereafter as soon as both houses
 8 have been organized, and canvass the votes cast for governor and lieu-
 9 tenant governor and determine the election; ~~and when.~~ *If an election*
 10 *is necessary under section four (4) of this Act to fill a vacancy in*
 11 *the office of lieutenant governor, the general assembly shall similar-*
 12 *ly meet on the day it convenes in the January following that elec-*
 13 *tion and canvass the vote cast for the office. When the canvass is*
 14 *completed, the oath of office shall be administered to the persons, or*
 15 *person, so declared elected and.* *Upon being inaugurated the governor*
 16 *shall deliver to the joint assembly any message he or she may deem*
 17 *expedient.*

1 SEC. 2. Section thirty-nine point two (39.2), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **39.2 Special elections.** All special elections which are authorized
 4 or required by law, unless the applicable law otherwise requires, shall
 5 be held on Tuesday. No special election may be held on the first or
 6 second Tuesday preceding and following the primary and the general
 7 elections.

1 SEC. 3. Section thirty-nine point three (39.3), subsections five (5),
 2 ten (10) and eleven (11), Code 1975, are amended to read as follows:

3 5. "City election" means any election held in a city for nomination
 4 or election of the officers thereof *including a city primary or runoff*
 5 *election.*

6 10. "Commissioner" means the county commissioner of elections as
 7 *defined in section forty-seven point two (47.2) of the Code.*

8 11. "State commissioner" means the state commissioner of elections
 9 *as defined in section forty-seven point one (47.1) of the Code.*

1 SEC. 4. Chapter thirty-nine (39), Code 1975, is amended by insert-
 2 ing after section thirty-nine point ten (39.10) the following new section:

3 **NEW SECTION. Vacancies in certain offices.** If a vacancy occurs
 4 in the office of senator in the congress of the United States, lieutenant
 5 governor, secretary of state, auditor of state, treasurer of state, secre-
 6 tary of agriculture or attorney general seventy-five or more days prior
 7 to a general election, and the unexpired term in which the vacancy ex-
 8 ists has more than seventy days to run after the date of that general
 9 election, the vacancy shall be filled for the balance of the unexpired
 10 term at that general election and the person elected to fill the vacancy
 11 shall assume office as soon as a certificate of election has been issued
 12 and the person has qualified.

1 SEC. 5. Chapter thirty-nine (39), Code 1975, is amended by insert-
 2 ing after section thirty-nine point eighteen (39.18) the following new
 3 section:

4 **NEW SECTION. Vacancies in county offices.** If a vacancy occurs
 5 in the office of county supervisor or in any of the offices listed in sec-
 6 tion thirty-nine point seventeen (39.17) of the Code sixty or more days
 7 prior to a general election, and the unexpired term in which the vacan-
 8 cy exists has more than seventy days to run after the date of that gen-
 9 eral election, the vacancy shall be filled for the balance of the
 10 unexpired term at that general election and the person elected to fill
 11 the vacancy shall assume office as soon as a certificate of election has
 12 been issued and the person has qualified.

1 SEC. 6. Section forty-three point four (43.4), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:

3 Delegates to county conventions of political parties and party ~~com-~~

4 ~~mittee~~ *committee members* shall be elected at precinct caucuses
 5 held not later than the second Monday in May of each even-numbered
 6 year. The state central committee of each political party shall set the
 7 date for said caucuses. In accordance therewith, the county ~~central~~
 8 ~~committee~~ *chairperson* of each political party shall issue the call for
 9 said caucuses. The county ~~chairman~~ *chairperson* shall file with the
 10 county commissioner the meeting place of each precinct caucus at least
 11 seven days prior to the date of holding such caucus.

1 SEC. 7. Section forty-three point six (43.6), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **43.6 Nomination of U.S. senators, state and county offi-**
 4 **cers.** Candidates for the office of senator in the congress of the Unit-
 5 ed States, the offices listed in section thirty-nine point nine (39.9) of
 6 the Code, county supervisor and the offices listed in section thirty-nine
 7 point seventeen (39.17) of the Code shall be nominated in the year pre-
 8 ceding the expiration of the term of office of the incumbent.

9 1. When a vacancy occurs in the office of senator in the congress of
 10 the United States, lieutenant governor, secretary of state, auditor of
 11 state, treasurer of state, secretary of agriculture or attorney general
 12 and section four (4) of this Act requires that the vacancy be filled for
 13 the balance of the unexpired term at a general election, candidates for
 14 the office shall be nominated in the preceding primary election if the
 15 vacancy occurs seventy-five or more days prior to the date of that pri-
 16 mary election. If the vacancy occurs less than ninety days before the
 17 date of that primary election, the state commissioner shall accept nomi-
 18 nation papers for that office only until five o'clock p.m. on the six-
 19 tieth day before the primary election, the provisions of section forty-
 20 three point eleven (43.11) of the Code notwithstanding. If the vacancy
 21 occurs later than seventy-five days before the date of that primary
 22 election, but not less than seventy-five days before the date of the gen-
 23 eral election, the nominations shall be made in the manner prescribed
 24 by this chapter for filling vacancies in nominations for offices to be
 25 voted for at the general election.

26 2. When a vacancy occurs in the office of county supervisor or any
 27 of the offices listed in section thirty-nine point seventeen (39.17) of the
 28 Code and section five (5) of this Act requires that the vacancy be filled
 29 for the balance of the unexpired term at a general election, candidates
 30 for the office shall be nominated in the preceding primary election if
 31 the vacancy occurs sixty or more days prior to the date of that primary
 32 election. If the vacancy occurs less than seventy-five days before the
 33 date of that primary election, the commissioner shall accept nomi-
 34 nation papers for that office only until five o'clock p.m. on the forty-
 35 ninth day before the primary election, the provisions of section forty-
 36 three point eleven (43.11) of the Code notwithstanding. If the vacancy
 37 occurs later than sixty days before the date of that primary election,
 38 but not less than sixty days before the date of the general election, the
 39 nominations shall be made in the manner prescribed by this chapter for
 40 filling vacancies in nominations for offices to be voted for at the gener-
 41 al election.

1 SEC. 8. Section forty-three point thirteen (43.13), Code 1975, is
 2 amended to read as follows:

3 **43.13 Failure to file nomination papers.** ~~No~~ *The name of a*
 4 *candidate for any office named in section 43.11 shall have his name*
 5 *not be printed on the official primary ballot of his the candidate's*
 6 *party unless nomination papers are filed as therein provided except as*
 7 *otherwise permitted by section ten (10) of this Act.*

1 SEC. 9. Section forty-three point sixteen (43.16), Code 1975, is
2 amended to read as follows:

3 **43.16 Withdrawals and additions not allowed.** A nomination
4 paper, when filed, shall not be withdrawn nor added to, nor any signa-
5 ture thereon revoked. *This section shall not be construed to prohibit*
6 *the person on whose behalf the paper was filed from withdrawing as*
7 *a candidate. However, the name of the candidate who has with-*
8 *drawn must still be printed on the ballot, unless the withdrawal oc-*
9 *curs at a time when the procedure prescribed by section ten (10) of*
10 *this Act may be used.*

1 SEC. 10. Chapter forty-three (43), Code 1975, is amended by insert-
2 ing after section forty-three point twenty-two (43.22) the following new
3 section:

4 **NEW SECTION. Death or withdrawal of primary candidate.**

5 1. When any person who has filed with the state commissioner nomi-
6 nation papers as a candidate in a primary election dies or withdraws
7 on or after the seventy-fifth day prior to the primary election, the ap-
8 propriate convention or central committee of that person's political
9 party may designate one additional primary election candidate for the
10 nomination that person was seeking, if the designation is submitted to
11 the state commissioner in writing by five o'clock p.m. on the sixtieth
12 day prior to the date of the primary election. The name of any candi-
13 date so submitted shall be included in the appropriate certificate or
14 certificates furnished by the state commissioner under section forty-
15 three point twenty-two (43.22) of the Code.

16 2. When any person who has filed with the commissioner nomination
17 papers as a candidate in a primary election dies or withdraws on or af-
18 ter the sixtieth day prior to the primary election, the appropriate con-
19 vention or central committee of that person's political party may
20 designate one additional primary election candidate for the nomina-
21 tion that person was seeking, if the designation is submitted to the
22 commissioner in writing by five o'clock p.m. on the forty-ninth day
23 prior to the primary election. The name of any candidate so submitted
24 shall be placed on the appropriate ballot or ballots by the commission-
25 er.

1 SEC. 11. Section forty-three point forty-one (43.41), Code 1975, is
2 amended to read as follows:

3 **43.41 Change or declaration of party affiliation before prima-**
4 **ry.** Any qualified elector, who, ~~having declared his party affiliation,~~
5 desires to change ~~the same~~ or declare his or her political party affil-
6 iation, may, before the close of registration for the primary election,
7 file a written declaration stating ~~his~~ the change of party affiliation
8 with the county commissioner of registration who shall enter a no-
9 tation of such change on the registration records.

1 SEC. 12. Section forty-three point forty-two (43.42), Code 1975, is
2 amended to read as follows:

3 **43.42 Change or declaration of party affiliation at polls.** Any
4 qualified elector may change or declare ~~his~~ a party affiliation at the
5 polls on election day and shall be entitled to vote at any primary elec-
6 tion. *Each elector doing so shall sign an affidavit which shall be in*
7 *substantially the following form:*

8 **CHANGE OR DECLARATION OF PARTY AFFILIATION**
9 *I do solemnly swear or affirm that I have in good faith changed*

10 *my previously declared party affiliation, or declared my party affil-*
11 *iation, and now desire to be a member of the*
12 *.....party.*

13

14 *Signature of Elector*

15

16 *Address*

17 *Approved:*

18

19 *Precinct election official*

20 Each change or declaration of a qualified elector's party affiliation so
21 received shall be reported by the precinct election officials to the com-
22 missioner of registration who shall enter a notation of the change on
23 the registration records.

1 SEC. 13. Section forty-three point forty-six (43.46), Code 1975, is
2 amended to read as follows:

3 **43.46 Delivering returns.** ~~Said~~ *The* precinct election officials
4 shall deliver ~~the all~~ election register, tally sheets, certificates, enve-
5 ~~lopes containing ballots, and all unused supplies, within two days by~~
6 *noon of the day* after the close of the polls, to the commissioner who
7 shall carefully preserve *them and deliver* the returns and envelopes
8 *containing ballots*, in the condition in which received ~~and deliver~~
9 ~~them~~, to the county board of ~~canvassers~~ supervisors.

1 SEC. 14. Section forty-three point forty-nine (43.49), Code 1975, is
2 amended to read as follows:

3 **43.49 Canvass by county board.** On the Monday following the
4 primary election, the board of supervisors shall meet, open and canvass
5 the returns from each voting precinct in the county, and make ab-
6 stracts thereof, stating in words written at length:

7 1. The number of ballots cast in the county in each precinct by each
8 political party, separately, for each office.

9 2. The name of each person voted for and the number of votes given
10 to each person for each different office.

11 *If the day designated by this section for the canvass is a public*
12 *holiday, the provisions of section four point one (4.1), subsection*
13 *twenty-two (22), of the Code shall apply.*

1 SEC. 15. Section forty-three point fifty-two (43.52), Code 1975, is
2 amended to read as follows:

3 **43.52 Nominees for county office.** The nominee of each politi-
4 cal party for any office to be filled by the voters of the *entire* county,
5 *or for the office of county supervisor elected from a district within*
6 *the county*, shall be the person receiving the highest number of votes
7 cast in the primary election by the voters of that party for the office,
8 and that person shall appear as the party's candidate for the office on
9 the general election ballot.

10 If no candidate receives thirty-five percent or more of the votes cast
11 by voters of ~~his~~ *the candidate's* party for the office ~~he is seeking~~
12 *sought*, the primary is inconclusive and the nomination shall be made
13 as provided by section ~~43.97~~ *forty-three point seventy-eight (43.78)*,
14 subsection 1, *paragraphs d and e of the Code.*

15 When two or more nominees are required, as in the case of at-large
16 elections, the nominees shall likewise be the required number of per-

17 sons who receive the greatest number of votes cast in the primary elec-
 18 tion by the voters of the nominating party, but no candidate is
 19 nominated who fails to receive thirty-five percent of the number of
 20 votes found by dividing the number of votes cast by voters of the can-
 21 didate's party for the office in question by the number of persons to be
 22 elected to that office. If the primary is inconclusive under this para-
 23 graph, the necessary number of nominations shall be made as provided
 24 by section ~~43.97~~ *forty-three point seventy-eight (43.78)*, subsection 1,
 25 *paragraphs d and e of the Code.*

1 SEC. 16. Section forty-three point fifty-three (43.53), Code 1975, is
 2 amended to read as follows:

3 **43.53 Nominees for subdivision office—write-in candi-**
 4 **dates.** The nominee of each political party for any office to be filled
 5 by the voters of any *township or other political subdivision of within*
 6 the county shall be the person receiving the highest number of votes
 7 cast in the primary election by the voters of that party for the office
 8 and that person shall appear as the party's candidate for the office on
 9 the general election ballot. A person whose name is not printed on the
 10 official primary ballot shall not be declared nominated as a candidate
 11 *for such office* in the general election unless ~~he~~ *that person* receives
 12 the greater of at least five votes or a number of votes equal to at least
 13 five percent of the votes cast in the subdivision at the last preceding
 14 general election for the party's candidate for president of the United
 15 States or for governor, as the case may be. *Nomination of a candi-*
 16 *date for the office of county supervisor elected from a district with-*
 17 *in the county shall be governed by section forty-three point fifty-two*
 18 *(43.52) of the Code, and not by this section.*

1 SEC. 17. Section forty-three point fifty-five (43.55), Code 1975, is
 2 amended to read as follows:

3 **43.55 Nominee certified.** The ~~said canvassing~~ board of supervi-
 4 sors shall separately prepare and certify a list of the candidates of
 5 each party so nominated. It shall deliver to the ~~chairman~~ *chairperson*
 6 of each party central committee for the county a copy of the list of
 7 candidates nominated by ~~the~~ *that party he* represents; and shall also
 8 certify and deliver to ~~such chairman~~ *the chairperson* a list of the of-
 9 fices to be filled by the voters of ~~a~~ *the* county for which no candidate
 10 of ~~his~~ *that party* was nominated ~~because of the failure of any candi-~~
 11 ~~date for any such office to receive the legally required number of~~
 12 ~~votes,~~ together with the names of *all of* the candidates for each of ~~such~~
 13 *these offices who were* voted for at the primary election and the num-
 14 ber of votes received by each of such candidates.

1 SEC. 18. Section forty-three point sixty (43.60), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:

3 The county board of ~~canvassers~~ *supervisors* shall also make a sepa-
 4 rate abstract of the canvass as to the following offices and certify to
 5 the same and forthwith forward it to the state commissioner, viz:

1 SEC. 19. Section forty-three point sixty-two (43.62), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 The published proceedings of the ~~canvassing~~ board of *supervisors*
 4 *relative to the canvass* shall be confined to a brief statement of:

1 SEC. 20. Section forty-three point sixty-five (43.65), Code 1975, is
 2 amended to read as follows:

3 **43.65 Who nominated.** The candidate of each political party for
 4 nomination for each office to be filled by the voters of the entire state,

5 and for each seat in the United States house of representatives, the
 6 Iowa house of representatives and each seat in the Iowa senate which is
 7 to be filled, who receives the highest number of votes cast by the voters
 8 of that party for that nomination shall be the candidate of that party
 9 for that office in the general election. However, if there are more than
 10 two candidates for any nomination and none of the candidates receives
 11 thirty-five percent or more of the votes cast by voters of ~~his~~ *that* party
 12 for that nomination, the primary is inconclusive and the nomination
 13 shall be made as provided by section ~~43.101~~ *forty-three point seventy-*
 14 *eight (43.78)*, subsection 1, ~~or section 43.109, subsection 1 paragraph a,~~
 15 *b or c*, whichever is appropriate.

1 SEC. 21. Section forty-three point sixty-six (43.66), Code 1975, is
 2 amended to read as follows:

3 **43.66 Write-in candidates.** The fact that the candidate who re-
 4 ceives the highest number of votes cast for any party's nomination for
 5 an office to which section 43.52 or 43.65 is applicable is a person whose
 6 name was not printed on the official primary election ballot shall not
 7 affect the validity of the person's nomination as a candidate for that
 8 office in the general election. However, if there is no candidate on the
 9 official primary ballot of a political party for nomination to a particu-
 10 lar office, a write-in candidate may obtain the party's nomination to
 11 that office in the primary if the candidate receives a number of votes
 12 equal to at least thirty-five percent of the total vote cast for all of that
 13 party's candidates for that office in the last preceding primary election
 14 for which the party had candidates on the ballot for that office. When
 15 two or more nominees are required, the division procedure prescribed
 16 in section 43.52 shall be applied to establish the minimum number of
 17 write-in votes necessary for nomination. If the primary is inconclusive,
 18 the necessary nominations shall be made in accordance with section
 19 ~~43.97, 43.101, or 43.109, whichever is applicable~~ *forty-three point*
 20 *seventy-eight (43.78), subsection one (1) of the Code.*

1 SEC. 22. Section forty-three point sixty-nine (43.69), Code 1975, is
 2 amended to read as follows:

3 **43.69 Certificates in case of failure to nominate.** Said state
 4 board shall, at once after completing its canvass, prepare separate cer-
 5 tificates for each political party as to each office for which no candi-
 6 date was nominated ~~because of the failure of any candidate for any~~
 7 ~~such office to receive the legally required number of votes cast by such~~
 8 ~~party for such office.~~ Such certificates shall show the names of the sev-
 9 eral candidates for each of ~~such~~ *these* offices ~~who were~~ voted for at the
 10 primary election and the number of votes received by each of said candi-
 11 dates. *These certificates shall be sent to the respective chairper-*
 12 *sons of the state central committee of each political party.*

1 SEC. 23. Section forty-three point seventy-six (43.76), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **43.76 Withdrawal of nominated candidates.**

5 1. A candidate nominated in a primary election for any office for
 6 which nomination papers are required to be filed with the state com-
 7 missioner may withdraw as a nominee for that office on or before, but
 8 not later than, the seventy-fifth day prior to the date of the general
 9 election by so notifying the state commissioner in writing.

10 2. A candidate nominated in a primary election for any office for
 11 which nomination papers are required to be filed with the commission-
 12 er may withdraw as a nominee for that office on or before, but not

13 later than, the sixtieth day prior to the date of the general election by
14 so notifying the commissioner in writing.

1 SEC. 24. Section forty-three point seventy-seven (43.77), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **43.77 What constitutes a ballot vacancy.** A vacancy on the gen-
5 eral election ballot exists when any political party lacks a candidate
6 for an office to be filled at the general election because:

7 1. No person filed under section forty-three point eleven (43.11) of
8 the Code as a candidate for the party's nomination for that office in
9 the primary election, or all persons who filed under section forty-three
10 point eleven (43.11) of the Code as candidates for the party's nomina-
11 tion for that office in the primary election subsequently withdrew as
12 candidates, were found to lack the requisite qualifications for the office
13 or died before the date of the primary election, and no candidate re-
14 ceived a sufficient number of write-in votes to be nominated.

