

CHAPTER 136**ELECTION LAWS**

S.F. 371

AN ACT relating to elections and election procedures.

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

Section 1. Section 6.6, Code 1989, is amended to read as follows:

6.6 CERTIFICATION — SAMPLE BALLOT.

The state commissioner of elections shall, not less than ~~fifty-five~~ sixty-nine days preceding any election at which a constitutional amendment or public measure is to be submitted to a vote of the entire people of the state, transmit to the county commissioner of elections of each county a certified copy of ~~such~~ the amendment or measure and a sample of the ballot to be used in such cases, prepared in accordance with law.

Sec. 2. Section 43.4, unnumbered paragraph 2, Code 1989, is amended to read as follows:

There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall ~~forthwith~~ within seven days certify to the county central committee ~~and the county commissioner~~ the names of those elected as party committee members and delegates to the county convention.

PARAGRAPH DIVIDED. When the rules of a political party require the selection and reporting of delegates selected as part of the presidential nominating process, or the rules of a political party require the tabulation and reporting of the number of persons attending the caucus favoring each presidential candidate, it is the duty of a person designated as provided by the rules of that political party to report the results of the precinct caucus as directed by the state central committee of that political party. When the person designated to report the results of the precinct caucus reports the results, representatives of each candidate ~~may~~, if they so choose, may accompany the person as the results are being reported to assure that an accurate report of the proceedings is reported. If ballots are used at the precinct caucus, representatives of each candidate or other persons attending the precinct caucus may observe the tabulation of the results of the balloting.

Within fourteen days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention.

Sec. 3. Section 43.6, subsections 1 and 2, Code 1989, are amended to read as follows:

1. When a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and section 69.13, subsection 1, requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs ~~seventy-five~~ eighty-nine or more days ~~prior to~~ before the date of that primary election. If the vacancy occurs less than ~~ninety one~~ hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the ~~sixtieth~~ seventy-fourth day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than ~~seventy-five~~ eighty-nine days before the date of that primary election, but not less than ~~seventy-five~~ eighty-nine days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and section 69.13, subsection 2, requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs ~~sixty~~ seventy-four or more days ~~prior~~

to before the date of that primary election. If the vacancy occurs less than ~~seventy-five~~ eighty-nine days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the ~~forty-ninth~~ sixty-third day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than ~~sixty~~ seventy-four days before the date of that primary election, but not less than ~~sixty~~ seventy-four days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 4. Section 43.11, Code 1989, is amended to read as follows:

43.11 FILING OF NOMINATION PAPERS.

Nomination papers in behalf of a candidate shall be filed:

1. For an elective county office, in the office of the county commissioner not earlier than ~~seventy-eight~~ ninety-two days nor later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day ~~prior to before~~ the day fixed for holding the primary election.

2. For United States senator, for an elective state office, for representative in Congress, and for member of the general assembly, in the office of the state commissioner not earlier than ~~eighty-five~~ ninety-nine days nor later than five o'clock p.m. on the ~~sixty-seventh~~ eighty-first day ~~prior to before~~ the day fixed for holding the primary election.

Sec. 5. Section 43.15, subsection 1, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

1. A signer may sign nomination papers for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination papers for one or more other candidates for the office.

Sec. 6. Section 43.15, subsection 3, Code 1989, is amended to read as follows:

3. All signers, for all nominations, of each separate part of a nomination paper, shall reside in the same county, representative or senatorial district for members of the general assembly. In counties where the supervisors are elected from districts, signers of nomination petitions for supervisor candidates shall reside in the supervisor district the candidate seeks to represent.

Sec. 7. Section 43.16, unnumbered paragraphs 2 and 3, Code 1989, are amended to read as follows:

A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the ~~sixty-second~~ seventy-sixth day before the primary election by notifying the state commissioner in writing.

A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the ~~fifty-third~~ sixty-seventh day before the primary election by notifying the commissioner in writing.

