

CHAPTER 1075

ELECTION LAWS

H. F. 1011

AN ACT to amend the election laws of the state of Iowa by specifying the times when special elections may be called and held, clarifying the requirement that nominating petitions for candidates for public office be accompanied by an eligible elector's affidavit, clarifying the manner in which ballots cast by challenged or handicapped electors are to be received, handled and canvassed, requiring that county election commissioners notify the state commissioner when a recount of primary election ballots is granted, requiring that candidates nominated by write-in votes in certain elections affirm their candidacy, specifying how nominations for certain special elections are to be certified, changing the manner of filling vacancies on city primary election ballots in special charter cities, changing the time when the number of delegates to be elected to county political party conventions by each precinct caucus must be designated, stating the functions of state political party conventions, changing the time when petitions for certain candidates nominated under chapter forty-four (44) of the Code must be filed, revising the manner in which voter registration records are required to be kept and designating a state registrar of voters, clarifying the permissible uses of voter registration records, altering the procedures for certain registered voters to record a change of name or address, clarifying the relationship between county supervisor district boundaries and election precincts, specifying certain hours when the office of the county commissioner of elections must be open or make alternative arrangements to receive registration material from mobile deputy registrars, clarifying the time and method of holding and canvassing and the formula for determining who is nominated or elected in certain city elections, clarifying the number of voting machines or booths to be furnished each precinct polling place, clarifying the requirements for publishing notice of elections, clarifying the manner in which printed ballots are to be identified, clarifying the hours when the polls must be open for certain elections, revising the law relative to tallying votes cast in certain precincts, clarifying and revising certain requirements relative to the manner of delivery of absentee ballots to certain voters, providing for contesting elections on public measures, clarifying when a contested election may be set aside, clarifying when vacancies in certain elective offices must be filled by election, changing the time when candidates in school elections may withdraw, clarifying the requirements relative to canvassing of school elections, deleting an obsolete reference to elected school district treasurers, clarifying the manner of administering merged area elections, changing the manner of electing sanitary district trustees, ending the requirement that the township clerk's annual financial statement be posted at each polling place in the township, clarifying the law relative to certain elections conducted for the city development board, correcting a reference in Acts of the Sixty-sixth General Assembly, 1976 session, House File 1033, and providing that this Act shall take effect upon publication.

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

1 SECTION 1. Section thirty-nine point two (39.2), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section two (2), is amended to read as follows:

4 **39.2 Special elections.**

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

9 2. *A special election may be held on the same day as a regularly scheduled election*
10 *if the two elections are not in conflict within the meaning of Acts of the Sixty-sixth*
11 *General Assembly, 1975 Session, chapter eighty-one (81), section forty-four (44),*
12 *subsection two (2). A special election may be held on the same day as a regularly*
13 *scheduled election with which it does so conflict if the commissioner who is responsible*
14 *for conducting the elections concludes that to do so will cause no undue difficulties.*

15 3. *When voting is to occur on the same day in any one precinct for two or more*
16 *elections, they shall be considered one election for purposes of administration*
17 *including but not limited to publishing notice of the election, preparation of the*
18 *precinct election register and completion of tally sheets after the polling place has*
19 *closed.*

1 SEC. 2. Section thirty-nine point three (39.3), Code 1975, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. "Registrar" means the state registrar of voters designated
4 by section twenty-two (22) of this Act.

5 NEW SUBSECTION. "Registration commission" means the state voter
6 registration commission established by section twenty-two (22) of this Act.

1 SEC. 3. Section forty-three point seventeen (43.17), Code 1975, is amended to
2 read as follows:

3 **43.17 Affidavit to nomination papers.** The affidavit of an eligible elector;
4 ~~other than the candidate~~, shall be appended to each such nomination paper, or
5 papers, if more than one for any candidate, stating that to the best of his *or her*
6 knowledge and belief all the persons who have signed the paper or papers are
7 electors of that county or legislative district; that they signed the same with full
8 knowledge of the contents thereof; that their respective residences are truly stated
9 therein; and that each signer signed the same on the date stated opposite his *or*
10 *her* name. *The candidate being nominated by the paper or papers may sign the*
11 *affidavit only if he or she personally circulated the paper or papers. If the affiant also*
12 *signed the nomination paper, that signature shall not be counted toward the total*
13 *required by section forty-three point twenty (43.20) of the Code.*

1 SEC. 4. Section forty-three point forty-six (43.46), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section thirteen (13), is amended to read as follows:

4 **43.46 Delivering returns.** The precinct election officials shall deliver all
5 election supplies, by noon of the day after the close of the polls, to the
6 commissioner who shall carefully preserve them and deliver the returns and
7 envelopes containing ballots, in the condition in which received *except as is*
8 *otherwise required by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter*
9 *eighty-one (81), section eighty-seven (87), to the county board of supervisors.*

1 SEC. 5. Section forty-three point fifty-eight (43.58), Code 1975, is amended to
2 read as follows:

3 **43.58 Recount granted.** If such showing is made to the satisfaction of the
4 board, it shall thereupon recount the ballots cast in any such precinct for the
5 office for which the contestant was a candidate, and if the result reached by the
6 board on the recount of the ballots as to such office be different from that
7 returned by the judges of election, it shall be substituted therefor as the true and
8 correct return and so regarded in all subsequent proceedings. The action of the
9 board shall be final and no other contest of any kind shall be permitted. *The*
10 *commissioner shall promptly notify the state commissioner of any recount the board*
11 *decides to make and shall subsequently, at the earliest practicable time, inform the*
12 *state commissioner whether any change in the outcome of the election resulted from*
13 *the recount.*

1 SEC. 6. Section forty-three point sixty-seven (43.67), Code 1975, is amended to
2 read as follows:

3 **43.67 Nominee's right to place on ballot.** Each candidate so nominated shall
4 be entitled to have his *or her* name printed on the official ballot to be voted at the
5 general election without other certificate, *except that a candidate whose name was*
6 *not printed on the official primary election ballot must execute and deliver to the*
7 *commissioner or the state commissioner, as the case may be, an affidavit in*
8 *substantially the following form:*

9 "I,, being duly sworn, say that I reside at
10 street, city of, county of in the state of Iowa; that I
11 am a candidate for election to the office of at the election to be
12 held on, as the candidate of the (name of political
13 party) and hereby request that my name be so printed upon the official ballot for that
14 election as provided by law. I furthermore declare that I am eligible to the office for
15 which I am a candidate and that if I am elected I will qualify as such officer.

16 I am aware that I am required to organize a candidate's committee which shall file
17 an organization statement and disclosure reports if it receives contributions, makes
18 expenditures, or incurs indebtedness in excess of one hundred dollars for the purpose
19 of supporting my candidacy for public office.

20 (Signed)
21 Subscribed and sworn to (or affirmed) before me by ... on this ... day of ..., 19 ...
22
23 (Name)
24
25 (Official title)"

26 Each candidate required to execute the foregoing affidavit shall be so notified by
27 the commissioner immediately upon completion of the canvass held under section
28 forty-three point forty-nine (43.49) of the Code, or by the state commissioner
29 immediately upon completion of the canvass held under section forty-three point sixty-
30 three (43.63) of the Code, as the case may be. If the candidate does not execute and
31 deliver the affidavit by five o'clock p.m. on the seventh day following completion of
32 such canvass, the commissioner or state commissioner shall not cause that candidate's
33 name to be placed upon the official general election ballot.

1 SEC. 7. Section forty-three point seventy-three (43.73), Code 1975, is amended
2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The state commissioner shall similarly
4 certify to the appropriate commissioner or commissioners at the earliest
5 practicable time the names of nominees for a special election, called under section
6 sixty-nine point fourteen (69.14) of the Code, submitted to the state commissioner
7 pursuant to Acts of the Sixty-sixth General Assembly, 1976 Session, House File
8 one thousand thirty-three (1033), section one (1).

1 SEC. 8. Section forty-three point seventy-eight (43.78), Code 1975, as amended
2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
3 (81), section twenty-five (25), is amended by striking from subsection one (1) all
4 of paragraphs f and g and inserting in lieu thereof the following:

5 f. For any other partisan office filled by the voters of a subdivision of a county,
6 by those members of the party's county central committee who represent the
7 precincts lying within that district, who shall be convened or reconvened as
8 appropriate by the county party chairperson. However this paragraph shall not
9 apply to partisan city offices in special charter cities for which candidates are
10 nominated under this chapter, but such ballot vacancies shall be filled as
11 provided by section twelve (12) of this Act.

1 SEC. 9. Section forty-three point seventy-eight (43.78), subsection three (3),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
3 Session, chapter eighty-one (81), section twenty-five (25), is amended to read as
4 follows:

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

1 SEC. 10. Section forty-three point ninety (43.90), Code 1975, is amended to
2 read as follows:

3 **43.90 Delegates.** The county convention shall be composed of delegates
4 elected at the last preceding precinct caucus. Delegates shall be persons who are
5 or will by the date of the next general election become eligible electors and who
6 are residents of the precinct. The number of delegates from each voting precinct
7 shall be determined by a ratio adopted by the respective party county central
8 committees, and a statement designating the number from each voting precinct in
9 the county shall be filed by such committee at least ~~fifty-five days~~ before the
10 primary election not later than the time the list of precinct caucus meeting places

11 *required by section forty-three point four (43.4) of the Code is filed* in the office of
 12 the commissioner. If the required statement is not filed, the commissioner shall fix
 13 the number of delegates from each voting precinct.

1 SEC. 11. Section forty-three point one hundred seven (43.107), Code 1975, is
 2 amended to read as follows:

3 **43.107 State convention.** Each political party shall hold a state convention
 4 either preceding or following the primary election. The state central committee of
 5 each political party shall designate the time and place of the state convention,
 6 *which shall transact such business as is required or permitted by the party's state*
 7 *constitution or bylaws or by the rules of the convention.*

1 SEC. 12. Chapter forty-three (43), Code 1975, is amended by inserting after
 2 section forty-three point one hundred fifteen (43.115) the following new section:

3 **NEW SECTION. Ballot vacancies in special charter city elections.**

4 1. A vacancy on the ballot for an election at which city officers are to be
 5 chosen, and for which candidates have been nominated under this chapter, exists
 6 when any political party lacks a candidate for an office to be filled at that
 7 election because:

8 a. No person filed at the time required by section forty-three point one
 9 hundred fifteen (43.115) as a candidate for the party's nomination for that office
 10 in the city primary election held under section forty-three point one hundred
 11 twelve (43.112) of the Code, or all persons who did so subsequently withdrew as
 12 candidates, were found to lack the requisite requirements for the office or died
 13 before the date of the city primary election, and no candidate received a number
 14 of write-in votes sufficient for nomination under section forty-three point fifty-
 15 three (43.53) of the Code; or

16 b. The person nominated in the city primary election as the party's candidate
 17 for that office withdrew by giving written notice to that effect to the city clerk not
 18 later than five o'clock p.m. on the day of the canvass of that city primary election.