15 2. The primary election was inconclusive as to that office because no
16 candidate for the party's nomination for that office received the num-
17 ber of votes required by section forty-three point fifty-two (43.52),
18 forty-three point fifty-three (43.53) or forty-three point sixty-five
19 (43.65) of the Code, whichever is applicable.

20 3. The person nominated in the primary election as the party's can-
21 didate for that office subsequently withdrew as permitted by section
22 forty-three point seventy-six (43.76) of the Code, was found to lack the
23 requisite qualifications for the office, or died, at a time not later than
24 the seventy-fifth day before the date of the general election in the case
25 of an office for which nomination papers must be filed with the state
26 commissioner and not later than the sixtieth day before the date of the
27 general election in the case of an office for which nomination papers
28 must be filed with the county commissioner.

29 4. A vacancy has occurred in the office of senator in the congress of
30 the United States, lieutenant governor, secretary of state, auditor of
31 state, treasurer of state, secretary of agriculture or attorney general,
32 under the circumstances described in section four (4) of this Act, less
33 than seventy-five days before the primary election and not less than
34 seventy-five days before the general election, or in the office of county
35 supervisor or any of the offices listed in section thirty-nine point seven-
36 teen (39.17) of the Code, under the circumstances described in section
37 five (5) of this Act, less than sixty days before the primary election and
38 not less than sixty days before the general election.

1 SEC. 25. Section forty-three point seventy-eight (43.78), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **43.78 Filling ballot vacancies.**

5 1. A vacancy on the general election ballot may be filled by the po-
6 litical party in whose ticket the vacancy exists, as follows:

7 a. For senator in the congress of the United States or any office list-
8 ed in section thirty-nine point nine (39.9) of the Code, by the party's
9 state convention, which may be reconvened by the state party chairper-
10 son if the vacancy occurs after the convention has been held or too late
11 to be filled at the time it is held. However, a vacancy so occurring with
12 respect to the offices of secretary of state, auditor of state, treasurer of
13 state or secretary of agriculture may be filled by the party's state cen-
14 tral committee in lieu of reconvening the state convention.

15 b. For representative in the congress of the United States, by the

16 party's congressional district convention, which may be convened or re-
 17 convened as appropriate by the state party chairperson.

18 c. For senator or representative in the general assembly, by the party
 19 precinct committee members whose precincts lie within the senatorial
 20 or representative district involved, who shall be convened or
 21 reconvened as appropriate by the state party chairperson. The party's
 22 state constitution or bylaws may allow the voting strength of each pre-
 23 cinct represented at such a convention to be made proportionate to the
 24 vote cast for the party's candidate for the office in question in the re-
 25 spective precincts at the last general election for that office.

26 d. For any office to be filled by the voters of an entire county, by
 27 the party's county convention, which may be reconvened by the county
 28 party chairperson if the vacancy occurs after the convention has been
 29 held or too late to be filled at the time it is held.

30 e. For the office of county supervisor elected by the voters of a dis-
 31 trict within the county, by the delegates to the party's county conven-
 32 tion who represent the precincts lying within that district, who shall be
 33 convened or reconvened as appropriate by the county party chairper-
 34 son.

35 f. For any partisan city office for which candidates are nominated
 36 under this chapter, by the party's city central committee or, in the case
 37 of an officer elected by the voters of a district within the city, by those
 38 members of the committee who represent the precincts lying within
 39 that district.

40 g. For any other partisan office filled by the voters of a subdivision
 41 of a county, by those members of the party's county central committee
 42 who represent the precincts lying within that district, who shall be con-
 43 vened or reconvened as appropriate by the county party chairperson.

44 2. The name of any candidate designated to fill a vacancy on the
 45 general election ballot in accordance with subsection one (1), para-
 46 graphs a, b or c of this section shall be submitted in writing to the state
 47 commissioner not later than five o'clock p.m. on the sixty-seventh day
 48 prior to the date of the general election.

49 3. The name of any candidate designated to fill a vacancy on the
 50 general election ballot in accordance with subsection one (1), para-
 51 graphs d, e, f or g of this section shall be submitted in writing to the
 52 commissioner not later than five o'clock p.m. on the fifty-fifth day
 53 prior to the date of the general election.

1 SEC. 26. Section forty-three point seventy-nine (43.79), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **43.79 Death of candidate after time for withdrawal.** The death
 5 of a candidate nominated as provided by law for any office to be filled
 6 at a general election, during the period beginning on the seventy-
 7 fourth day before the general election, in the case of any candidate
 8 whose nomination papers were filed with the state commissioner, or be-
 9 ginning on the fifty-ninth day before the general election, in the case
 10 of any candidate whose nomination papers were filed with the commis-
 11 sioner, and ending on the last day before the general election shall not
 12 operate to remove the deceased candidate's name from the general
 13 election ballot. If the deceased candidate was seeking the office of sen-
 14 ator or representative in the congress of the United States, governor,
 15 lieutenant governor, attorney general, senator or representative in the
 16 general assembly or county supervisor, section seventy-five (75) of this
 17 Act shall control. If the deceased candidate was seeking any other of-
 18 fice, and as a result of the candidate's death a vacancy is subsequently
 19 found to exist, the vacancy shall be filled as provided by chapter sixty-
 20 nine (69) of the Code.

1 SEC. 27. Section forty-three point eighty (43.80), Code 1975, is
2 amended to read as follows:

3 **43.80 Vacancies in nominations of presidential elec-**
4 **tors.** Vacancies in nominations of presidential electors shall be filled
5 by the party central committee for the state. *The party central com-*
6 *mittee may at any time nominate alternate presidential electors to*
7 *serve if the nominated or elected presidential electors are for any*
8 *reason unable to perform their duties.*

1 SEC. 28. Chapter forty-three (43), Code 1975, is amended by insert-
2 ing after section forty-three point ninety-two (43.92) the following new
3 section:

4 **NEW SECTION. Place of holding caucus.** Each precinct caucus
5 shall be held in a building which is publicly owned or is suitable for
6 and from time to time made available for holding public meetings
7 wherever it is possible to do so.

1 SEC. 29. Section forty-three point ninety-seven (43.97), Code 1975,
2 is amended by striking subsections one (1), two (2), three (3) and five
3 (5) and inserting in lieu thereof the following new subsections, and by
4 renumbering the remaining subsection accordingly.

5 **NEW SUBSECTION.** Make nominations to fill vacancies on the general
6 election ballot as provided by law.

7 **NEW SUBSECTION.** Transact such other business as required or per-
8 mitted by the political party's state constitution or bylaws, or the rules
9 of the convention.

1 SEC. 30. Section forty-three point ninety-nine (43.99), Code 1975, is
2 amended to read as follows:

3 **43.99 Party committee persons.** Two members of the county
4 central committee for each political party shall, at the precinct caucus-
5 es, be elected from each precinct. The term of office of a member shall
6 begin ~~immediately following the adjournment of the county conven-~~
7 ~~tion~~ *at the time specified by the party's state constitution or bylaws*
8 *and shall continue for two years and until his or her successor is elected*
9 *and qualified, unless sooner removed by the county central committee*
10 *for inattention to duty or incompetency. The party's state constitu-*
11 *tion or bylaws may permit the election of additional central com-*
12 *mittee members from each precinct in a number proportionate to*
13 *the vote cast for the party's candidates for office in the respective*
14 *precincts at preceding general elections.*

1 SEC. 31. Section forty-three point one hundred (43.100), Code 1975,
2 is amended to read as follows:

3 **43.100 Central committee—duties.** The county central commit-
4 tee shall organize ~~on~~ *within ten days before or after the day of the*
5 *county convention, immediately following the same. Each member*
6 *elected to the county central committee shall receive written notice*
7 *at least five days in advance of the time and place of the organiza-*
8 *tional meeting.*

9 Every county central committee shall adopt a constitution and by-
10 laws which shall govern the committee's operation. A copy of the con-
11 stitution and bylaws so adopted shall be kept on file at the office of
12 the commissioner for the county in which the central committee exists
13 and at the office of the state commissioner. Amendments to a county
14 central committee's constitution or bylaws shall upon adoption be filed
15 in the same manner as the original documents.

16 Vacancies in such committee may be filled by majority vote of the
17 committee, *or at a precinct caucus called pursuant to the party's*
18 *state constitution or bylaws.*

1 SEC. 32. Section forty-three point one hundred one (43.101), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **43.101 District conventions.** Each political party may hold a
5 congressional district convention upon the call of the state party chair-
6 person to:

7 1. Elect or nominate members of the party's state central committee.

8 2. Make nominations to fill vacancies on the general election ballot
9 as provided by law.

10 3. Transact such other business as required or permitted by the par-
11 ty's state constitution or bylaws, or the rules of the convention.

1 SEC. 33. Section forty-three point one hundred eight (43.108), Code
2 1975, is amended to read as follows:

3 **43.108 Organization—proxies prohibited.** The convention shall
4 be called to order by the ~~chairman~~ *chairperson* of the state central
5 committee, *or that individual's designee*, who shall thereupon present
6 a list of delegates, as certified by the various county conventions, and
7 effect a temporary organization. If any county shall not be fully repre-
8 sented, the delegates present from such county shall cast the full vote
9 thereof if the rules of the convention, party bylaws or constitution so
10 allow, and there shall be no proxies.

1 SEC. 34. Section forty-three point one hundred nine (43.109), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **43.109 Nominations authorized.** The state convention may
5 make nominations to fill vacancies on the general election ballot as
6 provided by law.

1 SEC. 35. Section forty-three point one hundred fifteen (43.115),
2 Code 1975, is amended by adding the following new unnumbered para-
3 graph:

4 NEW UNNUMBERED PARAGRAPH. A candidate for precinct committee
5 member may also file as a candidate for one additional office, any
6 statute to the contrary notwithstanding.

1 SEC. 36. Section forty-three point one hundred twenty-one (43.121),
2 Code 1975, is amended to read as follows:

3 **43.121 Nominations by petition or nonparty organiza-**
4 **tions.** This chapter shall not be construed to prohibit nomination of
5 candidates for office by petition, or by nonparty organizations, as
6 hereafter provided in ~~this title~~ *chapters forty-four (44) and forty-five*
7 *(45) of the Code*, but no person so nominated shall be permitted to use
8 the name, or any part thereof, of any political party authorized or en-
9 titled under this chapter to nominate a ticket by primary vote, or that
10 has nominated a ticket by primary vote under this chapter.

1 SEC. 37. Section forty-four point three (44.3), Code 1975, is amend-
2 ed to read as follows:

3 **44.3 Certificate.** ~~Said~~ *The certificate required by section forty-*
4 *four point two (44.2) of the Code shall state:*

5 1. *State the following information:*

6 1 a. *The name of each candidate nominated.*

7 2 b. *The office to which each candidate is nominated.*

8 3 c. *The name of the political organization making such nomina-*
9 *tion, expressed in not more than five words.*

10 4 d. *The place of residence of each nominee, with the street or num-*
11 *ber thereof, if any.*

12 5 e. In case of presidential electors, the names of the candidates for
13 president and vice president shall be added to the name of the organi-
14 zation.

15 6 f. The name and address of each member of the organization's ex-
16 ecutive or central committee.

17 7 g. The provision, if any, made for filling vacancies in nomina-
18 tions.

19 8 h. The name and address of each delegate or voter in attendance
20 at a convention or caucus where a nomination is made.

21 2. Be accompanied by an affidavit executed by the candidate
22 nominated by the convention or caucus, in substantially the follow-
23 ing form:

24 "I,....., being duly sworn, say that I reside at
25street, city of....., county of....., in the
26 state of Iowa; that I am a candidate for election to the office
27 of.....at the election to be held on....., as the candi-
28 date of the.....(name of political organization) and hereby
29 request that my name be so printed upon the official ballot for that
30 election as provided by law. I furthermore declare that I am eligible
31 to the office for which I am a candidate and that if I am elected I
32 will qualify as such officer.

33 (Signed)
34 Subscribed and sworn to (or affirmed) before me by
35 on this.....day of....., 19.....

36
37 (Name)
38
39 (Official title)"

1 SEC. 38. Section forty-four point nine (44.9), unnumbered para-
2 graph one (1), Code 1975, is amended to read as follows:

3 Any candidate named under this chapter ~~or chapter 43~~ may with-
4 draw his or her nomination by a written request, signed and acknowl-
5 edged by ~~him~~ that person before any officer empowered to take
6 acknowledgment of deeds. Such withdrawal must be filed as follows:

1 SEC. 39. Section forty-four point fourteen (44.14), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **44.14 Filing of certificates.** Certificates of nominations made to
5 fill vacancies, as required by section forty-four point thirteen (44.13) of
6 the Code, shall be filed with the officer designated and at the time re-
7 quired by section forty-four point eleven (44.11) of the Code. In the
8 case of a special election to fill a vacancy in an office for which nomi-
9 nation papers must be filed with the state commissioner, such certifi-
10 cates must be filed with the state commissioner not less than fifteen
11 days before the date of the special election. In the case of a special
12 election to fill a vacancy in an office for which nomination papers
13 must be filed with an officer other than the state commissioner, such
14 certificates must be filed with the appropriate officer not less than
15 twelve days before the date of the special election.

1 SEC. 40. Section forty-five point two (45.2), Code 1975, is amended
2 to read as follows:

3 **45.2 Adding name by petition.** The name of a candidate placed
4 upon the ballot by any other method than by petition shall not be
5 added by petition for the same office *in the same election.*

1 SEC. 41. Section forty-five point three (45.3), Code 1975, is amend-
2 ed by striking the section and inserting in lieu thereof the following:

3 **45.3 Preparation of petition and affidavit.** Each eligible elector
4 who signs a nominating petition drawn up in accordance with this
5 chapter shall add to the signature his or her residence address and the
6 date of signing. The person whose nomination is proposed by the peti-
7 tion may not sign it. Before the petition is filed, there shall be en-
8 dorsed upon or attached to it:

9 1. The affidavit of at least one of the signers of the petition, stating
10 that each of the persons who signed the petition did so voluntarily and
11 is an eligible elector of the state, as defined by section thirty-nine
12 point three (39.3) of the Code, who is (or would be, if registered) enti-
13 tled to vote for the candidate nominated by the petition; and

14 2. An affidavit executed by that candidate, in substantially the fol-
15 lowing form:

16 "I,, being duly sworn, say that I reside
17 at.....street, city of....., county of....., in the
18 state of Iowa; that I am a candidate for election to the office
19 of....., at the election to be held on, and hereby re-
20 quest that my name be printed upon the official ballot for that elec-
21 tion as provided by law. I furthermore declare that I am eligible to the
22 office for which I am a candidate and that if I am elected I will quali-
23 fy as such officer.

24 (Signed)

25 Subscribed and sworn to (or affirmed) before me by.....
26 on this..... day of, 19.....

27
28 (Name)

29
30 (Official title)"

1 SEC. 42. Section forty-seven point one (47.1), Code 1975, is amend-
2 ed to read as follows:

3 **47.1 State commissioner of elections.** The secretary of state is
4 designated as the state commissioner of elections and shall supervise
5 the activities of the county commissioners of elections. There is estab-
6 lished within the office of the secretary of state a division of elections
7 which shall be under the direction of the state commissioner of elec-
8 tions. The state commissioner of elections may appoint a person to be
9 in charge of the division of elections who shall perform such duties as
10 may be assigned to ~~him~~ by the state commissioner of elections. The
11 state commissioner of elections shall prescribe uniform election prac-
12 tices and procedures ~~and~~, shall prescribe the necessary forms required
13 for voter registration and the conduct of elections. ~~The state commis-~~
14 ~~sioner of elections may, and shall~~ adopt rules, pursuant to chapter
15 17A, to carry out the provisions of this section.

1 SEC. 43. Section forty-seven point two (47.2), Code 1975, is amend-
2 ed by striking unnumbered paragraphs three (3) and five (5).

1 SEC. 44. Chapter forty-seven (47), Code 1975, is amended by add-
2 ing the following new section:

3 **NEW SECTION. Dates for special elections.**

4 1. The governing body of any political subdivision which has autho-
5 rized a special election to which section thirty-nine point two (39.2) of
6 the Code is applicable shall by written notice inform the commissioner
7 who will be responsible for conducting the election of the proposed
8 date of the special election. The notice shall be given at least thirty

9 days in advance of that proposed date. Upon receiving the notice, the
 10 commissioner shall promptly give written approval of the proposed
 11 date unless it appears that the special election, if held on that date,
 12 would conflict with a regular election or with another special election
 13 previously scheduled for that date.

14 2. For the purpose of this section, a conflict between two elections
 15 exists only when one of the elections would require use of precinct
 16 boundaries which differ from those to be used for the other election, or
 17 when some but not all of the qualified electors of any precinct would
 18 be entitled to vote in one of the elections and all of the qualified elec-
 19 tors of the same precinct would be entitled to vote in the other elec-
 20 tion. Nothing in this subsection shall deny a commissioner
 21 discretionary authority to approve holding a special election on the
 22 same date as another election, even though the two elections may be
 23 defined as being in conflict, if the commissioner concludes that to do
 24 so will cause no undue difficulties.

1 SEC. 45. Section forty-eight point one (48.1), Code 1975, is amend-
 2 ed to read as follows:

3 **48.1 Commissioner of registration.** The commissioner of elec-
 4 tions of each county is designated the commissioner of registration for
 5 that county. ~~He~~, and may designate the city clerk of any city in the
 6 county, ~~or the secretary of the board of directors of any school dis-~~
 7 ~~trict which has its office in that county,~~ as a deputy commissioner of
 8 registration who shall be responsible for voter registration, subject to
 9 the supervision of the county commissioner. ~~The commissioner of reg-~~
 10 ~~istration or an employee of the commissioner of registration may~~
 11 ~~visit each high school located in the county, during the month of~~
 12 ~~May of each year, and offer to register any person who is eligible~~
 13 ~~under section forty-eight point two (48.2) of the Code to be regis-~~
 14 ~~tered.~~

1 SEC. 46. Section forty-eight point two (48.2), Code 1975, is amend-
 2 ed to read as follows:

3 **48.2 Who may register.** Any person who is an eligible elector
 4 may register to vote ~~with~~ ~~by personally submitting a completed voter~~
 5 ~~registration form to the commissioner of registration or a deputy com-~~
 6 ~~missioner of registration in the elector's county of his residence. Any~~
 7 ~~person who is an eligible elector in all respects except that he has not~~
 8 ~~attained the age of eighteen may, at any time during the six months~~
 9 ~~next preceding his or her eighteenth birthday, register to vote in the~~
 10 ~~county of his or her residence. When a person less than eighteen years~~
 11 ~~of age registers, the commissioner shall affix to the receipt of main-~~
 12 ~~tain a record of the registration, issued as provided by section 48.6, a~~
 13 ~~date which shall be so as to clearly indicate that it will not take ef-~~
 14 ~~fect until the registrant's eighteenth birthday and the receipt shall~~
 15 ~~state on its face that the person is registered and qualifies to vote in~~
 16 ~~any election held on or after the that date affixed to the registration~~
 17 ~~receipt.~~

1 SEC. 47. Chapter forty-eight (48), Code 1975, is amended by insert-
 2 ing after section forty-eight point two (48.2) the following new section:

3 **NEW SECTION. Registration by mail.** As an alternative to the
 4 method of registration prescribed by section forty-eight point two (48.2)
 5 of the Code, any person entitled to register under that section may
 6 submit a completed voter registration form to the commissioner of reg-
 7 istration in the person's county of residence by United States mail,
 8 postage paid. A registration form shall be postmarked by the twenty-

9 fifth day prior to an election or the registration will not take effect for
 10 that election. Within five working days after receiving a registration by
 11 mail, the commissioner shall send the registrant a receipt of the regis-
 12 tration by first class mail marked "do not forward". If the receipt is re-
 13 turned by the postal service the commissioner shall treat the
 14 registration as prescribed by section forty-eight point thirty-one (48.31),
 15 subsection eight (8) of the Code. An improperly addressed or delivered
 16 registration form shall be forwarded to the appropriate county commis-
 17 sioner of registration within two working days after it is received by
 18 any other official.