Sec. 8. Section 43.21, Code 1989, is amended to read as follows:

43.21 TOWNSHIP OFFICE.

The name of a candidate for a township office shall be printed on the official primary ballot of the candidate's party if the candidate files the candidate's personal affidavit, in the form prescribed by section 43.18, with the commissioner not earlier than ninety-two days nor later than five o'clock p.m. of the ~~fifty-fifth~~ sixty-ninth day ~~prior to before~~ the primary election. If ~~prior to before~~ that time there is presented to the commissioner a nomination paper signed by at least ten eligible electors of the township requesting that the name of any person be placed on the primary ballot as a candidate for a township office, and the nomination paper is not accompanied by the candidate's personal affidavit, the commissioner shall advise the candidate that such an affidavit is required before the candidate's name may be placed on the ballot.

Sec. 9. Section 43.22, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The state commissioner shall, at least ~~fifty-five~~ sixty-nine days before a primary election, furnish to the commissioner of each county a certificate under the state commissioner's hand and seal, which certificate shall show:

Sec. 10. Section 43.23, Code 1989, is amended to read as follows:

43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. ~~When any~~ If a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws up to the ~~sixty-second~~ seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the ~~fifty-seventh~~ seventy-first day before the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

2. ~~When any~~ If a person who has filed nomination papers with the commissioner as a candidate in a primary election dies or withdraws up to the ~~fifty-third~~ sixty-seventh day before the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the ~~forty-ninth~~ sixty-third day before the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 11. Section 43.24, subsection 1, paragraphs a, b, and d, Code 1989, are amended to read as follows:

a. Those filed with the state commissioner, not less than ~~sixty~~ seventy-four days before the date of the election.

b. Those filed with the commissioner, not less than ~~fifty~~ sixty-four days before the date of the election.

d. Those filed with the city clerk under this chapter, at least ~~thirty~~ thirty-six days ~~prior to~~ before the municipal election.

Sec. 12. NEW SECTION. 43.29 FORM OF NAME ON BALLOT.

The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

Sec. 13. Section 43.30, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may make sample ballots available to the public. The sample ballots shall be stamped with the words "sample ballot" and a facsimile of the commissioner's signature. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots.

Sec. 14. Section 43.45, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Upon the closing of the polls the precinct election officials shall immediately publicly canvass the vote in the following manner:

Sec. 15. Section 43.48, Code 1989, is amended to read as follows:

43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

Any elector of the county shall have the right, before the day fixed for canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown on the outside of the envelope containing the ~~election register~~ tally list.

Sec. 16. Section 43.54, Code 1989, is amended to read as follows:

43.54 RIGHT TO PLACE ON BALLOT.

Each candidate ~~so nominated shall be~~ pursuant to section 43.53 is entitled to have the candidate's name printed on the official ballot to be voted for at the general election ~~without other~~

certificate if the candidate files an affidavit in the form required by section 43.67 not later than five o'clock p.m. on the seventh day following the completion of the canvass.

Sec. 17. NEW SECTION. 43.56 PRIMARY ELECTION RECOUNT PROVISIONS.

Recounts of votes for primary elections shall be conducted following the procedure outlined in section 50.48. However, if a recount is requested for an office for which no candidate has received the required thirty-five percent to be nominated, the recount board shall consist of the following persons:

1. One person chosen by the candidate requesting the recount, who shall be named in the request.

2. One person chosen by the candidate who received the highest number of votes for the nomination being recounted. However, if the candidate who requested the recount received more votes than anyone else for the nomination, the candidate who received the second highest number of votes shall designate this person to serve on the recount board.

3. A third person mutually agreeable to the board members designated by the candidates.

A bond is not necessary for a primary election recount under these circumstances if the difference between the number of votes needed to be nominated and the number of votes received by the candidate requesting the recount is less than fifty votes or one percent of the total number of votes cast for the nomination in question, whichever is greater. If a bond is required, the bond shall be in the amount specified in section 50.48, subsection 2.