19 2. A ballot vacancy as defined by this section may be filled by the city central
 20 committee of the party on whose ticket the vacancy exists or, in the case of an
 21 officer elected by the voters of a district within the city, by those members of the
 22 committee who represent the precincts lying within that district. The name of a
 23 candidate so designated to fill such a ballot vacancy shall be submitted in writing
 24 to the city clerk not later than five o'clock p.m. on the seventh day following the
 25 city primary election.

1 SEC. 13. Section forty-four point nine (44.9), subsections three (3), four (4)
 2 and five (5), Code 1975, are amended to read as follows:

3 3. In the office of the proper *school board secretary* or city clerk, at least ~~thirty~~
 4 *thirty-five* days before the day of ~~the~~ *a regularly scheduled school or city* election.

5 4. In the office of the state commissioner, in case of a special election to fill
 6 vacancies; ~~at least sixteen days before the day of election in congress or the general~~
 7 *assembly, not more than:*

8 a. *Twenty days after the date on which the governor issues the call for a special*
 9 *election to be held on at least forty days' notice.*

10 b. *Five days after the date on which the governor issues the call for a special*
 11 *election to be held on at least ten but less than forty days' notice.*

12 5. In the office of the proper commissioner, *school board secretary* or city clerk,
 13 in case of a special election to fill vacancies, at least ~~thirty~~ *twenty-five* days before
 14 the day of election.

1 SEC. 14. Section forty-four point eleven (44.11), Code 1975, is amended to
 2 read as follows:

3 **44.11 Vacancies filled.** If a candidate named under this chapter declines a
 4 nomination, or dies before election day, or should any certificate of nomination
 5 be held insufficient or inoperative by the officer with whom it is required to be
 6 filed, or in case any objection made to any certificate of nomination, or to the

7 eligibility of any candidate therein named, is sustained by the board appointed to
 8 determine such questions, the vacancy or vacancies thus occasioned may be filled
 9 by the convention, or caucus, or in such manner as such convention or caucus
 10 has previously provided. The vacancy or vacancies shall be filled not less than
 11 sixty days prior to the election in the case of nominations required to be filed
 12 with the state commissioner, not less than fifty days prior to the election in the
 13 case of nominations required to be filed with the commissioner, and not less than
 14 ~~thirty~~ *thirty-five* days prior to the election in the case of nominations required to
 15 be filed in the office of the *school board secretary or city clerk*.

1 SEC. 15. Section forty-four point fourteen (44.14), Code 1975, as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section thirty-nine (39), is amended to read as follows:

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

1 SEC. 16. Section forty-five point three (45.3), subsection one (1), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section forty-one (41), is amended to read as follows:

4 1. The affidavit of at least one of ~~the signers of the petition~~ *eligible elector*,
 5 stating that each of the persons who signed the petition did so voluntarily and is
 6 an eligible elector of the state, as defined by section thirty-nine point three (39.3)
 7 of the Code, who is (or would be, if registered) entitled to vote for the candidate
 8 nominated by the petition; ~~and. The candidate being nominated by the petition may~~
 9 ~~sign the affidavit only if he or she personally circulated the petition. If the affiant also~~
 10 ~~signed the nominating petition, that signature shall not be counted toward the total~~
 11 ~~required by section forty-five point one (45.1) of the Code.~~

1 SEC. 17. Section forty-seven point one (47.1), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section forty-two (42), is amended to read as follows:

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

1 SEC. 18. Section forty-seven point three (47.3), unnumbered paragraph one
 2 (1), Code 1975, is amended to read as follows:

3 The costs of conducting a special election called by the governor *to fill a*
 4 *vacancy in the United States house of representatives*, general election, and the
 5 primary election held prior to the general election shall be paid by the county.

1 SEC. 19. Section forty-seven point three (47.3), Code 1975, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The cost of maintenance of voter
4 registration records and of preparation of election registers and any other voter
5 registration lists required by the commissioner in the discharge of the duties of
6 that office shall be paid by the county. Administrative and clerical costs, incurred
7 by the registrar in discharging the duties of that office shall be paid by the state.

1 SEC. 20. Section forty-seven point five (47.5), Code 1975, is amended to read
2 as follows:

3 **47.5 Purchasing by competitive bidding.**

4 1. The commissioner shall take bids for ~~any~~ goods and services *which are*
5 *needed in connection with registration of voters or preparation for or administration of*
6 *elections and which will be performed or provided by persons who are not*
7 *employees of the commissioner and where the costs of such services exceed five*
8 *thousand dollars per contract in the case of contracts for the printing of ballots*
9 *or, in the case of other services, two thousand five hundred dollars per contract.*
10 *under the following circumstances:*

11 *a. In any case where it is proposed to purchase data processing services. The*
12 *commissioner shall give the registrar written notice in advance on each occasion when*
13 *it is proposed to have data processing services, necessary in connection with the*
14 *administration of elections, performed by any person other than the registrar or an*
15 *employee of the county. Such notice shall be made at least thirty days prior to*
16 *publication of the specifications.*

17 *b. In the case of arrangements for printing of ballots, where the cost of the printing*
18 *will exceed five thousand dollars.*

19 *c. In all other cases, where the cost of the goods or services to be purchased will*
20 *exceed one thousand dollars.*

21 *d. No bids shall be required for legal services. ~~The~~*

22 *2. When it is proposed to purchase any goods or services, other than data processing*
23 *services, in connection with administration of elections, the commissioner shall*
24 *publish notice to bidders, including specifications regarding the goods or services*
25 *to be purchased or a description of the nature and object of the services to be*
26 *retained, in a newspaper of general circulation in the county not less than fifteen*
27 *days before the final date for submission of bids. The commissioner shall also file*
28 *a copy of the bid specifications in the office of the state commissioner for a*
29 *period of not less than twenty days prior to the such final date the bid is let. When*
30 *competitive bidding procedures are used, the purchase of goods or services shall*
31 *be made from the lowest responsible bidder which meets the specifications or*
32 *description of the services needed or the commissioner may reject all bids and*
33 *readvertise. In determining the lowest responsible bidder, various factors may be*
34 *considered, including but not limited to the past performance of the bidder*
35 *relative to quality of product or service, the past experience of the purchaser in*
36 *relation to the product or service, the relative quality of products or services, the*
37 *proposed terms of delivery and the best interest of the county.*

38 *A county shall not enter into an intergovernmental agreement with any other*
39 *political subdivision of the state for acquisition of goods or performance of*
40 *services until an audit has been conducted by the auditor of state or an*
41 *independent certified public accountant not in the regular employ of the counties*
42 *executing an agreement which sets forth the costs of each county for providing*
43 *goods and services.*

44 *3. The procedure for purchasing data processing services in connection with*
45 *administration of elections shall be the same as prescribed in subsection two (2) of this*
46 *section, except that the required copy of the bid specifications shall be filed with the*
47 *registrar rather than the state commissioner. The specifications for data processing*
48 *contracts relative to voter registration records shall be specified by the registration*
49 *commission. The registrar shall, not later than the final date for submission of bids,*

50 *inform the commissioner in writing whether the state comptroller's data processing*
 51 *facilities are currently capable of furnishing the services the county proposes to*
 52 *purchase, and if so the cost to the county of so obtaining the services as determined in*
 53 *accordance with the standard charges therefor adopted by the registration commission.*
 54 *The commissioner, with approval of the board of supervisors, may reject all bids and*
 55 *enter into an arrangement with the registrar for the services to be furnished by the*
 56 *state. The commissioner may recommend and the board of supervisors may approve*
 57 *purchasing the needed services from the lowest responsible bidder, however if the*
 58 *needed services could be obtained through the registrar at a lower cost, the board shall*
 59 *publish notice twice in a newspaper of general circulation in the county of its intent to*
 60 *accept such bid and of the difference in the amount of the bid and the cost of*
 61 *purchasing the needed services from the state comptroller's data processing facilities*
 62 *through the registrar. Each contract for the furnishing of data processing services,*
 63 *necessary in connection with the administration of elections, by any person other than*
 64 *the registrar or an employee of the county shall be executed with the contractor by the*
 65 *board of supervisors of the county purchasing the services, but only after the contract*
 66 *has been reviewed and approved by the registration commission. Such contract shall*
 67 *be of not more than one year's duration. Each county exercising the option to*
 68 *purchase such data processing services from a provider other than the registrar shall*
 69 *provide the registrar, at the county's expense, original and updated voter registration*
 70 *lists in a form and at times prescribed by rules promulgated by the registration*
 71 *commission.*

72 4. Any election or registration data or records which may be in the possession
 73 of a contractor shall remain the property of the commissioner. *Contracts with a*
 74 *private person relating to the maintenance and use of voter registration data, which*
 75 *were properly entered into in compliance with this section and with all other laws*
 76 *relating to bidding on such contracts, shall remain in force only until the most recently*
 77 *negotiated termination date of that contract. A new contract with the same provider*
 78 *may be entered into in accordance with subsection three (3) of this section.*

1 SEC. 21. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 2 eighty-one (81), section forty-four (44), subsection one (1), is amended to read as
 3 follows:

4 1. The governing body of any political subdivision which has authorized a
 5 special election to which section thirty-nine point two (39.2) of the Code is
 6 applicable shall by written notice inform the commissioner who will be
 7 responsible for conducting the election of the proposed date of the special
 8 election. ~~The~~ *If the proposed date of the special election coincides with the date of a*
 9 *regularly scheduled election, the notice shall be given no later than five o'clock p.m.*
 10 *on the last day on which nomination papers may be filed for the regularly scheduled*
 11 *election. Otherwise, the notice shall be given at least thirty days in advance of ~~that~~*
 12 *the date of the proposed date special election. Upon receiving the notice, the*
 13 *commissioner shall promptly give written approval of the proposed date unless it*
 14 *appears that the special election, if held on that date, would conflict with a*
 15 *regular election or with another special election previously scheduled for that*
 16 *date.*

1 SEC. 22. Chapter forty-seven (47), Code 1975, is amended by adding the
 2 following new sections:

3 **NEW SECTION. State registrar of voters.**

4 1. The senior administrator of data processing services in the office of the state
 5 comptroller is designated the state registrar of voters, and shall regulate the
 6 preparation, preservation and maintenance of voter registration records, the
 7 preparation of precinct election registers for all elections administered by the
 8 commissioner of any county, and the preparation of other data on voter
 9 registration and participation in elections as shall be requested and purchased at
 10 actual cost of preparation and production by a political party or any resident of
 11 this state, except as otherwise provided by section forty-eight point five (48.5),

12 subsection two (2), paragraph d of the Code. The registrar shall maintain a log,
13 which shall be a public record, showing all lists and reports which have been
14 requested or generated or which are capable of being generated by existing
15 programs of the data processing services in the office of the state comptroller.