1 SEC. 48. Section forty-eight point four (48.4), Code 1975, is amend-
 2 ed to read as follows:

3 **48.4 Commissioner of registration—duties.** The commissioner
 4 of registration shall have complete charge of the registration of all
 5 ~~qualified voters~~ *eligible electors* within the county. ~~He,~~ and shall ap-
 6 point such deputies and clerks as may be necessary, from the two polit-
 7 ical parties receiving the highest vote at the last general election. The
 8 number of such deputies and clerks for all precinct registration places,
 9 and the central registration office, shall be equally divided between the
 10 members of the two said political parties. These appointments shall be
 11 subject to the approval of the county board of supervisors. The com-
 12 missioner of registration shall provide such printed forms and blanks as
 13 may be necessary, together with such other supplies and equipment as
 14 are necessary to properly carry out the provisions of this chapter. Reg-
 15 istration places shall be established throughout the cities and ~~counties~~
 16 *county*.

1 SEC. 49. Section forty-eight point five (48.5), Code 1975, is amend-
 2 ed to read as follows:

3 **48.5 Registration records.**

4 1. The county commissioner of registration shall safely maintain at
 5 his *or her* office or other designated locations the original registration
 6 records of all qualified electors in ~~his~~ *the* county. The original registra-
 7 tion records shall not be removed from ~~his~~ *that* office or other des-
 8 ignated locations except upon court order. ~~One copy of the original~~
 9 ~~registration records which includes the elector's name, address, pre-~~
 10 ~~elect, and party affiliation shall be prepared before the primary elec-~~
 11 ~~tion and on August 1 preceding the general election, upon request and~~
 12 ~~without charge, for the county chairman of each political party. The~~
 13 ~~county commissioner of registration shall, each week, upon demand~~
 14 ~~and without charge, from August 1 until October 1, prior to the general~~
 15 ~~election and each day thereafter until the close of registration, provide~~
 16 ~~the county chairman of each political party a list of electors who have~~
 17 ~~registered since the last such list was provided. Additional copies may~~
 18 ~~be provided to political parties at cost. Duplicate registration records~~
 19 ~~shall be open to inspection by the public at reasonable times.~~

20 2. *Any person may request of the commissioner and shall receive,*
 21 *upon payment of the cost of preparation, a list of all qualified elec-*
 22 *tors in the county, in accordance with the following requirements*
 23 *and limitations:*

24 *a. The commissioner shall draw up each list in the order and*
 25 *form specified by the requestor, so long as that order and form are*
 26 *within the capability of the record maintenance system used by the*
 27 *commissioner.*

28 *b. Each list shall reflect all additions, changes and deletions*
 29 *made prior to the fifth day before the list was prepared.*

30 c. The commissioner shall not be required to provide lists during
 31 the fifteen days prior to the date of any election in any order or
 32 form other than that utilized to conduct the election, if the prepara-
 33 tion of a list in any other order or form requested would impede the
 34 preparation of the election registers for that election.

35 d. The county chairperson of each political party, as defined in
 36 section forty-eight point four (48.4) of the Code, may request and
 37 shall receive without charge three lists during the two-year period
 38 prior to each general election, in the order and form requested. The
 39 lists requested under this paragraph shall be delivered on or before
 40 the date specified by the requestor, if the requestor gives the com-
 41 missioner at least thirty days advance notice of that date and the
 42 timing of the request and the order and form specified do not con-
 43 flict with the restrictions of paragraph a or c of this subsection.

44 e. The commissioner shall upon request provide, to any person
 45 who has within the previous year obtained a list of all qualified
 46 electors in the county under this section, a periodic updating of the
 47 registration lists showing all additions, changes and deletions since
 48 the previous updating of the registration list. The updated list shall
 49 be provided at least once each fourteen days except during the two
 50 weeks prior to the close of registration before any election, when it
 51 shall be provided daily. Each requestor under this paragraph shall
 52 receive the updating data at the same time and in the same order
 53 and form, which shall be determined by the commissioner. Each
 54 requestor, except those who obtained the initial list of qualified elec-
 55 tors under paragraph d of this subsection, shall pay the cost of du-
 56 plicating the updating data before receiving a copy thereof.

57 3. ~~Such lists shall not~~ Neither the duplicate registration records
 58 open to public inspection nor any list obtained under subsection
 59 two (2) of this section shall be used for any ~~commercial purpose, ad-~~
 60 ~~vertising, or solicitation,~~ of any kind or nature, other than to request
 61 ~~such person's~~ a registrant's vote at a primary or general election, or
 62 any other bona fide political purpose. The commissioner shall keep a
 63 list of the name, address, telephone number, and social security num-
 64 ber of each person who copies or ~~duplicates~~ such obtains copies of the
 65 registration lists. Any person that uses such lists in violation of this
 66 section shall, upon conviction, be imprisoned in the county jail, not to
 67 exceed one year, or be fined not to exceed one thousand dollars, or by
 68 both such fine and imprisonment, for each violation.

1 SEC. 50. Section forty-eight point six (48.6), Code 1975, is amended
 2 to read as follows:

3 **48.6 Form of records.** The registration forms shall be large
 4 enough to contain the necessary information required in legible writ-
 5 ing, and shall be suitable for mailing. The registration form shall re-
 6 quire the following information to be provided:

7 1. The name of the applicant in full. ~~Whenever any change of name~~
 8 ~~shall occur,~~ the registrant shall not be allowed to vote until the regis-
 9 ~~trant has registered,~~ and after such reregistration the previous registra-
 10 ~~tion record shall be removed from the files.~~ Where the only change in
 11 the previous registration information is a legal change of surname, the
 12 registrant may effect the reregistration required by this subsection by
 13 mailing the county commissioner a written notice stating in full both
 14 the name under which the registrant was previously registered and the
 15 name under which the registrant is now to be registered, and the regis-
 16 trant's social security number, if available.

17 2. Residence, giving name and number of the street, avenue, or oth-
 18 er location of the dwelling, and such additional clear and definite de-

19 scription as may be necessary to give the exact *location of the*
 20 residence of the applicant. Post office box numbers shall not be used
 21 unless no other method of identifying the residence exists for the com-
 22 munity.

23 3. Date of birth.

24 4. Sex.

25 5. Date of registration.

26 6. Ward, precinct, school district, and such other districts in which
 27 the registrant resides which are empowered to call special elections. To
 28 assist in making this determination the commissioner may also re-
 29 quest other information including but not limited to telephone
 30 number, fire district number or township, range and section number
 31 of the location of the applicant's residence. The commissioner may
 32 if necessary obtain the needed information from other sources, but
 33 shall in no case decline to register an applicant because the appli-
 34 cant is unable to provide any of the information referred to in this
 35 subsection.

36 7. Last previous address if the registrant has resided at his present
 37 address for less than five years Name, if different than current name,
 38 and address given on applicant's last previous registration.

39 8. Party affiliation. No party affiliation need be stated if the regis-
 40 trant applicant declines to make such statement.

41 9. An affidavit in such form as prescribed by the state commissioner
 42 of elections which states that the registrant applicant is, or will be a
 43 qualified elector on the day of the next known election in any juris-
 44 diction in which the applicant resides, an eligible elector.

45 10. An expressed authorization to cancel all other registrations to
 46 vote.

47 11. The social security number of the registrant applicant, if avail-
 48 able.

49 12. The signature of registrant the applicant.

50 A receipt of registration shall be given to each registrant. If a person
 51 registers to vote while registration is closed preceding any election, the
 52 county commissioner of registration shall affix a date to the receipt
 53 which date shall be the day after the election for which registration is
 54 closed and the receipt shall state on its face that the person is regis-
 55 tered and qualifies to vote in any election held on or after the date af-
 56 fixed to the registration receipt applicant, indicating the date the
 57 registration will become effective.

1 SEC. 51. Section forty-eight point seven (48.7), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **48.7 Notice of change of name or address.** The commissioner of
 5 registration shall make available forms for use by qualified electors in
 6 giving notice of a legal change of name or a change of address within
 7 the county, or both. The notice shall provide space for the qualified
 8 elector's current name in full and the address of the exact location
 9 where he or she currently resides, the full name under which the elec-
 10 tor was previously registered, if a legal change of name has occurred,
 11 the previous residence address of the elector, if a change of address has
 12 occurred, and the elector's signature. If the commissioner of registra-
 13 tion receives written notification of a change of name or address from
 14 any qualified elector in the county and the notice does not contain the
 15 required information, the commissioner shall immediately send by for-
 16 wardable mail to the elector at his or her last known address notice
 17 that the elector's registration is defective. Upon receipt of any valid
 18 change of name or address notice, on or before the last day of registra-

19 tion before any election, the commissioner of registration shall make
 20 entry of the change, as necessary, on the original and duplicate regis-
 21 tration lists and the elector shall be qualified to vote under the new
 22 name or in the new election precinct, or both, as the case may be. If a
 23 qualified elector fails to notify the commissioner of registration of a
 24 change of legal name or of residence address before the close of regis-
 25 tration for any election the elector shall not be qualified to vote at
 26 that election, except that if a change of residence address does not re-
 27 quire printing the qualified elector's name in a different election regis-
 28 ter for that election, the qualified elector shall be allowed to vote. A
 29 precinct election official shall have such an elector complete a change
 30 of address card at the polls and shall return the card to the commis-
 31 sioner with the election supplies.

1 SEC. 52. Section forty-eight point eleven (48.11), unnumbered para-
 2 graph two (2), Code 1975, is amended to read as follows:

3 Registration shall close in a precinct at five o'clock p.m., ten days
 4 before an election, *except as provided in section forty-seven (47) of*
 5 *this Act.*

1 SEC. 53. Section forty-eight point twelve (48.12), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **48.12 Registration receipt.** A receipt of registration shall be giv-
 5 en or sent to each person who registers under this chapter. If any per-
 6 son registers to vote while registration is closed preceding any election,
 7 the commissioner shall maintain a record of the registration so as to
 8 clearly indicate that it will not take effect until the day after the elec-
 9 tion for which registration is closed and that the person is registered
 10 and qualified to vote in any election held on or after that date.

1 SEC. 54. Section forty-eight point fifteen (48.15), Code 1975, is
 2 amended to read as follows:

3 **48.15 Challenges.** Any person may challenge a registration at
 4 any time by filing a written challenge with the commissioner of regis-
 5 tration. The commissioner of registration shall immediately give five
 6 days' notice of a hearing by registered or certified mail to the challeng-
 7 er and the person challenged. If the person challenged fails to appear,
 8 his *or her* name shall be removed from the registration list. However, if
 9 the person challenged notifies the commissioner prior to the date set
 10 for the hearing ~~that he is unable~~ *of inability* to appear on the date
 11 specified, the commissioner may reschedule the hearing. At such hear-
 12 ing the commissioner shall hear such evidence as he *or she* deems to
 13 have probative value. The person challenged shall be required to sign
 14 an affidavit as provided in section 48.6, subsection ~~10~~ *nine (9)*, and
 15 may then be questioned concerning his *or her* voting residence and
 16 qualifications. In all cases the commissioner shall decide the right to
 17 the entry under the evidence. Either party may appeal to the district
 18 court of the county in which the challenge is made, and a date for the
 19 hearing shall be fixed and the decision of such court shall be final.

1 SEC. 55. Section forty-eight point twenty-seven (48.27), subsection
 2 one (1), paragraph b, Code 1975, is amended to read as follows:

3 b. Each political party shall submit a list of nominees and may re-
 4 quest not more than one person for each one thousand ~~six~~ *one* hundred
 5 residents or major fraction thereof in the county to be appointed as
 6 mobil deputy registrars.

1 SEC. 56. Section forty-eight point twenty-seven (48.27), subsection
 2 four (4), paragraph b, Code 1975, is amended to read as follows:
 3 b. Mobile deputy registrars shall register electors on registration
 4 forms provided by the county commissioner of registration. These
 5 forms shall be as prescribed by section forty-eight point six (48.6) of
 6 the Code except that they shall be numbered and accounted for by the
 7 mobile deputy registrar to the county commissioner of registration.
 8 ~~There, and that there shall be provided on said each form a space for~~
 9 ~~the mobile deputy registrar's signature of the. The mobile deputy reg-~~
 10 ~~istrar who shall sign same the form and identify himself or herself in~~
 11 ~~the presence of the voter with appropriate identity papers or badge~~
 12 ~~provided by the county commissioner of registration. The mobile depu-~~
 13 ~~ty registrar shall give the voter a receipt signed by the mobile deputy~~
 14 ~~registrar stating that such person is duly registered.~~

1 SEC. 57. Section forty-eight point twenty-seven (48.27), subsection
 2 four (4), paragraph d, Code 1975, is amended to read as follows:
 3 d. Mobile deputy registrars shall return all completed registration
 4 records at least weekly to the county commissioner of registration ex-
 5 cept that completed registration records shall be turned in at least ev-
 6 ery two working days during the last ten days of registration. All
 7 completed and unused material must be turned in no later than six
 8 o'clock on the day registration closes for the election. *The commission-*
 9 *er's office shall remain open until at least six o'clock p.m. on that*
 10 *day, unless it is a Sunday or a legal holiday.* Failure to ~~comply with~~
 11 ~~this provision~~ return registration materials as required by this para-
 12 graph shall be a misdemeanor.

1 SEC. 58. Section forty-eight point twenty-nine (48.29), Code 1975, is
 2 amended to read as follows:
 3 **48.29 Removal of registration.** The county commissioner of reg-
 4 istration who registers an elector who has changed his residence shall
 5 notify the county commissioner of registration of the registrant's former
 6 residence that the registrant has become a qualified elector at his
 7 that person's present residence. ~~The registrant shall execute an author-~~
 8 ~~ization to the county commissioner of registration of his former resi-~~
 9 ~~dence to remove the registrant's registration.~~ The county commissioner
 10 of registration of the former residence shall cause the registrant's record
 11 to be removed from his the file of valid registrations in that county.

1 SEC. 59. Section forty-nine point twelve (49.12), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:
 3 There shall be appointed in each election precinct an election board
 4 which shall ordinarily consist of five precinct election officials. How-
 5 ever, in precincts using only one voting machine at any one time, and
 6 in precincts voting by paper ballot where no more than one hundred
 7 votes were cast in the last preceding similar election, the board shall
 8 consist of three precinct election officials; and in precincts using more
 9 than two voting machines one additional precinct election official may
 10 be appointed for each such additional machine. *Double election*
 11 *boards may be appointed for any precinct as provided by chapter*
 12 *fifty-one (51) of the Code.* Not more than a simple majority of the
 13 members of the election board in any precinct, or of the two combined
 14 boards in any precinct for which a double election board is appoint-
 15 ed, shall be members of the same political party or organization if one
 16 or more qualified electors of another party or organization are quali-
 17 fied and willing to serve on the board. ~~Double election boards may be~~
 18 ~~appointed for any precinct as provided by chapter 51.~~

1 SEC. 60. Section forty-nine point thirteen (49.13), Code 1975, is
2 amended to read as follows:

3 **49.13 Commissioner to appoint members, ~~chairman~~ chairper-**
4 **son.**

5 1. The membership of each precinct election board shall be appoint-
6 ed by the commissioner, not less than fifteen days before each election
7 held in the precinct, from the election board panel drawn up as provid-
8 ed in section 49.15. *Precinct election officials shall be qualified elec-*
9 *tors of the county, or other political subdivision within which*
10 *precincts have been merged across county lines pursuant to section*
11 *forty-nine point eleven (49.11), subsection one (1), of the Code, in*
12 *which they are appointed. Preference shall be given to appointment*
13 *of residents of a precinct to serve as precinct election officials for*
14 *that precinct, but the commissioner may appoint other residents of*
15 *the county where necessary.*

16 2. Each election board member shall be a member of one of the two
17 political parties whose candidates for president of the United States or
18 for governor, as the case may be, received the largest and next largest
19 number of votes in the precinct at the last general election, except that
20 persons not members of either of these parties may be appointed to
21 serve for any election in which no candidates appear on the ballot un-
22 der the heading of either of these political parties.

23 3. In appointing the election board to serve for any election in
24 which candidates' names do appear under the heading of these politi-
25 cal parties, the commissioner shall give preference to the persons des-
26 ignated by the respective county ~~chairmen~~ chairpersons of these
27 political parties for placement on the election board panel, as provided
28 by section 49.15, in the order that they were so designated. *However,*
29 *the commissioner may for good cause decline to appoint a designee*
30 *of a county chairperson if that chairperson is notified and allowed*
31 *two working days to designate a replacement.*

32 4. The commissioner shall designate one member of each precinct
33 election board as ~~chairman~~ chairperson of that board, and also of the
34 counting board authorized by chapter 51 if one is appointed, with au-
35 thority over the mechanics of the work of both boards.

1 SEC. 61. Section forty-nine point fifteen (49.15), Code 1975, is
2 amended to read as follows:

3 **49.15 Commissioner to draw up election board panel.** Not less
4 than twenty days before each primary election, the commissioner shall
5 draw up for each precinct an election board panel from which members
6 of the precinct election board shall be appointed for each election held
7 in the precinct during the ensuing two years. Each panel shall include
8 members of each of the political parties referred to in section 49.13,
9 whose names may be designated by the county ~~chairmen~~ chairpersons
10 of each of these political parties not less than thirty days prior to each
11 primary election. The commissioner may place on the election board
12 panel names of persons known ~~to him~~ by the commissioner to be
13 members of these political parties, if the respective county ~~chairmen~~
14 chairpersons fail to designate a sufficient number of names, and may
15 also add names of persons, whether or not they are members of either
16 of these political parties, who have advised ~~him~~ the commissioner
17 they are willing to serve on the election board for elections in which no
18 candidates appear on the ballot under the heading of either of these
19 political parties, or whom either a school board or the city council of a
20 city of three thousand five hundred or less population or a school
21 board has advised the commissioner at least thirty days before each

22 primary election are willing to serve without pay at elections conduct-
 23 ed for that school district or city, as the case may be, during the tenure
 24 of the election board panel on which these names are included.