Sec. 18. Section 43.67, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Each candidate so nominated shall be pursuant to section 43.66 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate, except that a candidate whose name was not printed on the official primary election ballot must execute and deliver to the commissioner or the state commissioner, as the case may be, an affidavit in substantially the following form:

Sec. 19. Section 43.73, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Not less than ~~fifty-five~~ sixty-nine days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which the tickets of the several political parties shall appear on the official ballot.

Sec. 20. Section 43.76, Code 1989, is amended to read as follows:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that office on or before, but not later than, the ~~sixtieth~~ seventy-fourth day ~~prior to~~ before the date of the general election by so notifying the commissioner in writing.

Sec. 21. Section 43.77, subsections 3 and 4, Code 1989, are amended to read as follows:

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section 43.76, was found to lack the requisite qualifications for the office, or died, at a time not later than the ~~seventy-fifth~~ eighty-ninth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the ~~sixtieth~~ seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, subsection 1, less than ~~seventy-five~~ eighty-nine days before the primary election and not less than ~~seventy-five~~ eighty-nine days before the general election, or in the office of county supervisor or any of the offices listed in section 39.17, under the circumstances described in section 69.13, subsection 2, less than ~~sixty-seventy-four~~ days before the primary election and not less than ~~sixty-seventy-four~~ days before the general election.

Sec. 22. Section 43.78, subsections 2 and 3, Code 1989, are amended to read as follows:

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "a", "b", or "c" shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the ~~sixty-seventh~~ eighty-first day ~~prior to before~~ the date of the general election.

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "d", "e", or "f" shall be submitted in writing to the commissioner not later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day ~~prior to before~~ the date of the general election.

Sec. 23. Section 43.79, Code 1989, is amended to read as follows:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the ~~seventy-fourth~~ eighty-eighth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the ~~fifty-ninth~~ seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 24. Section 44.4, Code 1989, is amended to read as follows:

44.4 NOMINATIONS AND OBJECTIONS — TIME AND PLACE OF FILING.

Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ~~eighty-five~~ ninety-nine days nor later than five o'clock p.m. on the ~~sixty-seventh~~ eighty-first day ~~prior to before~~ the date of the general election to be held in November; and those nominations made for a special election called pursuant to section 69.14 shall be filed not less than twenty days ~~prior to before~~ the date of an election called upon at least forty days' notice and not less than seven days ~~prior to before~~ the date of an election called upon at least ten days' notice. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ~~seventy-eight~~ ninety-two days nor later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day ~~prior to before~~ the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five o'clock p.m. on the forty-seventh day ~~prior to before~~ the city election with the city clerk, who shall process them as provided by law.

Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. Such objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than sixty seventy-four days before the day date of election.
2. Those filed with the commissioner, not less than fifty sixty-four days before the day date of election.
3. Those filed with the city clerk, at least forty-two days ~~prior to~~ before the municipal election.
4. In case of nominations to fill vacancies occurring after the time when an original nomination for any office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Sec. 25. Section 44.9, unnumbered paragraph 1 and subsections 1 and 2, Code 1989, are amended to read as follows:

Any candidate named under this chapter may withdraw the candidate's nomination by a written request, ~~signed and acknowledged by that person before any officer empowered to take acknowledgment of deeds. Such withdrawal must be filed as follows:~~

1. In the office of the state commissioner, at least sixty seventy-four days before the day date of the election.
2. In the office of the proper commissioner, at least fifty sixty-four days before the day date of the election.

Sec. 26. Section 44.11, Code 1989, is amended to read as follows:

44.11 VACANCIES FILLED.

If a candidate named under this chapter declines a nomination, or dies before election day, or ~~should any if~~ a certificate of nomination be is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to any a certificate of nomination, or to the eligibility of any candidate ~~therein~~ named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies ~~thus occasioned~~ may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than sixty seventy-four days ~~prior to~~ before the election in the case of nominations required to be filed with the state commissioner, not less than fifty sixty-four days ~~prior to~~ before the election in the case of nominations required to be filed with the commissioner, ~~and~~ not less than thirty-five days ~~prior to~~ before the election in the case of nominations required to be filed in the office of the school board secretary, ~~or~~ and not less than forty-two days before the election in the case of nominations required to be filed with the city clerk.