16 2. The registrar shall offer to each county in the state the opportunity to
17 arrange for performance of all functions referred to in subsection one (1) of this
18 section by the data processing facilities of the state comptroller's office,
19 commencing at the earliest practicable time, at a cost to the county determined in
20 accordance with the standard charges for those services adopted by the
21 registration commission. A county may accept this offer without taking bids
22 under section forty-seven point five (47.5) of the Code.

23 3. Any county may use its own data processing facilities for voter registration
24 record keeping and utilization functions, if the system design and the form in
25 which the registration records are kept conform to specifications established by
26 rules promulgated by the registration commission. Each county exercising the
27 option to maintain its own voter registration records under this subsection shall
28 provide the registrar, at the county's expense, original and updated voter
29 registration lists in a form and at times prescribed by the registrar.

30 **NEW SECTION. Voter registration commission—composition—duties.**

31 1. There is established a state voter registration commission which shall meet at
32 least once each month to make and review policy, promulgate rules and establish
33 procedures to be followed by the registrar in discharging the duties of that office.
34 The commission shall consist of the state commissioner of elections or his or her
35 designee and the state chairpersons of the two political parties whose candidates
36 for president of the United States or governor, as the case may be, received the
37 greatest and next greatest number of votes in the most recent general election, or
38 their respective designees, who shall serve without additional salary or
39 reimbursement.

40 2. The registration commission shall prescribe the forms required for voter
41 registration by rules promulgated pursuant to chapter seventeen A (17A) of the
42 Code.

43 3. The registrar shall provide staff services to the commission and shall make
44 available to it all information relative to the activities of the registrar's office in
45 connection with the registration of voters in this state which may be requested by
46 any commission member. The commission may authorize the registrar to employ
47 such additional staff personnel as it deems necessary to permit the duties of the
48 registrar's office to be adequately and promptly discharged. Such personnel shall
49 be employed pursuant to chapter nineteen A (19A) of the Code.

50 4. The registration commission shall annually adopt a set of standard charges
51 to be made for the services the registrar is required to offer to the several
52 commissioners, and for furnishing of voter registration records which are
53 requested by persons other than the registrar, the state commissioner or any
54 commissioner pursuant to section forty-eight point five (48.5), subsection two (2)
55 of the Code. These charges shall be sufficient to reimburse the state for the actual
56 cost of furnishing such services or information, and shall be specified by unit
57 wherever possible. The standard charges shall be adopted by the commission by
58 January fifteenth of each calendar year.

1 SEC. 23. Section forty-eight point four (48.4), Code 1975, as amended by Acts
2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section forty-eight (48), is amended to read as follows:

4 **48.4 Commissioner of registration—duties.** The commissioner of registration
5 shall ~~have complete charge of, under the direction of the registration commission and~~
6 ~~the registrar, supervise~~ the registration of all eligible electors within the county,
7 and shall appoint such deputies and clerks as may be necessary, from the two
8 political parties receiving the highest vote at the last general election. The number
9 of such deputies and clerks ~~for all precinct registration places, and at the central~~

10 registration office, shall be equally divided between the members of the two said
 11 political parties. These appointments shall be subject to the approval of the
 12 county board of supervisors. The commissioner of registration shall provide such
 13 printed forms and blanks as may be necessary, together with such other supplies
 14 and equipment as are necessary to properly carry out the provisions of this
 15 chapter. Registration places shall be established throughout the cities and county.

1 SEC. 24. Section forty-eight point five (48.5), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section forty-nine (49), is amended to read as follows:

4 **48.5 Registration records.**

5 1. The county commissioner of registration shall ~~safely maintain at his or her~~
 6 ~~office or other designated locations the original~~ registration records of all
 7 qualified electors in the county. ~~The original registration in accordance with rules~~
 8 ~~promulgated by the registration commission.~~ Registration records shall not be
 9 removed from that office or other designated locations except upon court order.
 10 ~~Duplicate registration records, and~~ shall be open to inspection by the public at
 11 reasonable times.

12 2. Any person may request of the ~~commissioner registrar~~ and shall receive,
 13 upon payment of the cost of preparation, a list of all qualified electors ~~in the~~
 14 ~~county and other data on registration and participation in elections,~~ in accordance
 15 with the following requirements and limitations:

16 a. ~~The commissioner shall draw up each~~ *Each list shall be produced* in the order
 17 and form specified by the requestor, so long as that order and form are within the
 18 ~~capability~~ *capacity* of the system used by the ~~commissioner registrar~~.

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

21 c. The ~~commissioner registrar~~ shall not be required to provide lists ~~or data~~
 22 during the fifteen days prior to the date of ~~any~~ *the primary election, the general*
 23 *election, the regular city election held pursuant to section three hundred seventy-six*
 24 *point one (376.1) of the Code, or the annual school* election in any order or form
 25 other than that utilized to conduct the election, if the preparation of a list in any
 26 other order or form requested would impede the preparation of the election
 27 registers for that election.

28 d. The county chairperson of each political party, as defined in section forty-
 29 eight point four (48.4) of the Code, ~~and the chairperson of each state political party~~
 30 ~~central committee~~ may ~~each~~ request and shall receive without charge three lists ~~or~~
 31 ~~reports~~ during the two-year period prior to each general election, in the order and
 32 form requested. ~~The lists or data requested by the county chairpersons shall pertain~~
 33 ~~only to qualified electors of that county.~~ The lists ~~or reports~~ requested under this
 34 paragraph shall be delivered on or before the date specified by the requestor, if
 35 the requestor gives the ~~commissioner~~ at least thirty days advance notice of that
 36 date and the timing of the request and the order and form specified do not
 37 conflict with the restrictions of paragraph ~~a or c~~ of this subsection.

38 e. ~~The commissioner shall upon request provide, to any person who has within~~
 39 ~~the previous year obtained a list of all qualified electors in the county under this~~
 40 ~~section, a~~ *A* periodic updating of the registration lists showing all additions,
 41 changes and deletions since the previous updating of the ~~registration list.~~ ~~The~~
 42 ~~updated list shall be provided at least once each fourteen days except during the~~
 43 ~~two weeks prior to the close of registration before any election, when it shall be~~
 44 ~~provided daily if requested.~~ Each requestor under this paragraph shall receive the
 45 updating data at the same time ~~and in the same order and form,~~ which shall be
 46 determined by the ~~commissioner registrar, but in an order and form specified by the~~
 47 ~~requestor.~~ Each requestor, except those who obtain the initial list of qualified
 48 electors under paragraph d of this subsection, shall pay the cost of duplicating the
 49 updating data before receiving a copy thereof.

50 3. Neither the duplicate registration records open to public inspection nor any
 51 list obtained under subsection two (2) of this section shall be used for any
 52 purpose of any kind or nature, other than to request a registrant's vote at a
 53 ~~primary or general election~~, or any other bona fide political purpose. The
 54 commissioner or registrar shall keep a list of the name, address, telephone
 55 number, and social security number of each person who copies or obtains copies
 56 of the registration lists. Any person that uses such lists in violation of this section
 57 shall, upon conviction, be imprisoned in the county jail, not to exceed one year,
 58 or be fined not to exceed one thousand dollars, or by both such fine and
 59 imprisonment, for each violation.

60 4. *Beginning not later than January 1, 1977, every voter registration record shall be*
 61 *maintained in computer readable form according to the specifications of the registrar.*

1 SEC. 25. Section forty-eight point seven (48.7), Code 1975, as amended by
 2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section fifty-one (51), is amended to read as follows:

4 **48.7 Notice of change of name or address.** The commissioner of registration
 5 shall make available forms for use by qualified electors in giving notice of a legal
 6 change of name or a change of address within the county, or both. The notice
 7 shall provide space for the qualified elector's current name in full and the address
 8 of the exact location where he or she currently resides, the full name under which
 9 the elector was previously registered, if a legal change of name has occurred, the
 10 previous residence address of the elector, if a change of address has occurred, and
 11 the elector's signature. If the commissioner of registration receives written
 12 notification of a change of name or address from any qualified elector in the
 13 county and the notice does not contain the required information, the
 14 commissioner shall immediately send by forwardable mail to the elector at his or
 15 her last known address notice that the elector's registration is defective. Upon
 16 receipt of any valid change of name or address notice, on or before the last day of
 17 registration before any election, the commissioner of registration shall make entry
 18 of the change, as necessary, on the original and duplicate registration lists and the
 19 elector shall be qualified to vote under the new name or in the new election
 20 precinct, or both, as the case may be. If a qualified elector fails to notify the
 21 commissioner of registration of a change of legal name or of residence address
 22 before the close of registration for any election the elector shall not be qualified
 23 to vote at that election, except that if a change of residence address or *change of*
 24 *name* does not require printing the qualified elector's name in a different election
 25 register for that election, the qualified elector shall be allowed to vote. A precinct
 26 election official shall have such an elector complete a ~~change of address card~~
 27 *registration form of the type prescribed for use by electors registering under Acts of*
 28 *the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section*
 29 *forty-seven (47), at the polls and shall return the card to the commissioner with the*
 30 *election supplies. Upon receipt of the registration form, if the election was conducted*
 31 *for a political subdivision located in more than one county and the elector has listed a*
 32 *new address which is outside the commissioner's own county, the commissioner shall*
 33 *forward the form to the commissioner of the elector's county of residence.*

1 SEC. 26. Section forty-eight point eleven (48.11), unnumbered paragraph two
 2 (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter eighty-one (81), section fifty-two (52), is amended to read as
 4 follows:

5 Registration shall close in a precinct at five o'clock p.m., ten days before an
 6 election, except as provided in *Acts of the Sixty-sixth General Assembly, 1975*
 7 *Session, chapter eighty-one (81), section forty-seven (47) of this Act. The*
 8 *commissioner's office shall be open from eight o'clock a.m. until at least six o'clock*
 9 *p.m. on the day registration closes prior to each regularly scheduled election.*

1 SEC. 27. Section forty-eight point sixteen (48.16), Code 1975, is amended to
2 read as follows:

3 **48.16 Penalties.** Any officer or employee, *or any person who has contracted*
4 *with a commissioner to perform services in the implementation of this chapter*, who
5 shall willfully fail to perform or enforce any of the provisions of this chapter, or
6 who shall unlawfully or fraudulently remove any registration card or record from
7 its proper compartment in the registration records, or who shall willfully destroy
8 any record provided by this chapter, or any person who shall willfully or
9 fraudulently register more than once, or register under any but his *or her* true
10 name, or votes or attempts to vote by impersonating another who is registered, or
11 who willfully or fraudulently registers in any election precinct where he *or she* is
12 not a resident at the time of registering, or who adds a name or names to a page
13 or pages, or who violates any of the provisions of this chapter, shall be guilty of
14 felony and, upon conviction, shall be imprisoned in the state penitentiary for not
15 less than one year.