1 SEC. 62. Section forty-nine point sixteen (49.16), subsection four (4),
 2 Code 1975, is amended to read as follows:

3 4. In appointing the election board for any election conducted for
 4 ~~any school district~~ or a city of three thousand five hundred or less pop-
 5 ulation *or any school district*, the commissioner may give preference
 6 to any persons who are willing to serve without pay at those elections.

1 SEC. 63. Section forty-nine point twenty-four (49.24), Code 1975, is
 2 amended to read as follows:

3 **49.24 Schoolhouses as polling places.** In precincts outside of
 4 cities the election shall, if practicable, be held in ~~the~~ a public school
 5 building. ~~All~~ Any damage to the building or furniture *resulting from*
 6 *the election* shall be paid by the county.

1 SEC. 64. Section forty-nine point twenty-five (49.25), Code 1975, is
 2 amended to read as follows:

3 **49.25 Equipment required at polling places.**

4 1. In any county or portion of a county for which voting machines
 5 have been acquired under section 52.2 the commissioner shall deter-
 6 mine pursuant to section 49.26, in advance of each election conducted
 7 for ~~any school district~~ or a city of three thousand five hundred or less
 8 population *or any school district*, and individually for each precinct,
 9 whether voting in that election shall be by machine or by paper ballot.

10 2. *The commissioner shall furnish to each precinct where voting*
 11 *machines are to be used for any election, in advance of that elec-*
 12 *tion, one voting machine meeting the requirements of chapter fifty-*
 13 *two (52) of the Code for every three hundred voters or major frac-*
 14 *tion thereof who voted in the last preceding similar election held in*
 15 *the precinct.*

16 3. The commissioner shall furnish to each precinct where paper bal-
 17 lots are to be used *for any election, in advance of that election*, the
 18 necessary ballot boxes, suitably equipped with locks and keys, and
 19 shall insure that the number, arrangement, and construction of voting
 20 booths at the polling place in each precinct are as follows:

21 1 a. Each booth shall be at least three feet square, and have three
 22 sides enclosed, the side in front to open and shut by a door swinging
 23 outward, or closed with a curtain.

24 2 b. Each side of the booth shall be seven feet high, and the door or
 25 curtain shall extend to within two feet of the floor, and shall be closed
 26 while the voter is preparing his ballot.

27 3 c. Each booth shall contain a shelf at least one foot wide, at a
 28 convenient height for writing, and shall be well lighted.

29 4 d. The numbering* of voting booths shall not be less than one to
 30 every three hundred voters or major fraction thereof who voted at the
 31 last preceding similar election in the precinct.

32 5 e. The booths shall be so built and arranged, if possible, as to be
 33 permanent, so that after the election they may be taken down and de-
 34 posited with the commissioner or his *or her* designee for safekeeping
 35 and for future use.

*According to enrolled Act

1 SEC. 65. Section forty-nine point twenty-six (49.26), Code 1975, is
2 amended to read as follows:

3 **49.26 Commissioner to decide method of voting.** When voting
4 machines are available for an election precinct, the commissioner shall
5 determine in advance of each election conducted for ~~any school district~~
6 ~~or~~ a city of three thousand five hundred or less population ~~or any~~
7 *school district* in which voting occurs in that precinct whether voting
8 there shall be by machine or paper ballot. If the commissioner con-
9 cludes, on the basis of voter turnout for recent similar elections and
10 factors considered likely to affect voter turnout for the forthcoming
11 election, that voting will probably be so light as to make preparation
12 and use of paper ballots less expensive than preparation and use of a
13 voting machine, paper ballots shall be used.

1 SEC. 66. Section forty-nine point twenty-eight (49.28), Code 1975, is
2 amended to read as follows:

3 **49.28 Commissioner to furnish registers and supplies.** The
4 commissioner shall prepare and furnish to each precinct an election
5 register, and all other books, blanks, materials, and supplies necessary
6 to carry out the provisions of this chapter. Voter registration records
7 shall be kept so that the election register for each precinct contains the
8 names of ~~no electors except those eligible to vote in that precinct.~~
9 When a precinct lies in more than one political subdivision or district
10 from which any officer is elected, the election register must clearly in-
11 dicate who are the ~~eligible~~ *qualified* electors of each political subdivi-
12 sion or district in which the precinct lies. ~~The election register does not~~
13 ~~need to indicate the eligible electors of,~~ *including* school director dis-
14 tricts.

1 SEC. 67. Section forty-nine point thirty-one (49.31), Code 1975, is
2 amended to read as follows:

3 **49.31 Arrangement of names on ballot.**

4 1. All nominations of any political party or group of petitioners, ex-
5 cept as provided in section 49.30, shall be placed under the party name
6 or title of such party or group, as designated by them in their certifi-
7 cates of nomination or petitions, or if none be designated, then under
8 some suitable title, and the ballot shall contain no other names, except
9 as provided in section 49.32.

10 2. The commissioner shall prepare a list of the election precincts of
11 ~~his~~ *the* county, by arranging the various townships and cities in the
12 county in alphabetical order, and the wards or precincts in each city or
13 township in numerical order under the name of such city or township.
14 ~~He~~ *The commissioner* shall then arrange the surnames of each politi-
15 cal party's candidates for ~~such offices each office to which two or~~
16 ~~more persons are to be elected at large~~ *alphabetically* for the respec-
17 tive offices for the first precinct on the list; thereafter, for each politi-
18 cal party and for each succeeding precinct, the names appearing first
19 for the respective offices in the last preceding precinct shall be placed
20 last, so that the names that were second before the change shall be first
21 after the change. The procedure for arrangement of names on ballots
22 provided in this section shall likewise be substantially followed in elec-
23 tions in political subdivisions of less than a county.

24 3. The ballots for any city elections or school elections, or any spe-
25 cial election at which any office is to be filled on a nonpartisan basis
26 shall contain the names of all nominees or candidates arranged in al-
27 phabetical order by surname under the heading of the office to be
28 filled. When a city election, school election or special election to fill an
29 office is held in more than one precinct, the candidates' names shall be

30 rotated on the ballot from precinct to precinct in the manner prescribed
31 by ~~the preceding* paragraph subsection two (2)~~ of this section.

32 4. If electors in any precinct are entitled to vote for more than one
33 nominee or candidate for a particular office, the heading for that of-
34 fice on the precinct ballot shall be immediately followed by a notation
35 of the number of nominees or candidates for that office for whom each
36 elector may vote. Provision shall be made on the ballot to allow the
37 elector to write in the name of any person for whom he *or she* desires
38 to vote for any office or nomination on the ballot.

1 SEC. 68. Section forty-nine point thirty-five (49.35), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.35 Order of arranging tickets on ballot.** Each list of candi-
5 dates nominated by a political party or a group of petitioners shall be
6 termed a ticket. Each ticket shall be placed in a separate vertical col-
7 umn or horizontal row on the ballot, in the order determined pursuant
8 to section forty-nine point thirty-seven (49.37) of the Code by the au-
9 thorities charged with the printing of the ballots. However, if a total of
10 more than seven tickets are to be placed on the ballot the state com-
11 missioner may authorize a method of placement in which the groups of
12 petitioners are not all placed in separate individual columns or rows.

1 SEC. 69. Section forty-nine point thirty-seven (49.37), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.37 Columns or rows to be separated.**

5 1. Each column or row containing a ticket or tickets, each preceded
6 by the name of a political party or a group of petitioners, shall be sep-
7 arated by a distinct line appearing on the ballot. The names of candi-
8 dates for nonpartisan offices shall be placed on a separate column or
9 row on the ballot.

10 2. The commissioner shall arrange the ballot in conformity with the
11 certificate issued by the state commissioner under section forty-three
12 point seventy-three (43.73) of the Code, in that the names of the re-
13 spective candidates on each political party ticket shall appear in the
14 order they appeared on the certificate, above or to the left of the non-
15 party political organization tickets.

1 SEC. 70. Section forty-nine point forty-two (49.42), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The ballot for the general election shall be *arranged in vertical col-*
4 *umns or horizontal rows each of which shall be* substantially in the
5 following form:

1 SEC. 71. Section forty-nine point forty-three (49.43), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.43 Constitutional amendment or other public measure.** In
5 precincts using paper ballots all public measures to be voted upon by
6 an elector at a given election shall be printed upon one ballot of some
7 color other than white. In precincts using voting machines all public
8 measures shall be placed in the question row on the machine; however
9 if it is impossible to place all the public measures on the machine bal-
10 lot, or if only a portion of the qualified electors of the precinct are en-
11 titled to vote upon any measure presented, the commissioner may
12 provide a separate paper ballot for the public measure or measures.

*According to enrolled Act

1 SEC. 72. Section forty-nine point fifty-one (49.51), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **49.51 Commissioner to control printing.** The commissioner
 5 shall have charge of the printing of the ballots to be used for any elec-
 6 tion held in the county, unless the commissioner delegates that author-
 7 ity as permitted by this section. The commissioner may delegate this
 8 authority only to another commissioner who is responsible under sec-
 9 tion forty-seven point two (47.2) of the Code for conducting the elec-
 10 tions held for a political subdivision which lies in more than one
 11 county, and only with respect to printing of ballots containing only
 12 public questions or the names of candidates to be voted upon by the
 13 qualified electors of that political subdivision. Only one facsimile sig-
 14 nature, that of the commissioner under whose direction the ballot is
 15 printed, shall appear on the ballot. It is the duty of the commissioner
 16 to insure that the arrangement of any ballots printed under his or her
 17 direction conforms to all applicable requirements of this chapter.

1 SEC. 73. Section forty-nine point fifty-three (49.53), Code 1975, is
 2 amended to read as follows:

3 **49.53 Publication of ballot and notice.** The commissioner shall
 4 not less than four nor more than twenty days prior to the day of each
 5 election, except those for which different publication requirements are
 6 prescribed by law, publish notice of the election. The notice shall con-
 7 tain a sample ballot of the first rotation as prescribed by section 49.31,
 8 ~~second paragraph subsection two (2)~~, and shall show the names of all
 9 candidates or nominees and the office each seeks, and all public ques-
 10 tions, to be voted upon at the election. *The sample ballot published*
 11 *as a part of the notice may be reduced in size to the extent permit-*
 12 *ted by the rules of the state commissioner.* The notice shall also state
 13 the date of the election, the hours the polls will be open, the location
 14 of each polling place at which voting is to occur in the election, and
 15 the names of the precincts voting at each polling place. The notice
 16 shall be published in at least one newspaper, as defined in section
 17 618.3, which is published in the county or other political subdivision in
 18 which the election is to occur or, if no newspaper is published there, in
 19 at least one newspaper of substantial circulation in the county or polit-
 20 ical subdivision. For the general election or the primary election the
 21 foregoing notice shall be published in at least two newspapers pub-
 22 lished in the county representing, if possible, the two political parties
 23 whose candidates for president of the United States or for governor, as
 24 the case may be, received the largest and next largest number of votes
 25 in the county at the last preceding general election. However, if there
 26 is only one newspaper published in the county, publication in one
 27 newspaper shall be sufficient.

1 SEC. 74. Section forty-nine point fifty-seven (49.57), subsection five
 2 (5), Code 1975, is amended to read as follows:

3 5. On the outside of the ballot, so as to appear when folded, shall be
 4 printed the words "Official ballot", followed by the name and location
 5 of the polling place for which the ballot is prepared, the date of the
 6 election, and a facsimile of the signature of the commissioner who has
 7 caused the ballot to be printed *pursuant to section forty-nine point*
 8 *fifty-one (49.51) of the Code.*

1 SEC. 75. Section forty-nine point fifty-eight (49.58), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **49.58 Effect of death of certain candidates.** If any candidate
5 nominated by a political party, as defined in section forty-three point
6 two (43.2) of the Code, for the office of senator or representative in the
7 congress of the United States, governor, lieutenant governor, attorney
8 general, or senator or representative in the general assembly dies dur-
9 ing the period beginning on the seventy-fourth day and ending on the
10 last day before the general election, or if any candidate so nominated
11 for the office of county supervisor dies during the period beginning on
12 the fifty-ninth day and ending on the last day before the general elec-
13 tion, the vote cast at the general election for that office shall not be
14 canvassed as would otherwise be required by chapter fifty (50) of the
15 Code. Instead, a special election shall be held on the first Tuesday af-
16 ter the second Monday in December, for the purpose of electing a per-
17 son to fill that office. Each candidate for that office whose name
18 appeared on the general election ballot shall also be a candidate for
19 the office in the special election, except that the deceased candidate's
20 political party may designate another candidate in substantially the
21 manner provided by section forty-three point seventy-eight (43.78) of
22 the Code for filling vacancies on the general election ballot. However,
23 a political party which did not have a candidate on the general elec-
24 tion ballot for the office in question may similarly designate a candi-
25 date for that office in the special election. The name of any
26 replacement or additional candidate so designated shall be submitted
27 in writing to the state commissioner, or the commissioner in the case of
28 a candidate for county supervisor, not later than five o'clock p.m. on
29 the first Tuesday after the date of the general election. No other can-
30 didate whose name did not appear on the general election ballot as a
31 candidate for the office in question shall be placed on the ballot for
32 the special election, in any manner. The special election shall be held
33 and canvassed in the manner prescribed by law for the general elec-
34 tion.

1 SEC. 76. Section forty-nine point seventy-three (49.73), Code 1975,
2 is amended to read as follows:

3 **49.73 Time of opening and closing polls.** At all elections, ex-
4 cept as otherwise permitted by this section, the polls shall be opened at
5 seven o'clock a.m., or as soon thereafter as vacancies on the precinct
6 election board have been filled. The commissioner may direct that the
7 polls be opened at twelve o'clock noon for any election conducted for
8 ~~any school district or~~ a city of three thousand five hundred or less pop-
9 ulation ~~or any school district~~ at which ~~he~~ *the commissioner* con-
10 cludes, on the basis of voter turnout for recent similar elections and
11 factors considered likely to affect voter turnout for the forthcoming
12 election, that voting will probably be so light as to justify shortened
13 voting hours for that election, except that the commissioner shall not
14 do so for any election if there is filed in the commissioner's office, at
15 least ~~twenty~~ *twenty-five* days before the election, a petition signed by
16 at least fifty eligible electors of the school district or city, as the case
17 may be, requesting that the polls ~~not~~ be opened *not* later than seven
18 o'clock a.m. All polling places where the candidates of or any public
19 question submitted by any one political subdivision are being voted
20 upon shall be opened at the same hour, *except that this requirement*
21 *shall not apply to merged areas established under chapter two*
22 *hundred eighty A (280A) of the Code.* The hours at which the respec-
23 tive precinct polling places are to open shall not be changed after pub-
24 lication of the notice required by section 49.53. In all cases the polling
25 places shall be closed at ~~eight~~ *nine* o'clock p.m.

1 SEC. 77. Section forty-nine point seventy-seven (49.77), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 The board members of their respective precincts shall have charge of
4 the ballots and furnish them to the voters. Any person desiring to vote
5 shall give his *or her* name and address to the precinct election officials,
6 one of whom shall announce the person's name aloud for the benefit of
7 political party challengers if any are present in the polling place. No
8 person whose name does not appear on the election register of the pre-
9 cinct in which ~~he~~ *that person* claims ~~his~~ *the right* to vote shall be per-
10 mitted to vote unless the county commissioner of elections informs the
11 precinct election officials that an error has been made and that the per-
12 son is a qualified elector of that precinct. The elector shall sign a vot-
13 er's declaration provided by the officials, in substantially the following
14 form:

1 SEC. 78. Section forty-nine point seventy-nine (49.79), Code 1975, is
2 amended to read as follows:

3 **49.79 Challenges.** Any person offering to vote may be chal-
4 lenged as unqualified by any precinct election official or elector; and
5 it is the duty of each ~~of the officials~~ *official* to challenge any person
6 offering to vote whom ~~he~~ *the official* knows or suspects is not to be du-
7 dly qualified. ~~At primary elections challenges may be made on the~~
8 ~~grounds stated in section 43.44. No official shall receive a~~ A ballot
9 ~~shall be received~~ from a voter who is challenged, ~~until such voter shall~~
10 ~~have established his right to vote but only in accordance with section~~
11 ~~forty-nine point eighty-one (49.81) of the Code.~~

1 SEC. 79. Section forty-nine point eighty (49.80), subsections two (2)
2 and three (3), Code 1975, are amended to read as follows:

3 2. In case of ~~all any~~ challenges of ~~electors~~ *an elector* at the time he
4 *or she* is offering to vote in a precinct, a precinct election official may
5 place such person under oath and question him *or her* as, (a) where he
6 *or she* maintains his *or her* home; (b) how long he *or she* has main-
7 tained his *or her* home at such place; (c) if he *or she* maintains a home
8 at any other location; (d) his *or her* age. The precinct election official
9 may permit the challenger to participate in such questions. The chal-
10 langed elector shall be allowed to present to the official such evidence
11 and facts ~~that he~~ *as the elector* feels sustains the fact that he *or she* is
12 qualified to vote. Upon completion thereof, ~~the official hearing the~~
13 ~~challenge shall determine if the challenged elector shall be allowed to~~
14 ~~vote.~~ *if the challenge is withdrawn, the elector may cast his or her*
15 *vote in the usual manner. If the challenge is not withdrawn, section*
16 *forty-nine point eighty-one (49.81) of the Code shall apply.*

17 3. ~~In case of a challenge on the grounds stated in section 43.44, the~~
18 ~~procedures set forth in that section shall be followed. The commission-~~
19 ~~er shall send to each precinct an alphabetical list of all registrants~~
20 ~~in that precinct whose receipts were returned by the postal service~~
21 ~~pursuant to section forty-seven (47) of this Act during the period af-~~
22 ~~ter the last election and prior to the pending election. Any person~~
23 ~~whose name appears on the list, even if that person's name also ap-~~
24 ~~pears on the election register, shall be allowed to cast a ballot only~~
25 ~~in the manner prescribed by section forty-nine point eighty-one~~
26 ~~(49.81) of the Code.~~

1 SEC. 80. Section forty-nine point eighty-one (49.81), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.81 Procedure for challenged voter to cast ballot.**

5 1. A prospective voter who is prohibited under section forty-nine
6 point eighty (49.80) of the Code from voting except under this section
7 shall be permitted to cast a paper ballot, in a booth meeting the re-
8 quirement of section forty-nine point twenty-five (49.25) of the Code.
9 The marked ballot, folded as required by section forty-nine point eighty-
10 four (49.84) of the Code, shall be delivered to a precinct election of-
11 ficial who shall immediately seal it in an unmarked envelope which
12 shall be placed in an affidavit envelope of the type prescribed by sec-
13 tion fifty-three point thirteen (53.13) of the Code. The voter shall not
14 be required to execute the oath contained in the affidavit. Space shall
15 be left on the affidavit envelope for the precinct election official to in-
16 dicate the name of the challenged elector and the reason for the chal-
17 lenge. The sealed affidavit envelope shall be deposited as required by
18 section forty-nine point eighty-five (49.85) of the Code in a special con-
19 tainer marked "challenged ballots" and shall be considered as having
20 been cast in the special precinct established by section one hundred
21 eighteen (118) of this Act for purposes of the post-election canvass.