Sec. 27. Section 45.1, subsection 1, Code 1989, is amended to read as follows:

1. Nominations for candidates for president and vice president and for state offices may be made by nomination papers signed by not less than one thousand eligible electors of the state. For candidates for president and vice president, the names and addresses of the candidates for presidential electors, one from each congressional district and two from the state at large, shall be printed on the face of or attached to each page of the nomination petition.

Sec. 28. Section 45.3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature the elector's residence address and the date of signing. The person whose nomination is proposed by the petition ~~may~~ shall not sign it. A person may sign nomination petitions under this chapter for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

PARAGRAPH DIVIDED. Before the petition is filed, there shall be endorsed upon or attached to it an affidavit executed by that candidate, in substantially the following form:

Sec. 29. Section 46.20, Code 1989, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY.

At least ninety one hundred four days ~~prior to~~ before the judicial election preceding expiration of the initial or regular term of office, a judge of the supreme court, court of appeals, or

district court including district associate judges, or a clerk of the district court who is required to stand for retention under section 602.1216 may file a declaration of candidacy with the state commissioner of elections to stand for retention or rejection at that election. If a judge or clerk fails to file the declaration, the office shall be vacant at the end of the term. District associate judges filing the declaration shall stand for retention in the judicial election district of their residence.

Sec. 30. Section 46.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

At least ~~fifty-five~~ sixty-nine days ~~prior to~~ before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

Sec. 31. Section 47.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. On the final date for filing nomination papers in the commissioner's office the office shall be open until the time for receiving nomination papers has passed.

Sec. 32. Section 47.6, subsection 1, Code 1989, is amended to read as follows:

1. The governing body of any political subdivision which has authorized a special election to which section 39.2 is applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. If a public measure will appear on the ballot at the special election the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

PARAGRAPH DIVIDED. If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least thirty days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 33. Section 48.31, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Upon receipt of a written request from the qualified elector, presented in person with proper identification in the office of the county commissioner of registration.

Sec. 34. Section 49.8, subsection 6, Code 1989, is amended to read as follows:

6. Precinct boundaries established by or pursuant to section 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

Sec. 35. Section 49.23, Code 1989, is amended to read as follows:

49.23 NOTICE OF CHANGE.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be given by publication in a newspaper of general circulation in the precinct not more than ~~fifteen~~ twenty nor less than ~~five~~ four days ~~prior to~~ before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

Sec. 36. Section 49.31, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 5. The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

Sec. 37. Section 49.37, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices and township offices in the same sequence in which they appear in sections 39.17 and 39.22. Nonpartisan offices shall be listed below or to the right of partisan offices.

Sec. 38. Section 49.44, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may prepare a summary for public measures if the commissioner finds that a summary is needed to clarify the question to the voters.

Sec. 39. Section 49.48, Code 1989, is amended to read as follows:

49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL AMENDMENTS.

The state commissioner of elections shall prescribe a notice to inform voters ~~that the top~~ of the location on the ballot ~~contains~~ of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

Sec. 40. Section 49.53, Code 1989, is amended to read as follows:

49.53 PUBLICATION OF BALLOT AND NOTICE.

The commissioner shall not less than four nor more than twenty days ~~prior to~~ before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing on the published sample ballot to be less than five thirty-sixths of an inch high in candidates' names or in summaries of public measures. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election.

PARAGRAPH DIVIDED. The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county. However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

Sec. 41. Section 49.58, Code 1989, is amended to read as follows:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the ~~seventy-fourth~~ eighty-eighth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the ~~fifty-ninth~~ seventy-third day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

PARAGRAPH DIVIDED. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 42. Section 49.75, Code 1989, is amended to read as follows:

49.75 OATH.

Before opening the polls, each of the board members shall take the following oath: "I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same election."