16 *For the purposes of this section, the alteration or destruction of any machine*
17 *readable compilation of voter registration records which has not been replaced by a*
18 *more recent revision of the same record shall constitute destruction of a record*
19 *provided by this chapter.*

1 SEC. 28. Section forty-eight point twenty-seven (48.27), subsection four (4),
2 paragraph d, Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter eighty-one (81), section fifty-seven (57), is
4 amended to read as follows:

5 d. Mobile deputy registrars shall return all completed registration records at
6 least weekly to the county commissioner of registration except that completed
7 registration records shall be turned in at least every two working days during the
8 last ten days of registration. All completed and unused material must be turned in
9 no later than six o'clock on the day registration closes for the election. The
10 *commissioner shall make suitable arrangements for registration material to be*
11 *received from mobile deputy registrars until that hour on the day registration closes*
12 *for each election which is not a regularly scheduled election unless the*
13 *commissioner's office shall remain remains open until at least six o'clock p.m. on*
14 *that day; unless it is a Sunday or a legal holiday.* Failure to return registration
15 materials as required by this paragraph shall be a misdemeanor.

1 SEC. 29. Section forty-eight point twenty-seven (48.27), subsection four (4),
2 Code 1975, is amended by striking paragraph f.

1 SEC. 30. Section forty-eight point twenty-seven (48.27), subsection five (5),
2 Code 1975, is amended to read as follows:

3 5. ~~The~~ *Each mobile deputy registrar shall be responsible to the county*
4 *commissioner of registration for properly registering electors in accordance with the*
5 *requirements and the restrictions of this chapter. The commissioner may terminate*
6 *the appointment of a mobile deputy registrar who is not properly registering*
7 *electors, and shall immediately terminate the appointment upon the written*
8 *request of the county chairman chairperson of the party from whose list of*
9 *nominees the mobile deputy registrar was selected. When an appointment is*
10 *terminated the county commissioner of registration shall promptly notify the*
11 *county chairman chairperson of the political party which nominated the mobile*
12 *deputy registrar whose appointment has been terminated, and shall appoint*
13 *another person within five days from a list of substitute nominees provided by*
14 *that county chairman chairperson. A mobile deputy registrar whose appointment*
15 *is terminated shall immediately return all his or her supplies to the county*
16 *commissioner of registration. If a mobile deputy registrar's appointment is*
17 *terminated within thirty days of an election, other than by request of the county*
18 *chairman chairperson of the party from whose list of nominees the mobile deputy*
19 *registrar was appointed, a replacement shall be appointed within twenty-four*

20 hours from a list of substitute nominees provided by the appropriate county
21 ~~chairman~~ chairperson.

1 SEC. 31. Section forty-eight point twenty-nine (48.29), Code 1975, is amended
2 by striking the section and inserting in lieu thereof the following:

3 **48.29 Removal of registration.** Upon registration in any county of an eligible
4 elector who was previously a resident of another county, if that individual was a
5 qualified elector in the former county of residence, his or her name shall be struck
6 from the record of voters currently registered in the former county of residence. If
7 the registrar at any time discovers that the same individual is registered at more
8 than one residence location, the commissioner or commissioners involved shall be
9 informed and shall follow the procedure prescribed by section forty-eight point
10 thirty-one (48.31), subsection eight (8) of the Code.

1 SEC. 32. Section forty-eight point thirty-one (48.31), Code 1975, is amended
2 by striking subsection seven (7).

1 SEC. 33. Section forty-eight point thirty-two (48.32), Code 1975, is amended to
2 read as follows:

3 **48.32 Annual report.** The county commissioner of elections shall make
4 reports as required by the ~~state commissioner of elections registrar~~. On August 1
5 of each year the ~~state commissioner of elections registrar~~ shall report the number
6 of persons registered in each political party in each county.

1 SEC. 34. Section forty-nine point four (49.4), subsection two (2), Code 1975, is
2 amended to read as follows:

3 2. Counties using alternative supervisor representation plans two or three, as
4 described in section 331.8, shall be apportioned into single-member supervisor
5 districts on the basis of population. ~~The~~ *In counties using representation plan three,*
6 *the* boundaries of supervisor districts shall follow the boundaries of election
7 precincts.

1 SEC. 35. Section forty-nine point nineteen (49.19), Code 1975, is amended to
2 read as follows:

3 **49.19 Unpaid officials, paper ballots optional authority for certain city**
4 **elections.** The commissioner may appoint unpaid election precinct officials to
5 election boards, as provided by sections 49.15, 49.16 and 49.20, or elect not to use
6 voting machines even though they are available, as permitted by section 49.26,
7 ~~and direct that the polls be opened at twelve o'clock noon, as permitted by~~
8 ~~section 49.73 or both, for any election held for a city, regardless of the city's~~
9 ~~population even if the city has a population of more than three thousand five hundred,~~
10 if there is no contest for any office on the ballot and no public question is being
11 submitted to the voters at that election.

1 SEC. 36. Section forty-nine point twenty-five (49.25), subsection two (2) and
2 subsection three (3), unnumbered paragraph one (1), Code 1975, as amended by
3 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
4 section sixty-four (64), are amended to read as follows:

5 2. The commissioner shall furnish to each precinct ~~where voting machines are~~
6 ~~to be used for any election~~, in advance of ~~that each~~ election, ~~one~~ voting machine
7 machines meeting the requirements of chapter fifty-two (52) of the Code ~~or voting~~
8 ~~booths, as the case may be, in the following number:~~

9 a. At each regularly scheduled election, at least one for every three hundred fifty
10 voters ~~or major fraction thereof~~ who voted in the last preceding similar election
11 held in the precinct.

12 b. At any special election at which the ballot contains only a single public measure
13 or only candidates for a single office or position, the number determined by the
14 commissioner.

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

1 SEC. 37. Section forty-nine point twenty-five (49.25), subsection three (3),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, chapter eighty-one (81), section sixty-four (64), is amended by striking
 4 paragraph d.

1 SEC. 38. Section forty-nine point fifty-three (49.53), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
 3 (81), section seventy-three (73), is amended to read as follows:

4 **49.53 Publication of ballot and notice.** The commissioner shall not less than
 5 four nor more than twenty days prior to the day of each election, except those for
 6 which different publication requirements are prescribed by law, publish notice of
 7 the election. The notice shall contain a ~~sample facsimile of the portion of the ballot~~
 8 ~~of containing~~ the first rotation as prescribed by section 49.31, subsection two (2),
 9 and shall show the names of all candidates or nominees and the office each seeks,
 10 and all public questions, to be voted upon at the election. The sample ballot
 11 published as a part of the notice may *at the discretion of the commissioner* be
 12 reduced in size *relative to the extent permitted by the rules of the state*
 13 ~~commissioner~~ *actual ballot but such reduction shall not cause upper case letters*
 14 *appearing on the published sample ballot to be less than five-thirty-sixth of an inch*
 15 *high in candidates' names or in summaries of public measures.* The notice shall also
 16 state the date of the election, the hours the polls will be open, the location of each
 17 polling place at which voting is to occur in the election, and the names of the
 18 precincts voting at each polling place, *but the statement need not set forth any fact*
 19 *which is apparent from the portion of the ballot appearing as a part of the same*
 20 *notice.* The notice shall be published in at least one newspaper, as defined in
 21 section 618.3, which is published in the county or other political subdivision in
 22 which the election is to occur or, if no newspaper is published there, in at least
 23 one newspaper of substantial circulation in the county or political subdivision.
 24 For the general election or the primary election the foregoing notice shall be
 25 published in at least two newspapers published in the county representing, if
 26 possible, the two political parties whose candidates for president of the United
 27 States or for governor, as the case may be, received the largest and next largest
 28 number of votes in the county at the last preceding general election. However, if
 29 there is only one newspaper published in the county, publication in one
 30 newspaper shall be sufficient.

1 SEC. 39. Section forty-nine point fifty-seven (49.57), subsection five (5), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section seventy-four (74), is amended to read as follows:

4 5. On the outside of the ballot, so as to appear when folded, shall be printed
 5 the words "Official ballot", ~~followed by the name and location of the polling~~
 6 ~~place for which the ballot is prepared~~ *a designation of the ballot rotation, if any,* the
 7 date of the election, and a facsimile of the signature of the commissioner who has
 8 caused the ballot to be printed pursuant to section forty-nine point fifty-one
 9 (49.51) of the Code.

1 SEC. 40. Section forty-nine point seventy-three (49.73), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section seventy-six (76), is amended to read as follows:

4 **49.73 Time of opening and closing polls.**

5 1. At all elections, except as otherwise permitted by this section, the polls shall
 6 be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct
 7 election board have been filled. ~~The commissioner may direct that the polls be~~

8 opened at twelve o'clock noon for any election conducted for a city of three
 9 thousand five hundred or less population or any school district at which the
 10 commissioner concludes, ~~on~~ On the basis of voter turnout for recent similar
 11 elections and factors considered likely to so affect voter turnout for the
 12 forthcoming election; ~~that voting will probably be so light as to justify shortened~~
 13 voting hours for that election, ~~except that the commissioner may direct that the~~
 14 polls be opened at twelve o'clock noon for:

15 a. Any school district election.