22 2. Each person who casts a challenged ballot under this section shall
23 receive a printed statement in substantially the following form:
24 "Your qualifications as an elector have been challenged for the follow-
25 ing reasons:

- 26 1.....
- 27 2.....
- 28 3.....

29 Your right to vote will be reviewed by the special precinct counting
30 board on..... You have the right and are encouraged
31 to make a written statement and submit additional written evidence to
32 this board supporting your qualifications as an elector. This written
33 statement and evidence may be given to an election official of this pre-
34 cinct on election day or mailed or delivered to the county commission-
35 er of elections, but must be received prior to noon on
36 at..... If your ballot is not counted you
37 will receive notification of this fact."

38 3. Any elector may present written statements or documents, sup-
39 porting or opposing the counting of any challenged ballot, to the pre-
40 cinct election officials on election day, until the hour for closing the
41 polls. Any statements or documents so presented shall be delivered to
42 the commissioner when the election supplies are returned.

1 SEC. 81. Section forty-nine point ninety (49.90), Code 1975, is
2 amended to read as follows:

3 **49.90 Assisting voter.** Any voter who may declare upon oath
4 that he or she cannot read the English language, or ~~that~~ is, by reason
5 of any physical disability other than intoxication, he is unable to cast
6 his a vote without assistance, shall, upon request, be assisted by said
7 two officers, or alternately by any other person the blind voter may
8 select if the voter is blind, in casting his the vote. Said officers, or per-
9 son selected by the blind voter, shall cast the vote of the voter requir-
10 ing assistance, and shall thereafter give no information regarding the
11 same. If any elector because of a handicap cannot enter the building
12 where the polling place for the elector's precinct of residence is lo-
13 cated, the two officers shall take a paper ballot to the vehicle occu-
14 pied by the handicapped elector and allow the elector to cast the
15 ballot in the vehicle. If a handicapped elector cannot cast a ballot
16 on a voting machine the elector shall be allowed to cast a paper bal-
17 lot. Paper ballots cast by handicapped electors shall be cast accord-
18 ing to section forty-nine point eighty-one (49.81) of the Code, except

19 they shall be marked "handicapped voter's ballot", and shall be
 20 counted in the same manner as challenged ballots accepted under
 21 section fifty point twenty-two (50.22) of the Code.

1 SEC. 82. Section forty-nine point one hundred four (49.104), subsec-
 2 tion three (3), Code 1975, is amended to read as follows:

3 3. Any number of persons not exceeding three from each of such po-
 4 litical parties, appointed and accredited in the same manner as above
 5 prescribed for challenging committees, to witness the counting of bal-
 6 lots. *Subject to the restrictions of section fifty-one point eleven*
 7 *(51.11), the witnesses may observe the counting of ballots by a*
 8 *counting board during the hours the polls are open in any precinct*
 9 *for which double election boards have been appointed.*

1 SEC. 83. Section forty-nine point one hundred twenty-five (49.125),
 2 Code 1975, is amended to read as follows:

3 **49.125 Compensation of trainees.** All election personnel attend-
 4 ing such training course shall be paid for attending such course for a
 5 period not to exceed two hours, *and shall be reimbursed for travel to*
 6 *and from the place where the training is given at the rate specified*
 7 *in section seventy-nine point nine (79.9) of the Code if the distance*
 8 *involved is more than five miles.* The wages shall be two dollars per
 9 hour and payment of wages and mileage for attendance shall be made
 10 at the time that payment is made for duties performed on election
 11 day.

1 SEC. 84. Chapter fifty (50), Code 1975, is amended by inserting af-
 2 ter section fifty point one (50.1) the following new section:

3 **NEW SECTION. One tally list in certain machine precincts.** In
 4 any precinct where an election is held by means of voting machines
 5 which deliver, immediately upon conclusion of the voting, multiple
 6 copies of a printed record of the votes cast and the totals for each can-
 7 didate or question appearing on the face of the machine, the require-
 8 ment of section fifty point one (50.1), subsection four (4) of the Code
 9 that two election board members keep separate tally lists of the vote
 10 count shall not apply unless the election board finds upon opening the
 11 machine that the printed record produced by the machine is smeared,
 12 torn or otherwise unreadable. If the printed record is intact and legi-
 13 ble, the election board need appoint only one of its members to keep a
 14 tally list of the count.

1 SEC. 85. Section fifty point seventeen (50.17), Code 1975, is amend-
 2 ed to read as follows:

3 **50.17 Return of election register.** The precinct election register
 4 prepared for each election, together with the ballots to be returned pur-
 5 suant to section 50.12, if any, and the signed and attested tally list,
 6 shall be delivered to the commissioner by one of the precinct election
 7 officials ~~within two days after by noon of the day of~~ *following the*
 8 election.

1 SEC. 86. Section fifty point nineteen (50.19), Code 1975, is amended
 2 to read as follows:

3 **50.19 Preservation of books—when destroyed.** The commis-
 4 sioner ~~shall file~~ *may destroy* precinct election registers ~~and other pa-~~
 5 ~~pers pertaining to registration, together with,~~ the declarations of
 6 eligibility signed by voters ~~at the,~~ *and other material pertaining to*
 7 *an election, in his office and preserve the same for four years and until*
 8 *the determination of any contest then pending, after which they shall*
 9 *be destroyed except the tally lists, six months after the election if no*

10 *contest is pending. If a contest is pending all election materials*
 11 *shall be preserved until final determination of the contest. Before*
 12 *destroying the election registers and declarations of eligibility, the*
 13 *commissioner shall prepare records as necessary to permit compli-*
 14 *ance with section forty-eight point thirty-one (48.31), subsection one*
 15 *(1) of the Code.*

1 SEC. 87. Chapter fifty (50), Code 1975, is amended by inserting af-
 2 ter section fifty point nineteen (50.19) the following new sections:

3 **NEW SECTION. Notice of number of challenged ballots.** The
 4 commissioner shall compile a list of the number of challenged ballots
 5 cast under section forty-nine point eighty-one (49.81) of the Code in
 6 each precinct. The list shall be made available to the public as soon as
 7 possible, but in no case later than nine o'clock a.m. on the second day
 8 following the election. Any elector may examine the list during normal
 9 office hours, and may also examine the affidavit envelopes bearing the
 10 ballots of challenged electors until the reconvening of the special pre-
 11 cinct board as required by this chapter. Only those persons so permit-
 12 ted by section one hundred twenty (120), subsection four (4) of this Act
 13 shall have access to the affidavits while that board is in session. Any
 14 elector may present written statements or documents, supporting or op-
 15 posing the counting of any challenged ballot, at the commissioner's of-
 16 fice until the reconvening of the special precinct board.

17 **NEW SECTION. Special precinct board reconvened.** The commis-
 18 sioner shall reconvene the election board of the special precinct estab-
 19 lished by section one hundred eighteen (118) of this Act at noon on the
 20 third day following each election which is required by law to be can-
 21 vassed on the Monday following the election. If the canvass of the
 22 election is required at any earlier time, the special precinct election
 23 board shall be reconvened at noon on the day following the election. If
 24 no challenged ballots were cast in the county pursuant to section forty-
 25 nine point eighty-one (49.81) of the Code at any election, the special
 26 precinct election board need not be so reconvened. If the number of
 27 challenged ballots so cast at any election is not sufficient to require re-
 28 convening of the entire election board of the special precinct, the com-
 29 missioner may reconvene only the number of members required, but in
 30 so doing shall observe the requirements of sections forty-nine point
 31 twelve (49.12) and forty-nine point thirteen (49.13) of the Code.

32 **NEW SECTION. Special precinct board to determine chal-**
 33 **lenges.** Upon being reconvened, the special precinct election board
 34 shall review the affidavits upon the envelopes bearing the challenged
 35 ballots, and all evidence submitted in support of or opposition to the
 36 right of each challenged person to vote in the election. The board may
 37 divide itself into panels of not less than three members each in order to
 38 hear and determine two or more challenges simultaneously, but each
 39 panel shall meet the requirements of section forty-nine point twelve
 40 (49.12) of the Code as regards political party affiliation of the members
 41 of each panel. The decision to count or reject each ballot shall be made
 42 upon the basis of the information given on the affidavit envelope, the
 43 evidence concerning the challenge, the registration and the returned re-
 44 ceipts of registration. If a challenged ballot is rejected, the person cast-
 45 ing the ballot shall be notified by the commissioner within ten days of
 46 the reason for the rejection, on the form prescribed by section fifty-
 47 three point twenty-five (53.25) of the Code, and the affidavit envelope
 48 shall be preserved unsealed and disposed of in the same manner as
 49 spoiled ballots. The challenged ballots which are accepted shall be
 50 counted in the manner prescribed by section fifty-three point twenty-

51 four (53.24) of the Code. The commissioner shall make public the num-
 52 ber of challenged ballots rejected and not counted, at the time of the
 53 canvass of the election.

1 SEC. 88. Section fifty point twenty-three (50.23), Code 1975, is
 2 amended to read as follows:

3 **50.23 Messengers for missing tally lists.** The commissioner
 4 shall, ~~on the fourth day following an election,~~ send messengers for all
 5 tally lists not ~~then~~ received by ~~him~~ in the commissioner's office by
 6 noon of the day following the election. The expense of securing such
 7 tally lists shall be paid by the county.

1 SEC. 89. Section fifty point twenty-four (50.24), Code 1975, is
 2 amended to read as follows:

3 **50.24 Canvass by board of supervisors.** The county board of su-
 4 pervisors shall meet to canvass the vote at nine o'clock on the morning
 5 of the first Monday after the day of each election to which this chapter
 6 is applicable, unless the law authorizing the election specifies another
 7 date for the canvass; ~~and. If that Monday is a public holiday, the~~
 8 ~~provisions of section four point one (4.1), subsection twenty-two~~
 9 ~~(22) of the Code shall control. Upon convening, the board shall open~~
 10 and canvass the tally lists. ~~The board~~ and shall prepare abstracts stat-
 11 ing, in words written at length, the number of votes cast in the county,
 12 or in that portion of the county in which the election was held, for
 13 each office or on each question on the ballot for the election. The ab-
 14 stract shall further indicate the name of each person who received votes
 15 for each office on the ballot, and the number of votes each person
 16 named received for that office, and the number of votes for and
 17 against each question submitted to the voters at the election.

1 SEC. 90. Section fifty-one point eleven (51.11), Code 1975, is
 2 amended to read as follows:

3 **51.11 Presence of persons.** No person shall be admitted into the
 4 space or room where such ballots are being counted until the polls are
 5 closed, except the counting board *and the witnesses appointed and*
 6 *accredited under section forty-nine point one hundred four (49.104),*
 7 *subsection three (3) of the Code. It shall be unlawful for any witness*
 8 *to communicate or attempt to communicate, directly or indirectly,*
 9 *information regarding the progress of the count at any time before*
 10 *the polls are closed.*

1 SEC. 91. Section fifty-two point one (52.1), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **52.1 Alternative voting systems—definitions.**

4 1. At all elections conducted under chapter forty-nine (49) of the
 5 Code, and at any other election unless specifically prohibited by the
 6 statute authorizing the election, votes may be cast, registered, recorded
 7 and counted by means of either voting machines or electronic voting
 8 systems, in accordance with this chapter.

9 2. As used in this chapter, unless the context otherwise requires:

10 a. "Voting machine" means a mechanical device, meeting the re-
 11 quirements of section fifty-two point seven (52.7) of the Code, des-
 12 ignated for use in casting, registering, recording and counting votes at
 13 an election.

14 b. "Electronic voting system" means a system employing special pa-
 15 per ballots or ballot cards and ballot labels, under which votes are:

16 (1) Cast by voters by marking special paper ballots with a vote mark-
 17 ing device, or by marking ballot cards by use of a voting punch device;
 18 and

- 19 (2) Thereafter counted by use of automatic tabulating equipment.
 20 c. "Special paper ballot" means a printed ballot designed to be
 21 marked by a voter with a vote marking device.
 22 d. "Vote marking device" means a pen, pencil or similar writing tool
 23 for use in marking a special paper ballot, so designed or fabricated that
 24 the mark it leaves may be detected and the vote so cast counted by au-
 25 tomatic tabulating equipment.
 26 e. "Ballot card" means a tabulating card on which votes may be re-
 27 corded by a voter by use of a voting punch device.
 28 f. "Ballot label" means the cards, papers, booklet, pages or other
 29 material on which appear the names of offices and candidates and the
 30 statements of public questions to be voted on at any election by means
 31 of ballot cards.
 32 g. "Voting punch device" means an apparatus to which is affixed a
 33 ballot label, and in which a ballot card may be inserted and marked by
 34 the voter by piercing the ballot card at appropriate points with a stylus
 35 provided for the purpose. The hole or mark made by the stylus may be
 36 round, square, rectangular or any other shape that will clearly indicate
 37 the intent of the voter.
 38 h. "Ballot" includes a special paper ballot and a ballot card and its
 39 associated ballot label. In appropriate contexts, "ballot" also includes
 40 conventional paper ballots.
 41 i. "Automatic tabulating equipment" means apparatus, including
 42 but not limited to electronic data processing machines, which may be
 43 utilized to ascertain the manner in which either special paper ballots or
 44 ballot cards have been marked by voters, and count the votes marked
 45 thereon.
 46 j. "Counting center" means any place selected by the commissioner
 47 where automatic tabulating equipment is available, or is placed, for
 48 the purpose of counting votes marked on ballots cast in two or more
 49 precincts.

1 SEC. 92. Section fifty-two point two (52.2), Code 1975, is amended
 2 to read as follows:

3 **52.2. Purchase.** The board of supervisors of any county may, by
 4 a majority vote, authorize, purchase, and order the use of *either* voting
 5 machines *or an electronic voting system* in any one or more voting
 6 precincts within said county until otherwise ordered by said board of
 7 supervisors. *Voting machines and an electronic voting system may*
 8 *be used concurrently at different precincts within any county, but*
 9 *not at the same precinct.*

1 SEC. 93. Section fifty-two point three (52.3), Code 1975, is amended
 2 to read as follows:

3 **52.3 Terms of purchase—tax levy.** The county board of supervi-
 4 sors, on the adoption and purchase of a voting machine *or an electron-*
 5 *ic voting system*, may provide for the payment therefor in such
 6 manner as they may deem for the best interest of the county, and may
 7 for that purpose issue bonds, certificates of indebtedness, or other obli-
 8 gations, which shall be a charge on the county, or levy not to exceed
 9 thirteen and one-half cents per thousand dollars of assessed value. Any
 10 amounts so levied and collected in excess of actual costs of voting ma-
 11 chines shall revert to the general fund of the county. Such bonds, cer-
 12 tificates, or other obligations may be issued with or without interest,
 13 payable at such time or times as the county board may determine, but
 14 shall not be issued or sold at less than par.

1 SEC. 94. Section fifty-two point four (52.4), Code 1975, is amended
2 to read as follows:

3 **52.4 Commissioners—term—removal.** The governor shall ap-
4 point three ~~commissioners~~ *members to a board of examiners for vot-*
5 *ing machines and electronic voting systems*, not more than two of
6 whom shall be from the same political party. The ~~said commissioners~~
7 *examiners* shall hold office for the term of five years, subject to re-
8 moval at the pleasure of the governor.

1 SEC. 95. Section fifty-two point five (52.5), Code 1975, is amended
2 to read as follows:

3 **52.5 Examination of machine.** Any person or corporation own-
4 ing or being interested in any voting machine *or electronic voting sys-*
5 *tem* may call upon the ~~said commissioners~~ *examiners* to examine the
6 said machine *or system*, and make report to the state commissioner
7 upon the capacity of the said machine *or system* to register the will of
8 voters, its accuracy and efficiency, and with respect to its mechanical
9 perfections and imperfections. Their report shall be filed in the office
10 of the state commissioner and shall state whether in their opinion the
11 kind of machine *or system* so examined can be safely used by such vot-
12 ers at elections under the conditions prescribed in this chapter. If the
13 report states that the machine *or system* can be so used, it shall be
14 deemed approved by the ~~commissioners~~ *examiners*, and machines *or*
15 *systems* of its kind may be adopted for use at elections as herein pro-
16 vided. Any form of voting machine *or system* not so approved cannot
17 be used at any election. *Prior to actual purchase by any county of*
18 *any particular electronic voting system which has been approved*
19 *for use in this state, the state commissioner shall formulate, with*
20 *advice and assistance of the examiners, and adopt rules governing*
21 *the development of vote counting programs and all procedures used*
22 *in actual county* of votes by means of that system.*

1 SEC. 96. Section fifty-two point six (52.6), Code 1975, is amended to
2 read as follows:

3 **52.6 Compensation.** Each ~~commissioner~~ *examiner* is entitled to
4 one hundred fifty dollars for his *or her* compensation and expenses in
5 making such examination and report, to be paid by the person or cor-
6 poration applying for such examination. No ~~commissioner~~ *examiner*
7 shall have any interest whatever in any machine *or system* reported
8 upon. Provided that ~~said commissioner~~ *each examiner* shall ~~not~~
9 receive *not* to exceed fifteen hundred dollars and reasonable expenses in
10 any one year; and all sums collected for such examinations over and
11 above said maximum salaries and expenses shall be turned into the
12 state treasury.

1 SEC. 97. Section fifty-two point seven (52.7), unnumbered para-
2 graph one (1), Code 1975, is amended to read as follows:

3 A voting machine approved by the state board of *examiners for vot-*
4 *ing machine* ~~commissioners~~ *machines and electronic voting systems*
5 must be so constructed as to provide facilities for voting for the candi-
6 dates of at least seven different parties or organizations, must permit a
7 voter to vote for any person for any office although not nominated as
8 a candidate by any party or organization, and must permit voting in
9 absolute secrecy.

1 SEC. 98. Section fifty-two point eight (52.8), Code 1975, is amended
2 to read as follows:

*According to enrolled Act

3 **52.8 Experimental use.** The board of supervisors of any county
4 may provide for the experimental use at an election in one or more dis-
5 tricts, of a *voting machine or electronic voting system* which it might
6 lawfully adopt, without a formal adoption thereof; and its use at such
7 election shall be as valid for all purposes as if it had been lawfully
8 adopted.