Sec. 43. Section 49.107, subsection 8, Code 1989, is amended to read as follows:

8. Serving as a member of a challenging committee under section 49.104, subsection 2, for the general election or the primary election by a precinct election official, a member of a city council, a mayor, a member of the county board of supervisors, a county attorney, treasurer, sheriff, auditor, or recorder, or a state senator or representative during the person's term of office or while being a candidate for any of those offices.

Sec. 44. Section 50.12, Code 1989, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making such the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal such the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months.

Sec. 45. Section 50.13, Code 1989, is amended to read as follows:

50.13 DESTRUCTION OF BALLOTS.

If, at the expiration of six months ~~no the length of time specified in section 50.12~~, a contest is not pending, the commissioner, without opening the package in which they have been enclosed,

shall destroy the same ballots, in the presence of two electors, one from each of the two leading political parties, who shall be designated by the chairperson of the board of supervisors.

Sec. 46. Section 50.19, Code 1989, is amended to read as follows:

50.19 PRESERVATION OF BOOKS – WHEN DESTROYED.

The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to ~~an~~ any election in which federal offices are not on the ballot, except the tally lists, six months after the election if no a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with section 48.31, subsection 1. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

Sec. 47. Section 50.22, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If the challenged voter's registration was canceled in the same county where the person attempted to vote because first class mail other than the registration receipt mailed pursuant to section 48.3 was returned by the postal service during the four years preceding the election in progress, the person's ballot shall be accepted for counting and the elector's registration shall be reinstated.

Sec. 48. Section 50.22, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The special precinct board shall also canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. If necessary, they shall reconvene again on the day of the canvass by the board of supervisors to canvass any absentee ballots which were timely received. The special precinct board shall submit their tally list to the supervisors before the conclusion of the canvass by the board.

Sec. 49. Section 50.24, Code 1989, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS.

The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall ~~also open and~~ contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

Sec. 50. Section 52.5, Code 1989, is amended to read as follows:

52.5 EXAMINATION OF MACHINE.

A person or corporation owning or being interested in a voting machine or electronic voting system may request that the state commissioner call upon the board of examiners to examine and test the machine or system. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test.

PARAGRAPH DIVIDED. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner.

PARAGRAPH DIVIDED. The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the voting machine or system the examiners shall report to the state commissioner describing the testing and examination of the machine or system and upon the capacity of the machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the examiners, and machines or systems of its kind may be adopted for use at elections as provided in this section. Any form of voting machine or system not so approved cannot be used at any election. ~~Prior to~~ Before actual purchase use by a county of a particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

Sec. 51. Section 52.32, subsection 2, Code 1989, is amended to read as follows:

2. If ballot cards are used and write-in votes are cast on a separate envelope or write-in ballot, the precinct election officials shall next count the write-in votes cast in the precinct, if any. If special paper ballots or ballot cards are used and write-in votes are recorded directly upon the ballot, this subsection ~~does not apply~~ is optional, at the discretion of the commissioner. If write-in votes are not canvassed by the precinct election officials at the precinct where they were cast, they shall be tabulated at the counting center. All ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

Sec. 52. Section 53.18, Code 1989, is amended to read as follows:

53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

Upon receipt of the absentee ballot, the commissioner shall at once record the number appearing on the application and ~~ballot return carrier~~ envelope and time of receipt of such ballot and enclose the same, unopened, together with the application made by the qualified elector, in a large carrier envelope on which shall appear the words "This envelope contains an absent voter's ballot for the election", and securely seal the same.

Sec. 53. NEW SECTION. 53.21 REPLACEMENT OF LOST ABSENTEE BALLOTS.

A voter who has requested an absentee ballot may obtain a replacement ballot if the voter declares that the original ballot was lost or did not arrive. The commissioner upon receipt of a written or oral request for a replacement ballot shall provide a duplicate ballot. The same serial number that was assigned to the records of the original absentee ballot request shall be used on the envelopes and records of the replacement ballot.