16 b. Any election conducted for a city of three thousand five hundred or less
 17 population.

18 c. Any election conducted for a city of more than three thousand five hundred
 19 population if there is no contest for any office on the ballot and no public question is
 20 being submitted to the voters at that election.

21 2. The commissioner shall not ~~do so shorten~~ shorten voting hours for any election if there
 22 is filed in the commissioner's office, at least twenty-five days before the election, a
 23 petition signed by at least fifty eligible electors of the school district or city, as the
 24 case may be, requesting that the polls be opened not later than seven o'clock a.m.
 25 All polling places where the candidates of or any public question submitted by
 26 any one political subdivision are being voted upon shall be opened at the same
 27 hour, except that this requirement shall not apply to merged areas established
 28 under chapter two hundred eighty A (280A) of the Code. The hours at which the
 29 respective precinct polling places are to open shall not be changed after
 30 publication of the notice required by section 49.53. ~~In all cases the~~ The polling
 31 places shall be closed at nine o'clock p.m. for state primary and general elections
 32 and other partisan elections and at eight o'clock p.m. for all other elections.

1 SEC. 41. Section forty-nine point seventy-seven (49.77), Code 1975, as
 2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 eighty-one (81), section seventy-seven (77), is amended to read as follows:

4 **49.77 Ballot furnished to voter.**

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

15 VOTER'S DECLARATION OF ELIGIBILITY

16 I do solemnly swear or affirm that I am a resident of the _____ precinct,
 17 _____ ward or township, city of _____, county of
 18 _____, Iowa.

19 I am a qualified elector. I have not voted and will not vote in any other
 20 precinct in said election.

21 (For primary election only:) I am affiliated with the
 22 _____ party.

23 I understand that any false statement in this declaration is a criminal offense
 24 punishable as provided by law.

25 _____
 26 Signature of Voter

27 _____
 28 Address

29 Approved:

30 _____
 31 Board Member

32 2. One of the precinct election officials shall announce the elector's name aloud for
 33 the benefit of any persons present pursuant to section forty-nine point one hundred
 34 four (49.104), subsections two (2), three (3) or five (5) of the Code. Any of those
 35 persons may upon request view the signed declarations of eligibility.

36 3. A precinct election official may require of an elector unknown to the official,
 37 identification upon which the elector's signature or mark appears. If identification
 38 is established to the satisfaction of the precinct election officials, the person may
 39 then be allowed to vote.

40 All voters' declarations may be seen by the challengers of each political party,
 41 at the request of such challengers.

42 4. A person whose name does not appear on the election register of the precinct in
 43 which that person claims the right to vote shall not be permitted to vote unless the
 44 commissioner informs the precinct election officials that an error has occurred and
 45 that the person is a qualified elector of that precinct. If the commissioner finds no
 46 record of the person's registration but the person insists that he or she is a qualified
 47 elector of that precinct, the precinct election officials shall allow the person to cast a
 48 ballot in the manner prescribed by section forty-nine point eighty-one (49.81) of the
 49 Code.

1 SEC. 42. Section forty-nine point eighty-one (49.81), subsection one (1), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter sixty-seven (67), section sixty-three (63), is amended to read as follows:

4 1. A prospective voter who is prohibited under ~~section~~ sections forty-nine point
 5 seventy-seven (49.77), subsection four (4), or forty-nine point eighty (49.80) of the
 6 Code from voting except under this section shall be permitted to cast a paper
 7 ballot. If a booth meeting the requirement of section forty-nine point twenty-five
 8 (49.25) of the Code is not available at that polling place, the precinct election
 9 officials shall make alternative arrangements to insure the challenged voter the
 10 opportunity to vote in secret. The marked ballot, folded as required by section
 11 forty-nine point eighty-four (49.84) of the Code, shall be delivered to a precinct
 12 election official who shall immediately seal it in an ~~unmarked envelope which~~
 13 ~~shall be placed in an affidavit envelope of the type prescribed by section fifty-~~
 14 ~~three point thirteen (53.13) of the Code. The voter shall not be required to execute~~
 15 ~~the oath contained in the affidavit. Space shall be left on the affidavit envelope~~
 16 ~~for the precinct election official to indicate the name of the challenged elector~~
 17 ~~and the reason for the challenge forty-three (43) of this Act. The sealed affidavit~~
 18 ~~envelope shall be deposited as required by section forty-nine point eighty-five~~
 19 ~~(49.85) of the Code in a special container envelope marked "challenged ballots for~~
 20 ~~special precinct"~~ and shall be considered as having been cast in the special
 21 precinct established by Acts of the Sixty-sixth General Assembly, 1975 Session,
 22 chapter eighty-one (81), section one hundred eighteen (118) of this Act for
 23 purposes of the post-election canvass.

1 SEC. 43. Section forty-nine point eighty-one (49.81), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one
 3 (81), section eighty (80), is amended by adding the following new subsection:

4 NEW SUBSECTION. The individual envelopes used for each paper ballot cast
 5 pursuant to subsection one (1) of this section shall have printed upon them:

6 "Challenged Elector's Ballot

7 I believe I am a qualified elector of this precinct. I registered to vote in this
 8 county on or about _____ at _____. I have not moved
 9 to a different precinct since that time without recording the new address with the
 10 commissioner. I am a United States citizen, at least eighteen years of age.

11 _____

12	_____	_____
13	(signature of elector)	(address of elector)
14	_____	_____
15	(signature of precinct	(date)
16	election official)	
17	Reason for challenge:	
18	_____	
19	_____	
20	_____”	

1 SEC. 44. Section forty-nine point ninety (49.90), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
3 section eighty-one (81), is amended to read as follows:

4 **49.90 Assisting voter.** Any voter who may declare upon oath that he or she
5 cannot read the English language, or is, by reason of any physical disability other
6 than intoxication, unable to cast a vote without assistance, shall, upon request, be
7 assisted by said two officers, or ~~alternately~~ *alternatively* by any other person the
8 voter may select if the voter is blind, in casting the vote. Said officers, or person
9 selected by the blind voter, shall cast the vote of the voter requiring assistance,
10 and shall thereafter give no information regarding the same. If any elector
11 because of a handicap cannot enter the building where the polling place for the
12 elector's precinct of residence is located, the two officers shall take a paper ballot
13 to the vehicle occupied by the handicapped elector and allow the elector to cast
14 the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting
15 machine the elector shall be allowed to cast a paper ballot. ~~Paper ballots cast by~~
16 ~~handicapped electors, which shall be cast according to section forty-nine point~~
17 ~~eighty-one (49.81) of the Code, except they shall be marked "handicapped voter's~~
18 ~~ballot", and shall be counted opened immediately after the closing of the polling~~
19 ~~place by the two precinct election officials designated under section forty-nine point~~
20 ~~eighty-nine (49.89) of the Code, who shall register the votes cast thereon on a voting~~
21 ~~machine in the polling place before the votes cast there are tallied pursuant to section~~
22 ~~fifty-two point twenty-one (52.21) of the Code. To preserve so far as possible the~~
23 ~~confidentiality of each handicapped elector's ballot, the two officers shall proceed~~
24 ~~substantially in the same manner as challenged ballots accepted under provided in~~
25 ~~section fifty point twenty-two (50.22) fifty-three point twenty-four (53.24) of the~~
26 ~~Code. In precincts where all voters use paper ballots, those cast by handicapped voters~~
27 ~~shall be deposited in the regular ballot box and counted in the usual manner.~~

1 SEC. 45. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section eighty-four (84), is amended to read as follows:

3 Sec. 84. Chapter fifty (50), Code 1975, is amended by inserting after section
4 fifty point one (50.1) the following new section:

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

1 SEC. 46. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section eighty-seven (87), third "new section", is amended to read
3 as follows:

4 NEW SECTION. **Special precinct board to determine challenges.** Upon being
 5 reconvened, the special precinct election board shall review the affidavits
 6 information upon the envelopes bearing the challenged ballots, and all evidence
 7 submitted in support of or opposition to the right of each challenged person to
 8 vote in the election. The board may divide itself into panels of not less than three
 9 members each in order to hear and determine two or more challenges
 10 simultaneously, but each panel shall meet the requirements of section forty-nine
 11 point twelve (49.12) of the Code as regards political party affiliation of the
 12 members of each panel. The decision to count or reject each ballot shall be made
 13 upon the basis of the information given on the affidavit envelope containing the
 14 challenged ballot, the evidence concerning the challenge, the registration and the
 15 returned receipts of registration. If a challenged ballot is rejected, the person
 16 casting the ballot shall be notified by the commissioner within ten days of the
 17 reason for the rejection, on the form prescribed by the state commissioner pursuant
 18 to section fifty-three point twenty-five (53.25) of the Code, and the affidavit
 19 envelope containing the challenged ballot shall be preserved unsealed unopened and
 20 disposed of in the same manner as spoiled ballots. The challenged ballots which
 21 are accepted shall be counted in the manner prescribed by section fifty-three
 22 point twenty-four (53.24) of the Code. The commissioner shall make public the
 23 number of challenged ballots rejected and not counted, at the time of the canvass
 24 of the election.

1 SEC. 47. Section fifty-three point eight (53.8), Code 1975, as amended by Acts
 2 of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81),
 3 section one hundred sixteen (116), is amended so that subsection three (3),
 4 unnumbered paragraph one (1), reads as follows:

5 When an application for an absentee ballot is received by the commissioner of
 6 any county from a qualified elector who is a patient in a hospital in that county
 7 or a resident of any facility in that county shown to be a health care facility by
 8 the list of licenses provided the commissioner under section one hundred twenty-
 9 four (124) of this Act, the absentee ballot shall be delivered to the elector and
 10 returned to the commissioner in the manner prescribed by section one hundred
 11 nineteen (119) of this Act. However, if the application is received more than ten
 12 calendar days before the election, the commissioner shall mail to the applicant
 13 within twenty-four hours a letter acknowledging receipt of the application and
 14 describing the procedure prescribed by section one hundred nineteen (119) of this
 15 Act in substantially the following form:

16 "Your application for an absentee ballot for the election to be held on
 17 has been received. This ballot will be personally delivered to you by a bi-
 18 partisan team sometime during the ten days preceding the election. If you will not be
 19 at the address from which your application was sent during any or all of the ten-day
 20 period immediately preceding the election, contact this office and arrangements will be
 21 made to have your absentee ballot delivered at a time when you will be present at that
 22 address."