1 SEC. 99. Section fifty-two point nine (52.9), unnumbered paragraph
2 two (2), Code 1975, is amended to read as follows:

3 It shall be the duty of the commissioner or ~~his~~ *the commissioner's*
4 duly authorized agent ~~when so requested by the county chairman~~
5 ~~of one of the political parties referred to in section 49.13,~~ to examine
6 and test the voting machines to be used at any election *after the ma-*
7 *chines have been prepared for the election* and not less than twelve
8 hours before the opening of the polls on the morning of the election. If
9 ~~voting machines are to be so examined and tested,~~ *the chairman* ~~The~~
10 *county chairperson* of each political party *referred to in section for-*
11 *ty-nine point thirteen (49.13) of the Code* shall be notified in writing
12 of the time said machines shall be examined and tested so that they
13 may be present, or have a representative present. Those present for the
14 examination and testing shall sign a certificate which shall read sub-
15 stantially as follows:

1 SEC. 100. Section fifty-two point eighteen (52.18), Code 1975, is
2 amended to read as follows:

3 **52.18 Method of voting.** After the opening of the polls, the pre-
4 cinct election officials shall not allow any voter to enter the voting ma-
5 chine booth until they ascertain that he is duly entitled to vote. Only
6 one voter at a time shall be permitted to enter the voting machine
7 booth to vote. The operating of the voting machine by the elector
8 while voting shall be secret and obscured from all other persons, except
9 as provided by ~~this chapter~~ *sections forty-nine point eighty-nine*
10 *(49.89), forty-nine point ninety (49.90) and forty-nine point ninety-*
11 *one (49.91) of the Code* in cases of voting by assisted electors. No voter
12 shall remain within the voting machine booth longer than three min-
13 utes, and if he shall refuse to leave it after the lapse of three minutes,
14 he shall be removed by the officials.

1 SEC. 101. Section fifty-two point twenty-two (52.22), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The precinct election officials shall, as soon as the count is complet-
4 ed and fully ascertained as in this chapter required, lock the machine
5 against voting, and it shall so remain until thirty days after the procla-
6 mation of the results of said election, except that it shall remain locked
7 only ten days after a primary election, ~~including and only two days~~
8 *after a city primary election, if such election is not contested.*

9 *In cities in which the council has chosen a runoff election in lieu of*
10 *a primary pursuant to section three hundred seventy-six point nine*
11 *(376.9) of the Code, the machine shall remain locked only two days af-*
12 *ter the regular city election if the canvass shows that a runoff election*
13 *is required, and the election is not contested.* However, if the machines
14 in any precinct are so constructed as to deliver, immediately upon con-
15 clusion of the voting at any election, multiple copies of a printed rec-
16 ord of the votes cast and the totals for each candidate or question
17 appearing on the face of the machine, the machines may be unlocked
18 immediately following the canvass of votes *by the county board of su-*
19 *pervisors* unless the precinct election board informs the commissioner
20 that the printed record produced by the machine is smeared, torn or

21 otherwise unreadable. In the latter case, the machines shall be kept
 22 locked for the period of time prescribed for machines which do not
 23 print such a record.

1 SEC. 102. Section fifty-two point twenty-five (52.25), unnumbered
 2 paragraph one (1)*, Code 1975, is amended to read as follows:
 3 The entire convention question, amendment or public measure shall
 4 be printed and displayed prominently in at least two places within the
 5 voting precinct and on the left-hand side inside the curtain of each
 6 voting machine, said printing to be in conformity with the provisions
 7 of chapter 49. The public measure shall be summarized by the commis-
 8 sioner and in the largest type possible printed on the inserts used in
 9 said voting machines, except *that: (1) in the case of the question of a*
 10 *constitutional convention, or of an amendment or measure to be voted*
 11 *on in ~~more than one county~~ the entire state, the summary to be placed*
 12 *in the voting machine inserts shall be worded by the state commission-*
 13 *er of elections as required by section 49.44; and (2) in the case of a*
 14 *public question to be voted on in a political subdivision lying in*
 15 *more than one county, the summary shall be worded by the commis-*
 16 *sioner responsible under section forty-seven point two (47.2) of the*
 17 *Code for conducting that election.*

1 SEC. 103. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Authorized electronic voting system.** Every elec-
 4 tronic voting system approved by the state board of examiners for vot-
 5 ing machines and electronic voting systems shall:

6 1. Provide for voting in secrecy, except as to persons entitled by sec-
 7 tions forty-nine point ninety (49.90) and forty-nine point ninety-one
 8 (49.91) of the Code to assistance.

9 2. Permit each voter to vote at any election for any candidate for
 10 each office and upon each public question with respect to which the
 11 voter is entitled by law to vote, while preventing the voter from voting
 12 more than once upon any public question or casting more votes for any
 13 office than there are persons to be elected to that office.

14 3. Permit a voter to vote for any person for any office on the ballot
 15 at that election, whether or not the person's name is printed on the
 16 ballot.

17 4. Be so constructed or designed that, when voting in a primary elec-
 18 tion in which candidates are nominated by political parties, a voter is
 19 limited to the candidates for the nominations of the political party
 20 with which that voter is affiliated.

21 5. Be so constructed or designed that in presidential elections the
 22 voter casts a vote for the presidential electors of any party or political
 23 organization by a single mark or punch made opposite the name of the
 24 candidates of that party or organization for the offices of both presi-
 25 dent and vice president of the United States, and so that the voter is
 26 also provided the opportunity to write in the name of any person for
 27 whom the voter desires to vote for president or vice president of the
 28 United States.

29 6. Be so constructed or designed as to permit voting for candidates
 30 for nomination or election of at least seven different political parties or
 31 organizations, and to permit voting for all of the candidates of any
 32 one political party or organization by a single mark or punch, at any
 33 one election.

*According to enrolled Act

34 7. The voting punch device shall be so constructed and designed so
 35 if an elector makes an error in marking the ballot, the machine shall
 36 indicate the error and permit the elector to make a correction according
 37 to the provisions of section one hundred seven (107), paragraph four (4)
 38 of this Act.

1 SEC. 104. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Commissioner to provide electronic voting equip-**
 4 **ment.** The commissioner having jurisdiction of any precinct for
 5 which the board of supervisors has adopted voting by means of an elec-
 6 tronic voting system shall, as soon as practicable thereafter, provide for
 7 use at each election held in the precinct special paper ballots and vote
 8 marking devices, or ballot cards, ballot labels and voting punch de-
 9 vices, as the case may be, in appropriate numbers. The commissioner
 10 shall have custody of all equipment required for use of the electronic
 11 voting system, and shall be responsible for maintaining it in good con-
 12 dition and for storing it between elections. All provisions of chapter
 13 forty-nine (49) of the Code relative to times and circumstances under
 14 which voting machines are to be used in any election and the number
 15 of voting machines to be provided shall also govern the use of electron-
 16 ic voting systems, when applicable.

1 SEC. 105. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Electronic voting system ballot forms.**

4 1. The commissioner of each county in which the use of an electronic
 5 voting system in one or more precincts* has been authorized shall deter-
 6 mine the arrangement of candidates names and public questions upon
 7 the ballot or ballots used with the system. The ballot information,
 8 whether placed on the special paper ballot, the ballot card or the ballot
 9 label, shall be arranged as required by chapters forty-three (43) and
 10 forty-nine (49) of the Code, and by any relevant provisions of any stat-
 11 utes which specify the form of ballots for special elections, so far as
 12 possible within the constraints of the physical characteristics of the
 13 electronic voting system in use in that county. The state commissioner
 14 may adopt rules requiring a reasonable degree of uniformity among
 15 counties in arrangement of electronic voting system ballots.

16 2. Where voting is to occur by use of ballot cards, ballot labels and a
 17 voting punch device, the ballot labels must be arranged on or in the
 18 voting punch device in the places provided for that purpose. Voting
 19 squares may be before or after the names of candidates and statements
 20 of questions, and shall be of such size as is compatible with the type of
 21 electronic voting system in use in that county. Ballots and ballot labels
 22 shall be printed in as plain and clear type and size as the space avail-
 23 able will reasonably permit. Ballot cards shall be provided with tear-
 24 off stubs which shall be of a size suitable for the ballots or ballot cards
 25 used and for the requirements of the voting punch device. The ballots
 26 or ballot cards may contain special printed marks and holes as required
 27 for proper positioning and reading of the ballots by the automatic tab-
 28 ulating equipment. Where ballots or ballot cards are bound into pads,
 29 they may be bound at the top or bottom or at either side.

1 SEC. 106. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

*According to enrolled Act.

3 **NEW SECTION. Electronic voting system sample ballots.** The
4 commissioner shall provide for each precinct where an electronic voting
5 system is in use at least four sample special paper ballots, or combina-
6 tions of ballot cards and ballot labels, as the case may be, which shall
7 be exact copies of the official ballots as printed for that precinct. The
8 sample ballots shall be arranged in the form of a diagram showing the
9 special paper ballot or the front of the voting punch device, as the case
10 may be, as it will appear to the voter in that precinct on election day.
11 The sample ballots shall be posted prominently within the polling
12 place, and shall be open to public inspection during the hours the polls
13 are open on election day.

1 **SEC. 107.** Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure where votes cast on ballot cards.** The
4 provisions of this section shall apply to any precinct for those elections
5 at which votes are to be received on ballot cards in that precinct.

6 1. The commissioner shall cause the voting punch devices to be put
7 in order, set, adjusted and made ready for voting when delivered to
8 the precinct polling places. Before the opening of the polls, the pre-
9 cinct election officials shall compare the ballot cards and ballot labels
10 with the sample ballots furnished, and see that the names, numbers
11 and letters thereon agree and shall so certify on forms provided for this
12 purpose. The certification shall be filed with the election returns.

13 2. Each voter shall be instructed how to use the voting punch device
14 before entering the voting booth. In addition to the instructions print-
15 ed on the ballot cards or ballot labels, instructions to voters shall be
16 posted in each voting booth or place on the voting punch device. Any
17 voter who requests further instructions as to the manner of voting, af-
18 ter entering the voting booth, shall receive the instructions from two
19 precinct election officials, who shall not be members of the same politi-
20 cal party if the election is one in which candidates are to be nominated
21 or elected upon a partisan ballot. The precinct election officials shall
22 give the necessary instruction without attempting in any manner to
23 influence the voter to vote for any particular candidate or ticket, or for
24 or against any public question. After receiving such instructions, the
25 voter shall vote without further assistance, except as otherwise provid-
26 ed by sections forty-nine point eighty-nine (49.89), forty-nine point
27 ninety (49.90) and forty-nine point ninety-one (49.91) of the Code.

28 3. A separate write-in ballot, which may be in the form of a paper
29 ballot or ballot card, or may be printed on the envelope in which the
30 voter places his ballot card after voting, shall be provided where neces-
31 sary to permit voters to write in the names of persons whose names are
32 not printed on the ballot. If a separate write-in ballot is used, it must
33 be placed by the voter in the same envelope with the regular ballot
34 card.

35 4. A voter who spoils or defaces a ballot card or marks it erroneously
36 shall return the card to the precinct election officials with stub folded
37 so as not to disclose any choices made. The precinct election officials
38 shall deliver to the voter another ballot card, but no voter may receive
39 more than three ballot cards including the one originally delivered to
40 the voter. Upon return of a defective ballot card, a precinct election of-
41 ficial shall cancel it by writing in ink on the back the word "spoiled".
42 The canceled ballot card shall be placed, without detaching the ballot
43 stub, with spoiled ballots to be returned to the commissioner.

44 5. After marking the ballot card, the voter shall place it inside the
45 ballot envelope and return it to the election official, who shall remove

46 the stub and deposit the envelope with the ballot inside it in the ballot
47 box. Ballot cards from which the stub has been removed by anyone ex-
48 cept a precinct election official shall not be deposited in the ballot box,
49 but shall be marked "spoiled" and returned to the commissioner.

1 SEC. 108. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure where votes cast on special paper bal-**
4 **lots.** Preparations for voting and voting at any election in a precinct
5 where votes are to be received on special paper ballots shall be in accor-
6 dance with the provisions of chapter forty-nine (49) governing voting
7 upon conventional paper ballots. However, before entering the voting
8 booth each voter shall be cautioned to mark the ballot only with a vote
9 marking device provided in the booth.

1 SEC. 109. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure upon closing polls in electronic voting**
4 **system precincts.** The provisions of this section shall apply, in lieu
5 of sections fifty point one (50.1) through fifty point twelve (50.12), in-
6 clusive, of the Code, to any precinct for those elections at which voting
7 is conducted by means of an electronic voting system.

8 1. At the time for closing of the polls, or as soon thereafter as all
9 persons entitled under section forty-nine point seventy-four (49.74) of
10 the Code to do so have cast their votes, the precinct election officials
11 in each precinct where voting punch devices are in use shall secure the
12 devices against further voting. They shall then open the ballot box and
13 count the number of ballots or envelopes containing ballots that have
14 been cast to determine whether the number of ballots cast exceeds the
15 number of declarations of eligibility signed as required by section
16 forty-nine point seventy-seven (49.77) of the Code. If so, that fact shall
17 be reported in writing to the commissioner together with the number of
18 excess ballots and the reason for the excess, if known.

19 2. The precinct election officials shall next count the write-in votes
20 cast in the precinct, if any. If ballot cards are used, and separate write-
21 in ballots or envelopes for recording write-in votes are used, all ballots
22 or envelopes on which write-in votes have been recorded shall be serial-
23 ly numbered, starting with the number one, and the same number shall
24 be placed on the regular ballot card of that voter. The precinct election
25 official shall compare the write-in votes with the votes cast on the bal-
26 lot card. If the total number of votes for any office exceeds the number
27 allowed by law, a notation to that effect shall be entered on the back
28 of the ballot card and the votes for the office involved shall not be
29 counted.

30 3. The precinct election officials shall place all ballots that have
31 been cast in a container provided by the commissioner for the purpose,
32 which shall be sealed in the presence of all of the precinct election offi-
33 cials. They shall then each affix their signatures to a statement attest-
34 ing that the requirements of this section have been complied with, and
35 the statement shall be returned to the commissioner with the election
36 register as required by section fifty point seventeen (50.17) of the Code.

1 SEC. 110. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Absentee voting by electronic voting system.** In
4 any county in which the board of supervisors has adopted voting by
5 means of an electronic voting system, the commissioner may elect to
6 also conduct absentee voting by use of such a system if the system so

7 used is compatible with the counting center serving the precinct polling
8 places in the county where voting is by means of an electronic voting
9 system. In any other county, the commissioner may with approval of
10 the board of supervisors conduct absentee voting by use of an electron-
11 ic voting system. All provisions of chapter fifty-three (53) of the Code
12 shall apply to such absentee voting, so far as applicable. When a ballot
13 card is used for voting by mail it shall be accompanied by a stylus,
14 voter instructions, and a specimen ballot showing the proper positions
15 to vote on the ballot card for each candidate or public question. The
16 card shall be mounted on material suitable to receive the punched out
17 chip. In counties where absentee voting is conducted by use of an elec-
18 tronic voting system, the special precinct counting board shall, at the
19 time required by chapter fifty-three (53) of the Code, prepare absentee
20 ballots for delivery to the counting center in the manner prescribed by
21 this chapter.

1 SEC. 111. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Counting center established.** Before authorizing
4 the purchase and ordering the use of an electronic voting system under
5 section fifty-two point two (52.2) of the Code, the county board of su-
6 pervisors shall, with advice of the commissioner, determine whether
7 counting center equipment is to be purchased as a part of the system
8 and operated by the county, or the county will enter into an arrange-
9 ment to have its ballots tabulated at a counting center maintained by
10 another county. The arrangement may be reviewed and revised, with
11 approval of the board of supervisors, at any time. If a county acquires
12 and operates a counting center at which ballots cast in one or more
13 other counties are tabulated, the commissioner of the county acquiring
14 and operating the center, or that commissioner's designee, shall be re-
15 sponsible for and in control of the operation of that counting center at
16 all times, regardless of the origin of the ballots being tabulated at any
17 particular time.

1 SEC. 112. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Counting center equipment tested.** Within five
4 days prior to the date of any election at which votes are to be cast by
5 means of an electronic voting system, the commissioner in charge of
6 the counting center where votes so cast are to be tabulated shall have
7 the automatic tabulating equipment tested to ascertain that it will cor-
8 rectly count the votes cast for all offices and on all public questions.
9 The procedure for conducting the test shall be as follows:

10 1. The county chairperson of each political party shall be notified in
11 writing of the time the test will be conducted, so that they may be
12 present or have a representative present. The commissioner may also
13 include such notice in the notice of the election published as required
14 by section forty-nine point fifty-three (49.53) of the Code. The test
15 shall be open to the public.

16 2. The test shall be conducted by processing a preaudited group of
17 ballots punched or marked so as to record a predetermined number of
18 valid votes for each candidate, and on each public question, on the
19 ballot. The test group shall include for each office and each question
20 one or more ballots having votes in excess of the number allowed by
21 law for that office or question, in order to test the ability of the auto-
22 matic tabulating equipment to reject such votes. The county chairper-
23 son of a political party may submit an additional test group of ballots
24 which, if so submitted, shall also be tested. If any error is detected, its

25 cause shall be ascertained and corrected and an errorless count ob-
 26 tained before the automatic tabulating equipment is approved. When
 27 so approved, a statement attesting to the fact shall be signed by the
 28 commissioner and sent immediately to the state commissioner.

29 3. The test group of ballots used for the test shall be clearly labeled
 30 as such, and retained in the counting center. The test prescribed in
 31 subsection two (2) of this section shall be repeated immediately before
 32 the start of the official tabulation of ballots cast in the election, and
 33 again immediately after the tabulation is completed. The test group of
 34 ballots and the programs used for the counting procedure shall be
 35 sealed, retained for the time required for and disposed of in the same
 36 manner as ballots cast in the election.

1 SEC. 113. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Commissioner in charge of counting center.** All
 4 proceedings at the counting center shall be under the direction of the
 5 commissioner and open to the public. The proceedings shall be under
 6 the observation of at least one member of each of the political parties
 7 referred to in section forty-nine point thirteen (49.13) of the Code, des-
 8 ignated by the county chairperson or, if the chairperson fails to make a
 9 designation, by the commissioner. No person except those employed
 10 and authorized by the commissioner for the purpose shall touch any
 11 ballot or ballot container.

1 SEC. 114. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Counting center tabulation procedure.** The tabu-
 4 lation of ballots cast by means of an electronic voting system, at a
 5 counting center established pursuant to this chapter, shall be conduct-
 6 ed as follows:

7 1. The sealed ballot container from each precinct shall be delivered
 8 to the counting center by two of the election officials of that precinct,
 9 not members of the same political party, who shall travel together in
 10 the same vehicle and shall have the container under their immediate
 11 joint control until they surrender it to the commissioner or the commis-
 12 sioner's designee in charge of the counting center. The commissioner or
 13 designee shall, in the presence of the two precinct election officials who
 14 delivered the container, enter on a record kept for the purpose that the
 15 container was received and the condition of the seal upon receipt.