The commissioner shall include with the replacement ballot two copies of a statement in substantially the following form: "The absentee ballot which I requested on _____ (date) _____ has been lost or was never received. If I find this absentee ballot I will return it, unvoted, to the commissioner.

(Signature of voter)

(Date)"

The voter shall enclose one copy of the above statement in the return carrier envelope with the ballot envelope and retain a copy for the voter's records.

Sec. 54. Section 53.39, Code 1989, is amended to read as follows:

53.39 REQUEST FOR BALLOT.

The provisions of section ~~Section 53.2~~ shall ~~does~~ not apply in connection with the primary and general elections in the case of a qualified elector of the state of Iowa serving in the armed forces of the United States; ~~in.~~ In any such case an application for ballot as provided for in ~~said that~~ section shall ~~is~~ not be required and an absent voter's ballot shall be sent or made available to any such voter elector upon a request ~~being made therefor~~ as provided ~~for~~ in this division. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to forty days before the ~~said~~ respective elections and shall be available for transmittal to such qualified electors in the armed forces of the United States ~~at least forty days prior to~~ before the respective elections. The provisions of this chapter shall apply to absent voting by qualified voters in the armed forces of the United States at ~~said~~ primary and general elections except as modified by the provisions of this division.

Sec. 55. Section 53.40, unnumbered paragraph 4, Code 1989, is amended to read as follows:

If the affidavit on the ballot envelope shows that the affiant is not a qualified voter on the day of the election at which ~~said the~~ ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained ~~therein in the envelope~~ shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve ~~same them~~ for the period of time and under the conditions provided for in sections 50.12 ~~to~~ through 50.15 and section 50.19.

Sec. 56. Section 53.41, Code 1989, is amended to read as follows:

53.41 RECORDS BY COMMISSIONER.

The commissioner of each county shall establish and maintain a record of all requests for ballots which are made, and of all ballots transmitted, and the manner of transmittal, from and received in the commissioner's office under the provisions of this division. ~~In the event~~ If more than one request for absent voter's ballot for a particular election shall be ~~is~~ made to the commissioner by or on behalf of a voter in the armed forces of the United States, the request first received shall be honored, except that if one of the requests is made by the voter, and a request on the voter's behalf has not been previously honored, ~~such~~ the request of the voter shall be honored in preference to a request made on the voter's behalf by another. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election. ~~In the event~~ If the commissioner shall receive ~~receives~~ more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of ~~said~~ the ballots so received from or purporting to be from such voter shall ~~be null and~~ are void, and the commissioner shall not deliver any of ~~said the~~ ballots to the precinct

election officials of election, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 ~~to~~ through 50.15 and section 50.19.

Sec. 57. Section 53.44, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Absentee ballots issued under this division shall be returned in the same manner and within the same time limits specified in section 53.17.

Sec. 58. Section 54.5, Code 1989, is amended to read as follows:
54.5 PRESIDENTIAL NOMINEES.

The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by five o'clock p.m. on the ~~sixty-seventh~~ eighty-first day prior to before the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party's candidates for president and vice president shall be filed within five days after adjournment.

As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party's national nominating convention may be used to certify the names of the party's candidates for president and vice president. If certificates of nomination are received from both the state central committee and the national nominating convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

The state central committee shall also file a list of the names and addresses of the party's presidential electors, one from each congressional district and two from the state at large, not later than five o'clock p.m. on the eighty-first day before the general election.

Sec. 59. Section 69.12, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When a vacancy occurs in any nonpartisan elective office of a political subdivision of this state, and the statutes governing the office in which the vacancy occurs require that it be filled by election or are silent as to the method of filling the vacancy, it shall be filled pursuant to this section. As used in this section, "pending election" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision in which the vacancy exists.

Sec. 60. Section 69.12, subsection 1, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) ~~Sixty~~ Seventy-four or more days prior to the election, if it is a general or primary election.