1 SEC. 48. Section fifty-three point eleven (53.11), Code 1975, is amended to
 2 read as follows:

3 **53.11 Personal delivery of absentee ballot.** The commissioner shall deliver an
 4 absentee ballot to any qualified elector applying in person at his office not more
 5 than forty days before the date of the general election and the primary election,
 6 and for all other elections, as soon as the ballot is available. The qualified elector
 7 shall immediately mark the ballot, enclose it in a ballot envelope with proper
 8 affidavit, and return the absentee ballot to the commissioner. The commissioner
 9 shall record the numbers appearing on the application and ballot envelope along
 10 with the name of the qualified elector. The commissioner of any county in which
 11 there is located a city of ~~twenty-five~~ five thousand or more population, which is
 12 not the county seat, may permit qualified electors to appear in person at some
 13 designated place within each such city and there cast an absentee ballot in the
 14 manner prescribed by this section.

1 SEC. 49. Section fifty-three point twenty-two (53.22), Code 1975, as amended
 2 by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven
 3 (67), section sixty-four (64), is amended so that subsection one (1) reads as
 4 follows:

5 1. *a.* A qualified elector who has applied for an absentee ballot, in a manner
 6 other than that prescribed by section fifty-three point eleven (53.11) of the Code,
 7 and who is a resident or patient in a health care facility or hospital located in the
 8 county to which the application has been submitted shall be delivered the
 9 appropriate absentee ballot by two special precinct election officers, one of whom
 10 shall be a member of each of the political parties referred to in section forty-nine
 11 point thirteen (49.13) of the Code, who shall be appointed by the commissioner
 12 from the election board panel for the special precinct established by section ~~one~~
 13 ~~hundred three (103)~~ *one hundred eighteen (118)* of this Act. The special precinct
 14 election officers shall be sworn in the manner provided by section forty-nine
 15 point seventy-five (49.75) of the Code for election board members, shall receive
 16 compensation as provided in section forty-nine point twenty (49.20) of the Code,
 17 and shall perform their duties during the ten calendar days preceding the election
 18 and on election day if all ballots requested under section fifty-three point eight
 19 (53.8), subsection three (3), of the Code have not previously been delivered and
 20 returned.

21 *b.* *If an applicant under this subsection notifies the commissioner that he or she will*
 22 *not be available at the health care facility or hospital address at any time during the*
 23 *ten-day period immediately prior to the election, but will be available there at some*
 24 *earlier time, the commissioner shall direct the two special precinct election officers to*
 25 *deliver the applicant's ballot at an appropriate time prior to the ten-day period*
 26 *immediately preceding the election.* If a person who so requested an absentee ballot
 27 has been dismissed from the health care facility or hospital, the special precinct
 28 election officers may take the ballot to the elector if he or she is currently residing
 29 in the county.

30 *c.* The special precinct election officers shall both notarize each absent voters
 31 affidavit as required by section fifty-three point sixteen (53.16) of the Code; any
 32 such officer who is not a notary public shall be provided with a stamp containing
 33 that person's name and the words "special precinct election officer" and may
 34 notarize the absentee affidavits so delivered by signing them and applying the
 35 stamp. The special precinct election officers shall travel together in the same
 36 vehicle and both shall be present when an applicant casts his or her absentee
 37 ballot. If either or both of the special election officers fails to appear at the time
 38 the duties set forth in this section are to be performed, the commissioner shall at
 39 once appoint some other person, giving preference to persons designated by the
 40 respective county chairpersons of the political parties described in section forty-
 41 nine point thirteen (49.13) of the Code, to carry out the requirements of this
 42 section. The persons authorized by this subsection to deliver an absentee ballot to
 43 an applicant may assist the applicant in filling out the ballot as permitted by
 44 section forty-nine point ninety (49.90) of the Code. The voted absentee ballots
 45 shall be deposited in a sealed container which shall be returned to the
 46 commissioner on the same day.

1 SEC. 50. Section fifty-seven point one (57.1), Code 1975, is amended by
 2 striking the section and inserting in lieu thereof the following:

3 **57.1 Standing to bring contest—grounds for contest.**

4 1. Elections may be contested under this chapter as follows:

5 *a.* The election of any person to any county office, to a seat in either branch of
 6 the general assembly, to a state office, to the office of senator or representative in
 7 Congress, or to the office of presidential elector may be contested by any eligible
 8 person who received votes for the office in question.

9 b. The outcome of the election on a public measure may be contested by
 10 petition of the greater of ten eligible electors or a number of eligible electors
 11 equalling one percent of the total number of votes cast upon the public measure;
 12 each petitioner must be a person who was entitled to vote on the public measure
 13 in question or would have been so entitled if registered to vote.

14 2. Grounds for contesting an election under this chapter are:

15 a. Misconduct, fraud or corruption on the part of any election official or of any
 16 board of canvassers of sufficient magnitude to change the result of the election.

17 b. That the incumbent was not eligible to the office in question at the time of
 18 election.

19 c. That prior to the election the incumbent had been duly convicted of an
 20 infamous crime, and that the judgment had not been reversed, annulled or set
 21 aside, nor the incumbent pardoned, at the time of the election.

22 d. That the incumbent has given or offered to any elector, or any precinct
 23 election official or canvasser of the election, any bribe or reward in money,
 24 property, or thing of value, for the purpose of procuring his or her election.

25 e. That illegal votes have been received or legal votes rejected at the polls,
 26 sufficient to change the result of the election.

27 f. Any error in any board of canvassers in counting the votes, or in declaring
 28 the result of the election, if the error would affect the result.

29 g. Any other cause or allegation which, if sustained, would show that a person
 30 other than the incumbent was the person duly elected to the office in question, or
 31 would show that the outcome of the election on the public measure in question
 32 was contrary to the result declared by the board of canvassers.

1 SEC. 51. Section fifty-seven point two (57.2), Code 1975, is amended to read
 2 as follows:

3 **57.2 Certificate withheld.** If notice of ~~contesting~~ *a contest* of the election of
 4 an officer is filed before the certificate of election is delivered to ~~him~~, *it the*
 5 *incumbent, or notice of a contest of the declared result of an election on a public*
 6 *measure is filed before a duplicate of the abstract of votes upon the measure and of*
 7 *the county board's declaration is certified pursuant to section fifty point twenty-seven*
 8 *(50.27) of the Code, the certificate or duplicate abstract and declaration shall be*
 9 *withheld until the determination of the contest. If the certificate of election or*
 10 *duplicate abstract and declaration have been issued, the commissioner shall send the*
 11 *persons or political subdivisions affected by the notice of contest a statement advising*
 12 *them that the election is being contested and that the certificate or duplicate abstract*
 13 *and declaration are not valid until the election contest is resolved.*

1 SEC. 52. Section fifty-seven point three (57.3), Code 1975, is amended to read
 2 as follows:

3 **57.3 Incumbent Terms defined.** The term "incumbent" in this chapter
 4 means the person whom the canvassers declare elected. *The term "election" in this*
 5 *chapter means the voting for a particular office, or the voting for or against a*
 6 *particular public measure, including the notice and other preparations for voting*
 7 *required by law and the tallying and canvass of the votes cast, section thirty-nine point*
 8 *two (39.2) of the Code as amended by this Act notwithstanding.*

1 SEC. 53. Section fifty-seven point four (57.4), Code 1975, is amended to read
 2 as follows:

3 **57.4 Change of result.** When the misconduct, fraud, or corruption
 4 complained of is on the part of the ~~judges~~ *of election board* in a precinct, it shall
 5 not be held sufficient to set aside the election, unless the rejection of the vote of
 6 that precinct would change the result as to that office.

1 SEC. 54. Section fifty-seven point five (57.5), Code 1975, is amended to read
 2 as follows:

3 **57.5 Recanvass in case of contest.** The parties to any contested election shall
 4 have the right, in open session of the court or tribunal trying the contest, and in
 5 the presence of the officer having them in custody, to have the ballots opened,
 6 and all errors of the ~~judges~~ *precinct election officials* in counting or refusing to
 7 count ballots corrected by such court or tribunal.

1 SEC. 55. Section fifty-seven point six (57.6), Code 1975, is amended to read as
 2 follows:

3 **57.6 Other contests.** All the provisions of the chapter in relation to contested
 4 elections of county officers shall be applicable, as near as may be, to contested
 5 elections for other offices, *and for public measures*, except as herein otherwise
 6 provided, and in all cases process and papers may be issued to and served by the
 7 sheriff of any county.

1 SEC. 56. Chapter fifty-seven (57), Code 1975, is amended by adding the
 2 following new section:

3 **NEW SECTION. Contest court for contest of public measure.** The court for the
 4 trial of a contested election on a public measure shall consist of one person
 5 designated by the petitioners who are contesting the election, who shall be
 6 designated in writing by the petitioners at the time the contest is filed, one person
 7 designated by the county commissioner of elections to represent the interests
 8 adverse to those of the petitioners, and a third person who shall be chosen jointly
 9 by the designees of the petitioners and of the commissioner. If the persons
 10 selected by the petitioners and the county commissioner of elections cannot agree
 11 on a third person, the chief judge of the judicial district in which the contest is
 12 filed shall appoint a third person to serve.

1 SEC. 57. Section sixty-nine point eight (69.8), subsections one (1) and two (2),
 2 Code 1975, are amended to read as follows:

3 1. United States senator. In the office of United States senator, when the
 4 vacancy occurs when the senate of the United States is in session, or when such
 5 senate will convene prior to the next general election, by the governor. *An*
 6 *appointment made under this subsection shall be for the period until the vacancy is*
 7 *filled by election pursuant to law.*

8 2. State offices. In all state offices, judges of courts of record, officers, trustees,
 9 inspectors, and members of all boards or commissions, and all persons filling any
 10 position of trust or profit in the state, by the governor, except when some other
 11 method is specially provided. *An appointment made under this subsection to a state*
 12 *office subject to Acts of the Sixty-sixth General Assembly, 1975 Session, chapter*
 13 *eighty-one (81), section four (4), shall be for the period until the vacancy is filled by*
 14 *election pursuant to law.*

1 SEC. 58. Section sixty-nine point twelve (69.12), unnumbered paragraph one
 2 (1), Code 1975, is amended to read as follows:

3 When a vacancy occurs in any *nonpartisan* elective office of a political
 4 subdivision of this state, ~~and a method for electing a person to the vacant office~~
 5 ~~for the remainder of the unexpired term is not otherwise provided by law~~, the
 6 vacancy shall be filled pursuant to this section. As used in this section, "pending
 7 election" means any election at which there will be on the ballot either the office
 8 in which the vacancy exists, or any other office to be filled or any public question
 9 to be decided by the voters of the same political subdivision.