16 2. After the record required by subsection one (1) of this section has
 17 been made, the ballot container shall be opened. If any ballot is found
 18 damaged or defective, so that it cannot be counted properly by the au-
 19 tomatic tabulating equipment, a true duplicate shall be made in the
 20 presence of witnesses and substituted for the damaged or defective bal-
 21 lot, or the valid votes on a defective ballot may be manually counted
 22 at the counting center by at least two employees of the commissioner,
 23 whichever method is best suited to the system being used. All duplicate
 24 ballots shall be clearly labeled as such, and shall bear a serial number
 25 which shall also be recorded on the damaged or defective ballot.

26 3. The record printed by the automatic tabulating equipment, with
 27 the addition of a record of any write-in or other votes manually count-
 28 ed pursuant to this chapter, shall constitute the official return of the
 29 precinct. Upon completion of the tabulation of the votes from each in-
 30 dividual precinct, the result shall be announced and reported in sub-
 31 stantially the manner required by section fifty point eleven (50.11) of
 32 the Code.

33 4. If for any reason it becomes impracticable to count all or any part
34 of the ballots with the automatic tabulation equipment, the commis-
35 sioner may direct that they be counted manually, in accordance with
36 chapter fifty (50) of the Code so far as applicable.

1 SEC. 115. Section fifty-three point one (53.1), subsection two (2),
2 Code 1975, is amended to read as follows:

3 2. When, through illness or physical disability, ~~he~~ *the elector* ex-
4 pects to be prevented from going to the polls and voting on election
5 day.

1 SEC. 116. Section fifty-three point eight (53.8), Code 1975, is
2 amended to read as follows:

3 **53.8 Ballot mailed.**

4 1. Upon receipt of an application for an absentee ballot and imme-
5 diately after the absentee ballots are printed, it shall be the duty of
6 the commissioner to mail an absentee ballot to the applicant within
7 twenty-four hours, *except as otherwise provided in subsection three*
8 *(3) of this section.* The absentee ballot shall be enclosed in an un-
9 sealed envelope bearing a serial number and affidavit. The absentee
10 ballot and unsealed envelope shall be enclosed in a carrier envelope
11 which bears the same serial number as the unsealed envelope. The ab-
12 sentee ballot, unsealed envelope, and carrier envelope shall be enclosed
13 in a third envelope to be sent to the qualified elector.

14 2. If an application is received so late that it is unlikely that the ab-
15 sentee ballot can be returned in time to be counted on election day,
16 the commissioner shall enclose with the absentee ballot a statement to
17 that effect. The statement shall also point out that it is possible for the
18 applicant to personally deliver his completed absentee ballot to the of-
19 fice of the commissioner at any time before ~~eight o'clock p.m.~~ *the clos-*
20 *ing of the polls on election day.*

21 3. *When an application for an absentee ballot is received by the*
22 *commissioner of any county from a qualified elector who is a pa-*
23 *tient in a hospital in that county or a resident of any facility in*
24 *that county shown to be a health care facility by the list of licenses*
25 *provided the commissioner under section one hundred twenty-four*
26 *(124) of this Act, the absentee ballot shall be delivered to the elector*
27 *and returned to the commissioner in the manner prescribed by sec-*
28 *tion one hundred nineteen (119) of this Act. However, if the appli-*
29 *cation is received more than ten calendar days before the election,*
30 *the commissioner shall mail to the applicant within twenty-four*
31 *hours a letter acknowledging receipt of the application and describ-*
32 *ing the procedure prescribed by section one hundred nineteen (119)*
33 *of this Act.*

34 *Nothing in this subsection nor in section one hundred nineteen*
35 *(119) of this Act shall be construed to prohibit a qualified elector*
36 *who is a hospital patient or resident of a health care facility, or who*
37 *anticipates entering a hospital or health care facility before the date*
38 *of a forthcoming election, from casting an absentee ballot in the*
39 *manner prescribed by section fifty-three point eleven (53.11) of the*
40 *Code.*

1 SEC. 117. Section fifty-three point seventeen (53.17), Code 1975, is
2 amended by striking unnumbered paragraphs two (2) and three (3).

1 SEC. 118. Chapter fifty-three (53), Code 1975, is amended by insert-
2 ing after section fifty-three point nineteen (53.19) the following new
3 section:

4 **NEW SECTION. Special precinct established.** There is established
5 in each county a special precinct to be known as the absentee ballot

6 and special voters precinct. Its jurisdiction shall be coterminous with
7 the borders of the county, for the purposes specified by sections one
8 hundred nineteen (119), and one hundred twenty (120) of this Act, and
9 the requirement that precincts not cross the boundaries of legislative
10 districts shall not be applicable to it. The commissioner shall draw up
11 an election board panel for the special precinct in the manner pre-
12 scribed by section forty-nine point fifteen (49.15) of the Code, having
13 due regard for the nature and extent of the duties required of members
14 of the election board and the election officers to be appointed from the
15 panel.

1 SEC. 119. Section fifty-three point twenty-two (53.22), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **53.22 Balloting by confined persons.**

5 1. A qualified elector who has applied for an absentee ballot, in a
6 manner other than that prescribed by section fifty-three point eleven
7 (53.11) of the Code, and who is a resident or patient in a health care
8 facility or hospital located in the county to which the application has
9 been submitted shall be delivered the appropriate absentee ballot by
10 two special precinct election officers, one of whom shall be a member
11 of each of the political parties referred to in section forty-nine point
12 thirteen (49.13) of the Code, who shall be appointed by the commis-
13 sioner from the election board panel for the special precinct established
14 by section one hundred three (103) of this Act. The special precinct
15 election officers shall be sworn in the manner provided by section forty-
16 nine point seventy-five (49.75) of the Code for election board mem-
17 bers, shall receive compensation as provided in section forty-nine point
18 twenty (49.20) of the Code, and shall perform their duties during the
19 ten calendar days preceding the election and on election day if all bal-
20 lots requested under section fifty-three point eight (53.8), subsection
21 three (3), of the Code have not previously been delivered and returned.
22 If a person who so requested an absentee ballot has been dismissed
23 from the health care facility or hospital, the special precinct election
24 officers may take the ballot to the elector if he or she is currently resid-
25 ing in the county. The special precinct election officers shall both no-
26 tarize each absentee ballot delivered by them as required by this
27 chapter; any such officer who is not a notary public shall be provided
28 with a stamp containing that person's name and the words "special
29 precinct election officer" and may notarize the absentee ballots so de-
30 livered by signing them and applying the stamp. The special precinct
31 election officers shall travel together in the same vehicle and both shall
32 be present when an applicant casts his or her absentee ballot. If either
33 or both of the special election officers fails to appear at the time the
34 duties set forth in this section are to be performed, the commissioner
35 shall at once appoint some other person, giving preference to persons
36 designated by the respective county chairpersons of the political parties
37 described in section forty-nine point thirteen (49.13) of the Code,
38 to carry out the requirements of this section. The persons authorized
39 by this subsection to deliver an absentee ballot to an applicant may as-
40 sist the applicant in filling out the ballot as permitted by section forty-
41 nine point ninety (49.90) of the Code. The voted absentee ballots shall
42 be deposited in a sealed container which shall be returned to the com-
43 missioner on the same day.

44 2. Any qualified elector who becomes a patient or resident of a hos-
45 pital or health care facility within three days prior to the date of any
46 election may request an absentee ballot during that period or on elec-

47 tion day. As an alternative to the application procedure prescribed by
 48 section fifty-three point two (53.2) of the Code, the qualified elector
 49 may make the request directly to the officers who are delivering and
 50 returning absentee ballots under this section. Alternatively, the request
 51 may be made by telephone to the office of the commissioner not later
 52 than four hours before the close of the polls. If the requestor is found
 53 to be a qualified elector of that county, these officers shall deliver the
 54 appropriate absentee ballot to the qualified elector in the manner pre-
 55 scribed by this section.

1 SEC. 120. Section fifty-three point twenty-three (53.23), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **53.23 Special precinct election board.**

5 1. The election board of the absentee ballot and special voters pre-
 6 cinct shall be appointed by the commissioner in the manner prescribed
 7 by sections forty-nine point twelve (49.12) and forty-nine point thirteen
 8 (49.13) of the Code, except that the number of precinct election offi-
 9 cials appointed to the board shall be sufficient to complete the count-
 10 ing of absentee ballots by ten o'clock p.m. on election day.

11 2. The board's powers and duties shall be the same as those provided
 12 in chapter fifty (50) of the Code for precinct election officials in regu-
 13 lar precinct polling places. However, the election board of the special
 14 precinct shall receive from the commissioner and count all absentee
 15 ballots for all precincts in the county; when two or more political sub-
 16 divisions in the county hold elections simultaneously the special pre-
 17 cinct election board shall count absentee ballots cast in all of the
 18 elections so held. The tally list shall be recorded on forms prescribed
 19 by the state commissioner.

20 3. The commissioner shall set the convening time for the board, al-
 21 lowing a reasonable amount of time to complete counting all absentee
 22 ballots by ten o'clock p.m. on election day. The commissioner may di-
 23 rect the board to meet on the day prior to the election solely for the
 24 purpose of reviewing the absentee voters' affidavits appearing on the
 25 sealed ballot envelopes if in the commissioner's judgment this proce-
 26 dure is necessary due to the number of absentee ballots received, but
 27 under no circumstances shall a sealed ballot envelope be opened before
 28 the board convenes on election day.

29 4. The room where members of the special precinct election board
 30 are engaged in counting absentee ballots during the hours the polls are
 31 open shall be policed so as to prevent any person other than those
 32 whose presence is authorized by this subsection from obtaining infor-
 33 mation about the progress of the count. The only persons who may be
 34 admitted to that room are the members of the board, one challenger
 35 representing each political party, one observer representing any non-
 36 party political organization or any candidate nominated by petition
 37 pursuant to chapter forty-five (45) of the Code or any other nonpartisan
 38 candidate in a city or school election appearing on the ballot of
 39 the election in progress, and the commissioner or the commissioner's
 40 designee. It shall be unlawful for any of these persons to communicate
 41 or attempt to communicate, directly or indirectly, information regard-
 42 ing the progress of the count at any time before the polls are closed.

43 5. The special precinct election board shall not release the results of
 44 its tabulation on election day until all of the ballots it is required to
 45 count on that day have been counted, nor release the tabulation of
 46 challenged ballots accepted and counted under chapter fifty (50) of the
 47 Code until that count has been completed.

1 SEC. 121. Section fifty-three point thirty-eight (53.38), Code 1975, is
2 amended to read as follows:

3 **53.38 Affidavit constitutes registration.** Whenever registration
4 is required in order to vote at either the primary election or general
5 election, in the case of voters a ballot is requested pursuant to section
6 fifty-three point thirty-nine (53.39) of the Code on behalf of a voter
7 in the armed forces of the United States, the affidavit upon the ballot
8 envelope of such voter, otherwise qualified if he or she is found to be
9 an eligible elector of the county to which the ballot is submitted,
10 shall constitute a sufficient registration; if registration is required un-
11 der the provisions of chapter 48 and the commissioner shall place the
12 voter's name on the registration record as a qualified elector, if it
13 does not already appear there.

1 SEC. 122. Section sixty-nine point twelve (69.12), subsection one (1),
2 paragraphs a and b, Code 1975, are amended to read as follows:

3 a. A vacancy occurring ~~forty~~ fifty or more days prior to the next
4 pending election that is not a general election or sixty or more days
5 prior to a general election shall be filled at that election. The fact
6 that absentee ballots were distributed or voted before the vacancy oc-
7 curred or was declared shall not invalidate the election.

8 b. A vacancy occurring less than ~~forty~~ fifty days prior to the next
9 pending election that is not a general election or less than sixty days
10 prior to a general election shall be filled by appointment as provided
11 by law until the succeeding pending election.

1 SEC. 123. Section sixty-nine point fourteen (69.14), Code 1975, is
2 amended to read as follows:

3 **69.14 Special election to fill vacancies.** A special election to
4 fill a vacancy shall be held for a representative in Congress, or senator
5 or representative in the general assembly, when the body in which such
6 vacancy exists is in session, or will convene prior to the next general
7 election, and the governor shall order, not later than five days from
8 the date the vacancy exists, a special election, giving not less than for-
9 ty days' notice of such election. In the event the special election is to
10 fill a vacancy in the general assembly while it is in session or within
11 forty-five days of the convening of any session, the time limit herein
12 provided shall not apply and the governor shall order such special elec-
13 tion at the earliest practical time, giving at least ten days' notice there-
14 of. *Any special election called under this section must be held on a*
15 *Tuesday.*

1 SEC. 124. Chapter one hundred thirty-five C (135C), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. License list to county commissioner of elec-**
4 **tions.** To facilitate the implementation of section fifty-three point
5 eight (53.8), subsection three (3) of the Code and section one hundred
6 nineteen (119) of this Act, the commissioner shall provide to each coun-
7 ty commissioner of elections at least annually a list of each licensed
8 health care facility in that county. The list shall include the street ad-
9 dress or location, and the mailing address if it is other than the street
10 address or location, of each facility.

1 SEC. 125. Section one hundred forty-five A point eleven (145A.11),
2 Code 1975, is amended to read as follows:

3 **145A.11 Terms of members.** The terms of members of the board
4 shall be four years, except that members of the initial board shall de-
5 termine their respective terms by lot so that the terms of one-half of
6 the members, as nearly as may be, shall expire at the next general elec-

7 tion. The remaining initial terms shall expire at the following general
 8 election. The successors of the initial board shall be chosen from area
 9 districts at regular elections, and shall be nominated and elected in the
 10 same manner as county hospital trustees as provided in section 347.25,
 11 except that nomination papers on behalf of a candidate shall be signed
 12 by not less than twenty-five qualified *eligible* electors from the area
 13 district, and shall be filed with the board. When nominations are com-
 14 plete, the board shall certify the names of the nominees to each county
 15 auditor of the respective area districts.

1 SEC. 126. Section two hundred seventy-five point twelve (275.12),
 2 subsection two (2), paragraphs b, c and d, Code 1975, are amended to
 3 read as follows:

4 b. Division of the entire school district into designated geographical
 5 subdistricts *on the basis of population*, to be known as director dis-
 6 tricts, each of which director districts shall be represented on the school
 7 board by one director who shall be a resident of such director district
 8 but who shall be elected by the vote of the electors of the entire school
 9 district. The school district shall be divided into the same number of
 10 director districts as the number of school directors the district is autho-
 11 rized by law. The boundaries of such director districts and the area and
 12 population included within each district shall be such as justice, equi-
 13 ty, and the interests of the people may require. *Changes in the bound-*
 14 *aries of director districts shall not be made during a period*
 15 *commencing sixty days prior to the date of the annual school elec-*
 16 *tion.* Insofar as may be practicable, the boundaries of such districts
 17 shall follow established political or natural geographical divisions.

18 c. Election of not more than one-half of the total number of school
 19 directors at large from the entire district and the remaining directors
 20 from and as residents of designated *single-member* director districts in-
 21 to which the entire school district shall be divided *on the basis of pop-*
 22 *ulation.* In such case, all directors shall be elected by the electors of
 23 the entire school district.

24 d. Division of the entire school district into designated geographical
 25 subdistricts *on the basis of population*, to be known as director dis-
 26 tricts, each of which director districts shall be represented on the school
 27 board by one director who shall be a resident of such director district
 28 and who shall be elected by the voters of said director district. Place of
 29 voting in such director districts shall be designated by the ~~county~~
 30 ~~board~~ commissioner.

1 SEC. 127. Section two hundred seventy-five point twenty-five
 2 (275.25), unnumbered paragraph two (2), Code 1975, is amended to
 3 read as follows:

4 Provided, however, in cases involving two districts only, where the
 5 population of the new district does not exceed the population of the
 6 more populous of said districts by more than twenty-five percent, the
 7 incumbent board members of said more populous district shall continue
 8 to hold office as the directors of the new district for the remainder of
 9 their elective terms. *Section forty-nine point eight (49.8), subsection*
 10 *four (4) of the Code shall not be construed to permit a director to re-*
 11 *main on the board of any school district after the effective date of a*
 12 *boundary change which places the director's residence outside the*
 13 *boundaries of the district. Vacancies so caused on any board caused*
 14 *by change in boundaries shall be filled in the manner provided in sec-*
 15 *tions 279.6 and 279.7.*

1 SEC. 128. Section two hundred seventy-five point thirty-five
 2 (275.35), Code 1975, is amended to read as follows:

3 **275.35 Change of method of elections.** Any existing or hereafter
 4 created or enlarged school district may change the number of directors
 5 ~~from to either five to or seven~~ and may also change its method of elec-
 6 tion of school directors to any method authorized by section 275.12 by
 7 submission of a proposal, stating the proposed new method of election
 8 and describing the boundaries of the proposed director districts if any,
 9 by the school board of such district to the electors at any regular or
 10 special school election. The school board shall notify the county com-
 11 missioner of elections who shall publish notice of the election in the
 12 manner provided in section 49.53. The election shall be conducted pur-
 13 suant to chapters 39 to 53 by the county commissioner of elections.
 14 Such proposal shall be adopted:-

15 1. ~~If, in a district where the existing method of election of school di-~~
 16 ~~rectors is by election at large, it is approved by a majority of the votes~~
 17 ~~cast on the proposition;~~

18 2. ~~If, in a district which is subdivided into director districts for the~~
 19 ~~election of all or part of the school directors, if it is approved by a ma-~~
 20 ~~jority of the votes cast on the proposition.~~

1 SEC. 129. Section two hundred seventy-seven point six (277.6), Code
 2 1975, is amended to read as follows:

3 **277.6 Territory outside city or county.** If there is within a
 4 school corporation any territory not within the limits of the ~~city or~~
 5 county *whose county commissioner of elections is responsible under*
 6 *section forty-seven point two (47.2) of the Code for conducting that*
 7 *school corporation's elections, the county commissioner of elections*
 8 *may divide the territory which lies outside the city or county but with-*
 9 *in the school district into additional precincts, or may attach the vari-*
 10 *ous parts thereof to such contiguous city or county precincts within the*
 11 *responsible commissioner's county in accordance with section forty-*
 12 *nine point three (49.3) of the Code, and as will best serve the conven-*
 13 *ience of the electors of said territory in voting on school matters.*

1 SEC. 130. Section two hundred seventy-seven point twenty-nine
 2 (277.29), Code 1975, is amended to read as follows:

3 **277.29 Vacancies.** Failure to elect at the proper election or to ap-
 4 point within the time fixed by law or the failure of the officer elected
 5 or appointed to qualify within the time prescribed by law; the incum-
 6 bent ceasing *for any reason* to be a resident of the district or *remov-*
 7 *ing his or her residence from the* subdistrict; the resignation or death
 8 of incumbent or of the officer-elect; the removal of the incumbent
 9 from, or forfeiture of, his office, or the decision of a competent tribu-
 10 nal declaring his office vacant; the conviction of incumbent of an infa-
 11 mous crime or of any public offense involving the violation of his oath
 12 of office, shall constitute a vacancy.