Sec. 61. Section 69.12, subsection 1, paragraph b, subparagraph (1), Code 1989, is amended to read as follows:

(1) ~~The fifty-fifth day prior to final filing date for candidates filing with the state commissioner or commissioner, as the case may be, for~~ a general or primary election.

Sec. 62. Section 69.13, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the unexpired term of office in which the vacancy occurs will expire within seventy days after the date of the next pending election, section 69.11 applies.

Sec. 63. Section 277.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than ~~sixty-five~~ sixty-four days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five

o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section.

PARAGRAPH DIVIDED. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same district as the candidate if directors are elected by district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall include be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

Sec. 64. Section 278.2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Petitions filed under this section shall be filed with the secretary of the school board at least seventy-five days before the date of the annual school election, if the question is to be included on the ballot at that election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Sec. 65. Section 279.7, unnumbered paragraph 4, Code 1989, is amended to read as follows:

Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than thirty twenty-five days prior to before the date set for the election.

Sec. 66. Section 280A.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire. The term of a member of the board of directors is three years and commences at the organization meeting. Vacancies on the board which occur more than ninety days prior to the next regular school election may shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 67. Section 280A.15, subsection 2, Code 1989, is amended to read as follows:

2. A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a candidate, is eligible for the office sought, and if elected will qualify for the office.

Sec. 68. Section 303B.3, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The votes cast in the election shall be canvassed and abstracts of the votes cast shall be promptly certified by the commissioner to the commissioner of elections who is responsible under section 47.2 for conducting elections for that regional library board district. In each county whose commissioner of elections is responsible under section 47.2 for conducting elections held for a regional library board district, the county board of supervisors shall convene at nine o'clock a.m. on the third Monday in November, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected.

Sec. 69. Section 331.306, Code 1989, is amended to read as follows:

331.306 PETITIONS OF ELIGIBLE ELECTORS.

If a petition of the voters is authorized by this chapter, the petition is valid if signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Petitions authorized by this chapter shall be filed with the board of supervisors not later than eighty-two days before the date of the general election if the question is to be voted upon at the general election. If the petition is found to be valid, the board of supervisors shall, not later than sixty-nine days before the general election, notify the county commissioner of elections to submit the question to the qualified electors at the general election.

Sec. 70. Section 362.4, Code 1989, is amended to read as follows:

362.4 PETITION OF ELIGIBLE ELECTORS.

If a petition of the voters is authorized by the city code, the petition is valid if signed by eligible electors of the city equal in number to ten percent of the persons who voted at the last preceding regular city election, but not less than ten persons, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Sec. 71. Section 372.13, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. The council shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

Sec. 72. Section 376.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than ~~seventy-two~~ seventy-one days nor less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

Sec. 73. Section 467A.5, subsection 3, Code 1989, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. ~~An eligible elector shall not in any one year sign the nominating petitions of a number of candidates greater than the number of commissioners to be elected in that year.~~ The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the fifty-fifth day prior to the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality shall be sufficient to elect commissioners, and no primary election for the office shall be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 74. Section 602.1216, Code 1989, is amended to read as follows:

602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ten percent of all ~~eligible and registered~~ qualified electors in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. The petition shall be filed in the office of the state commissioner not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 75. Section 50.14, Code 1989, is repealed.

Approved May 8, 1989

CHAPTER 137

EGG EXCISE TAX REFUNDS

S.F. 386

AN ACT relating to refunds from excise taxes on egg sales.

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

Section 1. Section 179.5A, Code 1989, is amended to read as follows:

179.5A RIGHT TO REFUND NOT SUBJECT TO EXECUTION OR TRANSFER.

The right of a person to a refund under this chapter or under ~~chapters~~ chapter 181, 182, 183A, 184A, 185, or 185C, ~~or 196A~~ is not subject to execution, levy, attachment, garnishment, or other legal process, and is not transferable or assignable at law or in equity.

Sec. 2. Section 196A.18, Code 1989, is amended to read as follows:

196A.18 REFUNDS.

A producer who has paid ~~the tax~~ a nonrefundable promotion import tax in another state