1 SEC. 59. Section sixty-nine point twelve (69.12), subsection one (1), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section one hundred twenty-two (122), is amended by
 4 striking the subsection and inserting in lieu thereof the following:

5 1. If the unexpired term in which the vacancy occurs has more than seventy
 6 days to run after the date of the next pending election, the vacancy shall be filled
 7 in accordance with this subsection. The fact that absentee ballots were distributed

8 or voted before the vacancy occurred or was declared shall not invalidate the
9 election.

10 a. A vacancy shall be filled at the next pending election if it occurs:

11 (1) Sixty or more days prior to the election, if it is a general or primary
12 election.

13 (2) Forty-five or more days prior to the election, if it is a regularly scheduled
14 school or city election.

15 (3) Forty or more days prior to the election, if it is a special election.

16 b. Nomination papers on behalf of candidates for a vacant office to be filled
17 pursuant to paragraph a of this subsection shall be filed, in the form and manner
18 prescribed by applicable law, by five o'clock p.m. on:

19 (1) The fifty-fifth day prior to a general or primary election.

20 (2) The fortieth day prior to a regularly scheduled school or city election.

21 (3) The twenty-fifth day prior to a special election.

22 c. A vacancy which occurs at a time when paragraph a of this subsection does
23 not permit it to be filled at the next pending election shall be filled by
24 appointment as provided by law until the succeeding pending election.

1 SEC. 60. Section two hundred seventy-seven point four (277.4), Code 1975, is
2 amended to read as follows:

3 **277.4 Nominations required.** Nomination papers for all candidates for
4 election to office in each school district shall be filed with the secretary of the
5 school board not more than sixty-five days, nor less than forty days prior to the
6 election. Nomination petitions shall be filed not later than five o'clock p.m. on
7 the last day for filing. Each candidate shall be nominated by a petition signed by
8 not less than ten eligible electors of the district. To each such petition shall be
9 attached the affidavit of an eligible elector of the district; ~~other than the~~
10 ~~candidate being nominated~~, that all of the signers thereof are electors of such
11 district and that the signatures thereto are genuine. *The candidate being nominated*
12 *by the petition may sign the affidavit only if he or she personally circulated the*
13 *petition. If the affiant also signed the nomination petition, that signature shall not be*
14 *counted toward the total required by this section.* The petition shall include the
15 affidavit of the candidate being nominated, stating his name, his residence, that
16 he is a candidate and is eligible for the office he seeks, and that if elected he will
17 qualify for the office.

18 The secretary of the school board shall deliver all nomination petitions to the
19 county commissioner of elections not later than five o'clock p.m. on the day
20 following the last day on which nomination petitions can be filed. Any person on
21 whose behalf nomination petitions have been filed under this section may
22 withdraw as a candidate by filing a signed statement to that effect with the
23 commissioner at any time prior to five o'clock p.m. on the ~~twenty-first~~ *thirty-fifth*
24 day before the election.

1 SEC. 61. Section two hundred seventy-seven point twenty (277.20),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 On the next Friday after the *regular* school election, the county board of
4 supervisors shall canvass the returns made to the county commissioner of
5 elections from the several precinct polling places and the absentee ballot counting
6 board, ascertain the result of the voting with regard to every matter voted upon
7 and cause a record to be made thereof as required by section 50.24. *Special*
8 *elections held in school districts shall be canvassed at the time and in the manner*
9 *required by that section.* The board shall declare the results of the voting for
10 members of boards of directors of school corporations nominated pursuant to
11 section 277.4, and the commissioner shall at once issue a certificate of election to
12 each person declared elected. The board shall also declare the results of the
13 voting on any public question submitted to the voters of a single school district,
14 and the commissioner shall certify the result as required by section 50.27.

1 SEC. 62. Section two hundred seventy-seven point twenty-eight (277.28), Code
2 1975, is amended by striking unnumbered paragraph six (6).

1 SEC. 63. Section two hundred eighty A point fifteen (280A.15), subsections
2 one (1) and three (3), Code 1975, are amended to read as follows:

3 1. Regular elections held annually by the merged area for the election of
4 members of the board of directors as required by section 280A.12, for the renewal
5 of the three-fourths mill levy authorized in section 280A.22, or for any other
6 matter authorized by law and designated for election by the board of directors of
7 the merged area, shall be held on the date of the school election as fixed by
8 section 277.1. The election notice shall be *made a part of the local school election*
9 *notice* published as provided in section 49.53 *in each local school district where*
10 *voting is to occur in the merged area election*, and the election shall be conducted
11 by the county commissioner of elections pursuant to chapters 39 to 53 and section
12 277.20.

13 3. Nomination papers in behalf of candidates for member of the board of
14 directors of a merged area shall be filed with the secretary of the board not earlier
15 than sixty-five days nor later than five o'clock p.m. on the fortieth day prior to
16 the election at which members of the board are to be elected. The secretary shall
17 deliver all nomination petitions *so filed, together with the text of any public measure*
18 *being submitted by the board of directors to the electorate*, to the county
19 commissioner of elections who is responsible under section 47.2 for conducting
20 elections held for the merged area, not later than five o'clock p.m. on the day
21 following the last day on which nomination petitions can be filed. *That*
22 *commissioner shall certify the names of candidates, and the text and summary of any*
23 *public measure being submitted to the electorate, to all county commissioners of*
24 *elections in the merged area by the thirty-fifth day prior to the election.*

1 SEC. 64. Section three hundred thirty-one point twenty-seven (331.27), Code
2 1975, is amended to read as follows:

3 **331.27 Plan "three."** If plan "three" is selected pursuant to section 331.8 or
4 331.9, the *supervisor districts shall be drawn and members of the county board shall*
5 *be elected as provided in section 331.26, except that boundaries of supervisor*
6 *districts shall follow voting precinct lines and each member of the board, and*
7 ~~and~~ *each candidate for such office, shall, at the primary and general*
8 *elections, be elected or nominated only by the electors of the district which he or*
9 ~~they seek~~ *that candidate seeks to represent.*

1 SEC. 65. Section three hundred forty-five point six (345.6), Code 1975, is
2 amended to read as follows:

3 **345.6 Manner of submitting questions.** The mode of submitting questions to
4 the people shall be the following: The whole question, including the sum desired
5 to be raised, or the amount of tax desired to be levied, or the rate per annum, and
6 the whole regulation, including the time of its taking effect or having operation, if
7 it be of a nature to be set forth, and the penalty for its violation if there be one,
8 shall be embraced in a notice of the election. *The notice shall, to the extent*
9 *consistent with this section, be drawn up in accordance with and shall be published*
10 ~~once each week for at least four weeks in some newspaper published in the~~
11 ~~county. Such notice shall name the time when such question will be voted upon,~~
12 ~~and the form in which the question shall be submitted, and a as required by~~
13 ~~section forty-nine point fifty-three (49.53) of the Code. A copy of the question to be~~
14 ~~submitted shall be posted at each polling place during the day of election.~~

1 SEC. 66. Section three hundred fifty-eight point nine (358.9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
3 eighty-one (81), section one hundred forty-eight (148), is amended by striking
4 unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the
5 following:

6 At the election provided for in section three hundred fifty-eight point seven
 7 (358.7) of the Code, the names of candidates for trustee of the district shall be
 8 written by the voters on blank ballots without formal nomination, and the board
 9 of supervisors which had jurisdiction of the proceedings for establishment of the
 10 sanitary district, together with the board of supervisors of any other county in
 11 which any part of the district is located, shall appoint three trustees from among
 12 the five persons receiving the greatest number of votes as trustees of the district.
 13 One of the trustees shall be designated to serve a term expiring one year from the
 14 next succeeding June thirtieth, one to serve a term of two years from that date,
 15 and one to serve a term of three years from that date. Their successors shall each
 16 serve terms of three years commencing July first of the year in which they are
 17 chosen. Successors to the initial trustees may be chosen by appointment by the
 18 same board or boards of supervisors which made the initial appointments or by
 19 election, at the option of the remaining trustees.

20 Vacancies in the office of trustee of a sanitary district shall be filled by the
 21 remaining members of the board for the period until a successor is chosen in the
 22 manner prescribed by this section or by section sixty-nine point twelve (69.12) of
 23 the Code, whichever is applicable.

1 SEC. 67. Section three hundred fifty-nine point twenty-three (359.23), Code
 2 1975, is amended to read as follows:

3 **359.23 Receipts and expenditures.** Each township clerk, ~~on the morning of~~
 4 ~~the day of the general election and before the hour for opening the polls, shall~~
 5 ~~post, at the place where such election is to be held in his township shall prepare,~~
 6 ~~on or before September thirtieth of each year, a statement in writing, showing all~~
 7 ~~receipts of money and disbursements in his or her office for the preceding two~~
 8 ~~years fiscal year, which shall be certified as correct by the trustees of the~~
 9 township. Each township clerk shall also send a copy of this written statement to
 10 the county auditor no later than seven days after the ~~posting~~ *statement is certified*
 11 *by the trustees.*

1 SEC. 68. Section three hundred sixty-eight point nineteen (368.19), Code 1975,
 2 as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
 3 one hundred ninety-seven (197), section nine (9), is amended by striking the
 4 section and inserting in lieu thereof the following:

5 **368.19 Time limit—election.** The committee shall approve or disapprove the
 6 petition or plan as amended, within ninety days of the final hearing, and shall file
 7 its decision for record and promptly notify the parties to the proceeding of its
 8 decision. If a petition or plan is approved, the board shall set a date within ninety
 9 days for a special election on the proposal and the county commissioner of
 10 elections shall conduct the election. In a case of incorporation or discontinuance,
 11 qualified electors of the territory or city may vote, and the proposal is authorized
 12 if a majority of those voting approves it. In a case of annexation or severance,
 13 qualified electors of the territory and of the city may vote, and the proposal is
 14 authorized if a majority of the total number of persons voting approves it. In a
 15 case of consolidation, qualified electors of each city to be consolidated may vote,
 16 and the proposal is authorized only if it receives a favorable majority vote in each
 17 city. The county commissioner of elections shall publish notice of the election as
 18 provided in section forty-nine point fifty-three (49.53) of the Code and shall
 19 conduct the election in the same manner as other special city elections.