1 SEC. 131. Section two hundred seventy-seven point thirty (277.30),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **277.30 Vacancies filled by election.** When vacancies are to be
 5 filled by election, the provisions of section sixty-nine point twelve
 6 (69.12) of the Code shall control.

1 SEC. 132. Section two hundred seventy-eight point one (278.1), sub-
 2 sections nine (9) and ten (10), Code 1975, are amended to read as fol-
 3 lows:

4 9. Authorize a change ~~from to either five to or seven~~ directors. *The*
 5 *proposition for the change shall specify the number of directors to*
 6 *be elected, and which of the methods of election authorized by sec-*

7 tion two hundred seventy-five point twelve (275.12), subsection two
 8 (2) of the Code is to be used if the change is approved by the voters.
 9 10. Authorize the establishment or abandonment of director districts
 10 or a change of boundaries of director districts. *If a proposition submit-*
 11 *ted to the voters under this subsection is rejected, it may not be re-*
 12 *submitted to the voters of the district in substantially the same form*
 13 *within the next three years; if it is approved, no other proposal may*
 14 *be submitted to the voters of the district under this subsection with-*
 15 *in the next six years.*

1 SEC. 133. Section two hundred seventy-eight point two (278.2),
 2 Code 1975, is amended to read as follows:

3 **278.2 Submission of proposition.** The board may, and upon the
 4 written request of twenty-five ~~voters eligible electors~~ of any district
 5 having a population of five thousand or less, or of fifty ~~voters eligible~~
 6 ~~electors~~ of any other district, shall direct the county commissioner of
 7 elections to provide in the notice of the regular election for submitting
 8 any proposition authorized by law to the voters. *However, when the*
 9 *board has directed the commissioner to submit to the voters a propo-*
 10 *sition authorized by section two hundred seventy-eight point one*
 11 *(278.1), subsections nine (9) or ten (10), it shall not thereafter direct*
 12 *him to submit at the same election any other proposition under ei-*
 13 *ther of these subsections.*

1 SEC. 134. Section two hundred seventy-nine point three (279.3),
 2 Code 1975, is amended to read as follows:

3 **279.3 Appointment of secretary and treasurer.** At the meeting
 4 of the board the first secular day after the seventh day in July the
 5 board shall appoint a secretary who shall not be a teacher or other em-
 6 ployee of the board. It shall also, ~~except in districts composed in whole~~
 7 ~~or in part of a city,~~ appoint a treasurer. ~~Such~~ *These* officers shall be
 8 appointed from outside the membership of the board for terms of one
 9 year beginning with the first secular day after the seventh day in July
 10 which appointment and qualification shall be entered of record in the
 11 minutes of the secretary. They shall qualify within ten days following
 12 ~~their~~ appointment by taking the oath of office in the manner required
 13 by section 277.28 and filing a bond as required by section 291.2 and
 14 shall hold office until their successors are appointed and qualified.

1 SEC. 135. Section two hundred seventy-nine point six (279.6), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Vacancies occurring among the officers or members of a school board
 5 shall be filled by the board by appointment. A person so appointed to
 6 fill a vacancy in an elective office shall hold *office* until ~~the organiza-~~
 7 ~~tion of the board the third Monday in September immediately follow-~~
 8 ~~ing the next regular election and until his~~ a successor is elected and
 9 qualified *pursuant to section sixty-nine point twelve (69.12) of the*
 10 *Code.* A person appointed to fill a vacancy in an appointive office
 11 shall hold such office for the residue of the unexpired term and until
 12 his successor is appointed and qualified. Any person so appointed shall
 13 qualify within ten days thereafter in the manner required by section
 14 277.28.

1 SEC. 136. Section two hundred eighty A point twelve (280A.12),
 2 Code 1975, is amended to read as follows:

3 **280A.12 Governing board.** The governing board of a merged
 4 area shall be a board of directors composed of one member elected
 5 from each director district in the area by the electors of the respective

6 district. Members of the board shall be residents of the district from
 7 which elected. Successors shall be chosen at the annual school elections
 8 for members whose terms expire on the first Monday in October follow-
 9 ing such elections. Terms of members of the board of directors shall be
 10 three years except that members of the initial board of directors elected
 11 at the special election shall determine their respective terms by lot so
 12 that the terms of one-third of the members, as nearly as may be, shall
 13 expire on the first Monday in October of each succeeding year. Vacan-
 14 cies on the board which occur more than ninety days prior to the next
 15 ~~annual~~ regular school election shall *may* be filled at the next regular
 16 meeting of the board by appointment by the remaining members of the
 17 board. ~~The~~ A member so chosen shall be a resident of the district in
 18 which the vacancy occurred and shall serve until ~~the next annual~~
 19 ~~school election, at which election~~ a member shall be elected *pursuant*
 20 *to section sixty-nine point twelve (69.12) of the Code* to fill the va-
 21 cancy for the balance of the unexpired term. A vacancy shall be de-
 22 fined as in section 277.29. No member shall serve on the board of
 23 directors who is a member of a board of directors of a local school dis-
 24 trict or a member of an area education agency board.

1 SEC. 137. Section two hundred eighty A point twenty-three
 2 (280A.23), subsection two (2), Code 1975, is amended to read as follows:

3 2. Change boundaries of director districts in merged areas after each
 4 decennial census, or *after any* change in boundaries of the merged
 5 area, to compensate for changes in population if such population
 6 changes have taken place, or *at any time for the purpose of causing*
 7 *the boundaries of director districts to coincide, where feasible, with*
 8 *the boundary lines of election precincts established pursuant to sec-*
 9 *tions forty-nine point three (49.3) through forty-nine point six*
 10 *(49.6), inclusive, of the Code. However, the director districts shall in*
 11 *all cases be of approximately equal population within each merged*
 12 *area.*

1 SEC. 138. Section two hundred eighty A point thirty-nine (280A.39),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Any merged area may combine with any adjacent area after a favor-
 5 able vote by the electors of each of the areas involved. If the boards of
 6 directors of two or more merged areas agree to a combination, the ques-
 7 tion shall be submitted to the electors of each area at a special election
 8 to be held on the same day in each area. The special election shall not
 9 be held within thirty days of any general election. Prior to the special
 10 election, the board of each merged area shall notify the county com-
 11 missioner of elections of the county in which the greatest proportion of
 12 the merged area's taxable base is located who shall publish notice of
 13 the election ~~at least three times, no oftener than once a week, in one or~~
 14 ~~more newspapers of general circulation within the merged area accord-~~
 15 ~~ing to section forty-nine point fifty-three (49.53) of the Code.~~ The
 16 two respective county commissioners of elections shall conduct the elec-
 17 tion pursuant to the provisions of chapters 39 to 53. The votes cast in
 18 the election shall be canvassed by the county board of supervisors and
 19 the county commissioners of elections who conducted the election shall
 20 certify the results to the board of directors of each merged area.

1 SEC. 139. Section two hundred ninety-six point four (296.4), Code
 2 1975, is amended to read as follows:

3 **296.4 Notice—ballots.** Notice of the election shall be given by
 4 the county commissioner of elections by publication ~~once each week for~~

5 four weeks in some newspaper of general circulation in the district. The
 6 notice shall state the date of the election, the hours of opening and
 7 closing the polls and the exact location thereof, and the questions to be
 8 submitted, and shall be in lieu of any other notice, any other statute
 9 to the contrary notwithstanding in accordance with section forty-
 10 nine point fifty-three (49.53) of the Code. The county commissioner
 11 of elections shall conduct the election pursuant to the provisions of
 12 chapters 39 to 53 and certify the results to the board of directors.

1 SEC. 140. Section two hundred ninety-eight point eighteen (298.18),
 2 unnumbered paragraph five (5), Code 1975, is amended to read as fol-
 3 lows:

4 Notice of the election shall be given by the county commissioner of
 5 elections by publication once each week for four consecutive weeks in a
 6 newspaper of general circulation in the school corporation. Such notice
 7 shall state the date of the election, the hours of opening and closing
 8 the polls and the exact location thereof, and the question to be submit-
 9 ted according to section forty-nine point fifty-three (49.53) of the
 10 Code. The election shall be held on a date not less than four nor more
 11 than twenty days after the last publication of the notice. Such notice
 12 shall be sufficient and shall be in lieu of any other notice required by
 13 any other statute. At such election the ballot used for the submission
 14 of said proposition shall be in substantially the form for submitting
 15 special questions at general elections. The county commissioner of elec-
 16 tions shall conduct the election pursuant to the provisions of chapters
 17 39 to 53 and certify the results to the board of directors. Such proposi-
 18 tion shall not be deemed carried or adopted unless the vote in favor of
 19 such proposition is equal to at least sixty percent of the total vote cast
 20 for and against said proposition at said election. Whenever such a
 21 proposition has been approved by the voters of a school corporation as
 22 hereinbefore provided, no further approval of the voters of such school
 23 corporation shall be required as a result of any subsequent change in
 24 the boundaries of such school corporation.

1 SEC. 141. Section three hundred three B point two (303B.2), un-
 2 numbered paragraph one (1), Code 1975, is amended* to read as fol-
 3 lows:

4 The regional library system shall consist of seven regional boards of
 5 library trustees which shall serve respectively the seven geographic re-
 6 gions specified in this section. Each region shall be divided into geo-
 7 graphic districts, which shall be drawn along county lines and which
 8 shall be represented on regional boards by trustees elected to the
 9 boards in the following numbers and from the following districts:

1 SEC. 142. Section three hundred three B point four (303B.4), Code
 2 1975, is amended to read as follows:

3 **303B.4 Terms.** Regional library trustees shall take office on the
 4 first day of January following the general election and shall serve
 5 terms of four years, except that trustees elected to the initial board in
 6 the year 1974 shall determine their respective terms by lot so that three
 7 members shall serve terms of two years and four members shall serve
 8 terms of four years. A vacancy shall be filled when it occurs not less
 9 than ninety days before the next general election by appointment by
 10 the regional board for the unexpired term. No trustee shall serve on a
 11 local library board or be employed by a library during his or her term
 12 of office as a regional library trustee.

*According to enrolled Act

1 SEC. 143. Section three hundred six C point ten (306C.10), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Political sign" means an outdoor sign of a tem-
4 porary nature, not larger than thirty-two square feet in surface area,
5 erected for the purpose of soliciting votes or support for or in opposi-
6 tion to any candidate or any political party under whose designation
7 any candidate is seeking nomination or election or any public question
8 on the ballot in an election held under the laws of this state.

1 SEC. 144. Chapter three hundred six C (306C), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. It shall be lawful to place political signs on private
4 property with permission of the owner or person in charge of the prop-
5 erty at any time during the period beginning forty-five days before the
6 date of the election to which the signs pertain and ending on the day
7 of the election, even if such placement would otherwise be a violation
8 of this chapter. This section shall not be construed to authorize place-
9 ment of any political sign at any location where it may, because of its
10 size, location, content or coloring constitute a traffic hazard or a detri-
11 ment to traffic safety by obstructing the vision of drivers, by detracting
12 from the visibility of any traffic control device or by being confused
13 with an authorized traffic control device. The exemption from provi-
14 sions of this chapter granted by this section for political signs shall ex-
15 pire on the seventh day following the date of the election to which the
16 signs pertain. A municipal corporation shall adopt no ordinance which
17 prohibits the placement of political signs on private property as per-
18 mitted by this section during the period beginning twenty-one days be-
19 fore the date of the election to which the signs pertain, nor requires
20 removal of the political signs so placed less than seven days after the
21 date of that election.

1 SEC. 145. Section three hundred forty-seven point ten (347.10),
2 Code 1975, is amended to read as follows:

3 **347.10 Vacancies.** Vacancies in the board of trustees ~~shall~~ *may*
4 be filled by an appointment to fill the vacancy by the remaining mem-
5 bers of the board of trustees. ~~In the event that~~ *or, if fewer than four*
6 ~~trustees remain on the board, the vacancies shall be filled~~ *trustees remain on the board, the vacancies shall be filled pursuant*
7 *to section sixty-nine point twelve (69.12) of the Code.* Should any
8 board member be absent for four consecutive regular board meetings,
9 without prior excuse, his position shall be declared vacant and filled as
10 set out above.
11

1 SEC. 146. Section three hundred forty-seven point twenty-five
2 (347.25), unnumbered paragraph one (1), Code 1975, is amended to
3 read as follows:

4 The election of hospital trustees *whose offices are established by*
5 *this chapter or chapter one hundred forty-five A (145A) or three*
6 *hundred forty-seven A (347A) of the Code shall take place at the gen-
7 eral election on ballots which shall not reflect a nominee's political af-
8 filiation. Nomination shall be made by petition in accordance with*
9 *chapter 45. The petition form shall be furnished by the county commis-
10 sioner of elections, signed by ~~qualified~~ eligible electors of the county*
11 *equal in number to one percent of the vote cast for president of the*
12 *United States or governor, as the case may be, by both political parties*
13 *in the last previous general election, and shall be filed with the county*
14 *commissioner of elections at least fifty-five days prior to the date of*

15 said general election. A plurality shall be sufficient to elect hospital
16 trustees, it being the intent that there be no primary election.

1 SEC. 147. Section three hundred forty-seven A point one (347A.1),
2 Code 1975, is amended as follows:

3 1. By striking from line thirty-two (32) the word "shall" and insert-
4 ing in lieu thereof the word "may".

5 2. By striking from line thirty-four (34) the words "next succeeding
6 general election" and inserting in lieu thereof the words "the vacancies
7 are filled pursuant to section sixty-nine point twelve (69.12) of the
8 Code".

1 SEC. 148. Section three hundred fifty-eight point nine (358.9), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 Vacancies in the office of trustee of a sanitary district ~~shall~~ *may* be
5 filled by the remaining members of the board for the period ~~extending~~
6 ~~to the second secular day of January following the next biennial elec-~~
7 ~~tion, when~~ *until* a trustee shall be elected *pursuant to section sixty-*
8 *nine point twelve (69.12) of the Code* to fill such vacancy for the
9 unexpired term.

1 SEC. 149. Section three hundred sixty-four point two (364.2), subsec-
2 tion four (4), paragraph c, Code 1975, is amended to read as follows:

3 c. Notice of the election shall be given by publication ~~once each~~
4 ~~week for four consecutive weeks as prescribed in section forty-nine~~
5 ~~point fifty-three (49.53) of the Code~~ in a newspaper of general circula-
6 tion in the city. ~~The election shall be held on a day not less than five~~
7 ~~nor more than twenty days after the last publication of notice.~~

1 SEC. 150. Section three hundred seventy-two point thirteen (372.13),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. A vacancy in an elective city office during a term of office ~~must~~
4 ~~may~~ be filled by the council for the period of time until ~~the next regu-~~
5 ~~lar city election~~ *it is filled pursuant to section sixty-nine point*
6 *twelve (69.12) of the Code.*

1 SEC. 151. Section three hundred seventy-six point four (376.4), un-
2 numbered paragraph seven (7), Code 1975, is amended to read as fol-
3 lows:

4 The city clerk shall deliver all nomination petitions to the county com-
5 missioner of elections not later than five o'clock p.m. on the day fol-
6 lowing the last day on which nomination petitions can be filed. Any
7 person on whose behalf nomination petitions have been filed under
8 this section may withdraw as a candidate by filing a signed statement
9 to that effect ~~with the commissioner at any time prior to five o'clock~~
10 ~~p.m. on the twenty-first day before the election as prescribed in sec-~~
11 ~~tion forty-four point nine (44.9) of the Code.~~

1 SEC. 152. Section three hundred eighty-four point twenty-six
2 (384.26), subsection three (3), Code 1975, is amended to read as follows:

3 3. Notice of the election must be given by publication ~~once each~~
4 ~~week for at least three consecutive weeks as required by section forty-~~
5 ~~nine point fifty-three (49.53) of the Code~~ in a newspaper of general
6 circulation in the city. ~~The notice must state the date of the election,~~
7 ~~the hours of opening and closing the polls and the location thereof,~~
8 ~~and the question to be submitted. The election must be held on a date~~
9 ~~not less than four nor more than twenty days after the last publication~~
10 ~~of the notice. Such notice is sufficient and is in lieu of any other notice~~

11 required by any other statute. At the election the ballot used for the
 12 submission of the proposition must be in substantially the form for sub-
 13 mitting special questions at general elections.

1 SEC. 153. Section three hundred ninety-four point two (394.2), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 It shall not be necessary to submit to the voters the proposition of issu-
 5 ing bonds for refunding purposes, but prior to the issuance of bonds
 6 for other purposes the council shall submit to the voters of the city at a
 7 general election or a regular municipal election the proposition of issu-
 8 ing the bonds. Notice of the election on the proposition of issuing
 9 bonds shall be published ~~once each week for at least four consecutive~~
 10 ~~weeks in a newspaper published in the county, which notice shall state~~
 11 ~~the date of the election, the hours of opening and closing the polls and~~
 12 ~~the location thereof, the question to be submitted, and as required by~~
 13 ~~section forty-nine point fifty-three (49.53) of the Code. The notice~~
 14 ~~shall also state whether or not an admission fee is to be charged by the~~
 15 ~~zoo or zoological gardens. The election shall be held on a date not less~~
 16 ~~than four nor more than twenty days after the last publication of the~~
 17 ~~notice.~~

1 SEC. 154. Sections forty-three point forty-four (43.44), forty-three
 2 point fifty-nine (43.59), forty-three point seventy (43.70), forty-three
 3 point seventy-four (43.74), forty-three point eighty-one (43.81), forty-
 4 three point eighty-two (43.82), forty-three point eighty-four (43.84),
 5 forty-three point eighty-six (43.86), forty-three point eighty-seven
 6 (43.87), forty-three point one hundred two (43.102), forty-three point
 7 one hundred five (43.105), forty-three point one hundred ten (43.110),
 8 forty-three point one hundred thirteen (43.113), forty-nine point thirty-
 9 four (49.34), forty-nine point forty-nine (49.49), forty-nine point fifty-
 10 nine (49.59), forty-nine point sixty (49.60), forty-nine point sixty-one
 11 (49.61), forty-nine point sixty-two (49.62), two hundred seventy-seven
 12 point twenty-six (277.26) and two hundred ninety-six point five (296.5),
 13 Code 1975, are repealed.

Approved June 16, 1975

CHAPTER 82

PRESIDENTIAL ELECTORS—EXPENSES

H. F. 229

AN ACT relating to the payment of expenses of presidential electors.

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

1 SECTION 1. Section fifty-four point nine (54.9), Code 1975, is
 2 amended to read as follows:

3 **54.9 Compensation.** The electors shall each receive a compensa-
 4 tion of five dollars for every day's attendance, and the same mileage
 5 as members of the general assembly *which shall be paid from funds*
 6 *not otherwise appropriated from the general fund of the state.*

Approved April 8, 1975