20 The costs of an incorporation election shall be borne by the initiating
 21 petitioners if the election fails, but if the proposition is approved the cost shall
 22 become a charge of the new city.

1 SEC. 69. Section three hundred seventy-two point thirteen (372.13), subsection
 2 two (2), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session,
 3 chapter eighty-one (81), section one hundred fifty (150), is amended by striking
 4 the subsection and inserting in lieu thereof the following:

5 2. A vacancy in an elective city office during a term of office shall be filled by
6 the council, within thirty days after the vacancy occurs, for the balance of the
7 unexpired term unless a special election is sooner held to fill the office for the
8 remaining balance of the unexpired term. Such an election shall be called if the
9 council is presented with a petition so requesting, signed by eligible electors
10 entitled to vote to fill the office in question. The petition must bear signatures
11 equal in number to two percent of those who voted for candidates for the office
12 at the last preceding election at which the office was on the ballot, but in no case
13 fewer than ten signatures. If the petition so requests and is timely filed, the special
14 election may be held concurrently with any pending election as provided by
15 section sixty-nine point twelve (69.12) of the Code. Otherwise, a special election
16 to fill the office shall be called at the earliest practicable time after the petition is
17 presented to the council.

1 SEC. 70. Section three hundred seventy-six point two (376.2), unnumbered
2 paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General
3 Assembly, 1975 Session, chapter one hundred ninety-seven (197), section eighteen
4 (18), is amended to read as follows:

5 Except as otherwise provided by state law or the city charter, terms for elective
6 offices are two years. However, the term of an elective office may be changed to
7 two or four years by petition and election. Upon receipt of a valid petition as
8 defined in section 362.4, requesting that the term of an elective office be changed,
9 the council shall submit the question at a special city election to be held within
10 ~~thirty~~ sixty days. If a majority of the persons voting at the special election
11 approves the changed term, it becomes effective at the beginning of the term
12 following the next regular city election. If a majority does not approve the
13 changed term, the council shall not submit the same proposal to the voters within
14 the next four years.

1 SEC. 71. Section three hundred seventy-six point four (376.4), unnumbered
2 paragraphs one (1) and four (4), Code 1975, as amended by Acts of the Sixty-
3 sixth General Assembly, 1975 Session, chapter two hundred three (203), section
4 twenty-five (25), are amended to read as follows:

5 An eligible elector of a city may become a candidate for an elective city office
6 by filing with the city clerk a valid petition requesting that his *or her* name be
7 placed on the ballot for that office. The petition must be filed not more than
8 sixty-five days nor less than forty days before the date of the election, and must
9 be signed by eligible electors equal in number to at least two percent of those who
10 voted to fill the same office at the last regular city election, but not less than ten
11 persons. Nomination petitions shall be filed not later than five o'clock p.m. on the
12 last day for filing.

13 The petition must include the affidavit of at least one eligible elector other than
14 the petitioners ~~and the individual for whom the petition is being filed~~, stating the
15 affiant's knowledge, information, and belief as to the residence of the petitioners.
16 *The candidate for whom the petition is filed may sign the affidavit only if he or she*
17 *personally circulated the petition. If the affiant also signed the nomination petition,*
18 *that signature shall not be counted toward the total required by this section.*

1 SEC. 72. Section three hundred seventy-six point seven (376.7), Code 1975, is
2 amended to read as follows:

3 **376.7 Date of primary.** If a primary election is necessary, it ~~must~~ shall be
4 held on the Tuesday ~~two~~ three weeks before the date of the regular city election.
5 *The county board of supervisors shall publicly canvass the tally lists of the vote cast in*
6 *the primary election, following the procedures prescribed in section fifty point twenty-*
7 *four (50.24) of the Code, at a meeting to be held beginning at one o'clock in the*
8 *afternoon on the second day following the primary election.*

9 The names of those candidates who receive the highest number of votes ~~in~~ for
10 each office on the primary election ballot, to the extent of twice the number of

11 unfilled positions, must be placed on the ballot for the regular city election as
12 candidates for ~~the that~~ office for which they have filed.

1 SEC. 73. Section three hundred seventy-six point eight (376.8), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **376.8 Persons elected in city elections.**

4 1. In a regular city election following a city primary, the candidates receiving
5 the greatest number of votes cast for each office on the ballot are elected, to the
6 extent necessary to fill the positions open.

7 2. In a regular city election held for a city where the council has chosen a
8 runoff election in lieu of a primary, candidates are elected as provided by
9 subsection one (1) of this section, except that no candidate is elected who fails to
10 receive a majority of the votes cast for the office in question. In the case of at-
11 large elections to a multimember body, a majority is one vote more than half the
12 quotient found by dividing the total number of votes cast for all candidates for
13 that body by the number of positions to be filled.

14 3. In a regular city election held for a city where the council has chosen to have
15 nominations made in the manner provided by chapter forty-four (44) or forty-five
16 (45) of the Code, the candidates who receive the greatest number of votes for
17 each office on the ballot are elected, to the extent necessary to fill the positions
18 open.

1 SEC. 74. Section three hundred seventy-six point nine (376.9), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one
3 hundred ninety-seven (197), section twenty (20), is amended to read as follows:

4 **376.9 Runoff election.** A runoff election may be held only for positions
5 unfilled because of failure of a sufficient number of candidates to receive a
6 majority vote in the regular city election. When a council has chosen a runoff
7 election in lieu of a primary, the county board of supervisors shall publicly
8 canvass the tally lists of the vote cast in the regular city election, following the
9 procedures prescribed in section 50.24, at a meeting to be held beginning at one
10 o'clock in the afternoon on the *second* day following the regular city election.
11 Candidates who do not receive a majority of the votes cast for ~~the an~~ office for
12 which they have filed, but who receive the highest number of votes cast for that
13 office in the regular city election, to the extent of twice the number of unfilled
14 positions, are candidates in the runoff election.

15 Runoff elections ~~must shall~~ be held ~~two three~~ weeks after the date of the regular
16 city election and ~~must shall~~ be conducted in the same manner as regular city
17 elections ~~except that only persons who were qualified electors in the last~~
18 ~~preceding regular city election are qualified to vote in the runoff.~~

19 Candidates in the runoff election who receive the highest number of votes cast
20 for ~~the each~~ office for which they have filed ~~on the ballot~~ are elected to the extent
21 necessary to fill the positions for which they have filed open.

1 SEC. 75. Chapter three hundred seventy-six (376), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Candidates nominated by write-in vote.** Any person
4 nominated by a write-in vote in a city primary election, or in a regular city
5 election in a city where the council has chosen a runoff election in lieu of a
6 primary, shall execute an affidavit in substantially the form required by section
7 forty-five point three (45.3) of the Code and file it with the county commissioner
8 of elections or the city clerk not later than five o'clock p.m. of the day after the
9 canvass of the primary or regular city election, as the case may be. If the person
10 so nominated fails to complete and file the affidavit at the time required, the
11 county commissioner of elections shall disregard the write-in votes cast for that
12 person and proceed in accordance with the requirements of this chapter on the
13 basis of the canvass of all other votes cast at the primary or regular city election.

1 SEC. 76. Acts of the Sixty-sixth General Assembly, 1976 Session, House File
2 one thousand thirty-three (1033), section one (1), is amended to read as follows:

3 Section 1. Section forty-three point seventy-eight (43.78), Code 1975, as
4 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
5 eighty-one (81), section twenty-five (25), is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. Political party candidates for a vacant seat in the ~~congress~~
8 of the United States *house of representatives* or the general assembly which is to be
9 filled at a special election called pursuant to section sixty-nine point fourteen
10 (69.14) of the Code shall be nominated in the manner provided by subsection one
11 (1) of this section for filling a vacancy on the general election ballot for the same
12 office. The name of any candidate so nominated shall be submitted in writing to
13 the state commissioner, as required by section forty-three point eighty-eight
14 (43.88) of the Code, at the earliest practicable time.

1 SEC. 77. For the purpose of transition from the provisions of section three
2 hundred fifty-eight point nine (358.9), Code 1975, to the replacement provisions
3 enacted as section sixty-six (66) of this Act, in those sanitary districts in existence
4 under chapter three hundred fifty-eight (358) of the Code prior to the effective
5 date of this Act, the terms of trustees elected in those districts shall be adjusted as
6 follows:

7 1. The terms of trustees elected in 1970 for a six-year term beginning in
8 January, 1971, or their successors, shall be extended until June 30, 1977.

9 2. The terms of trustees elected in 1972 for a six-year term beginning in
10 January, 1973, or their successors, shall be terminated June 30, 1978.

11 3. The terms of trustees elected in 1974 for a six-year term beginning in
12 January, 1975, or their successors, shall be terminated June 30, 1979.

13 The successors to the trustees whose terms are adjusted under this section shall
14 be chosen in accord with section three hundred fifty-eight point nine (358.9) of
15 the Code as amended by section sixty-six (66) of this Act.

16 The state commissioner of elections shall obtain from the department of
17 environmental quality a list of every sanitary district established or in the process
18 of establishment under chapter three hundred fifty-eight (358) of the Code, and
19 shall send to each such district written notice of the amendment to section three
20 hundred fifty-eight point nine (358.9) of the Code made by section sixty-six (66)
21 of this Act, and of the requirements of this section.

1 SEC. 78. This Act, being deemed of immediate importance, shall take effect
2 and be in force from and after its publication in *The Hawk Eye*, a newspaper
3 published in Burlington, Iowa, and in the *Muscatine Journal*, a newspaper
4 published in Muscatine, Iowa.

Approved May 7, 1976

I hereby certify that the foregoing Act, House File 1011, was published in *The Hawk Eye*,
Burlington, Iowa on May 14, 1976, and in the *Muscatine Journal*, Muscatine, Iowa on May 14, 1976.

MELVIN D. SYNHORST, *Secretary of State*