

e. The plan approved by the board of supervisors shall be submitted to the state commissioner of elections for approval. If the plan does not meet the standards of section 42.4, the state commissioner shall reject the plan, and the board of supervisors shall direct the commission to prepare and adopt an acceptable plan.

If, after the initial proposed supervisor district plan or precinct plan has been submitted to the state commissioner for approval, it is necessary for the temporary county redistricting commission to make subsequent attempts at adopting an acceptable plan, the subsequent plans do not require public hearings.

3. OPEN MEETINGS AND PUBLIC RECORDS. Chapters 21 and 22 shall apply to the temporary county redistricting commission.

4. TERMINATION. The terms of the members of the temporary county redistricting commission shall expire twenty days following the date the county's supervisor district plan and corresponding precinct plan, if applicable, are approved or imposed by the state commissioner of elections under sections 49.7 and 331.209.

Sec. 24. Section 372.13, subsection 7, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

7. By ordinance, the council may divide the city into wards which shall be drawn according to the following standards:

- a. All ward boundaries shall follow precinct boundaries.
- b. Wards shall be as nearly equal as practicable to the ideal population determined by dividing the number of wards to be established into the population of the city.
- c. Wards shall be composed of contiguous territory as compact as practicable.
- d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

Approved May 13, 1994

CHAPTER 1180

ELECTION AND CAMPAIGN FINANCE LAWS

S.F. 2219

AN ACT relating to the office of secretary of state and ethics and campaign disclosure board, the conduct of elections and voter registration in the state, changing the threshold reporting level for ballot issues, and relating to corrective and technical changes to Iowa's election and campaign finance laws.

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

Section 1. Section 39.3, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Infamous crime" means a felony as defined in section 701.7, or an offense classified as a felony under federal law.

Sec. 2. Section 43.6, subsection 2, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election

unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 3. Section 43.14, unnumbered paragraph 1, Code 1993, is amended to read as follows:

All nomination papers shall be ~~about~~ eight and one-half by ~~thirteen~~ fourteen inches in size and in substantially the following form:

Sec. 4. Section 43.18, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

43.18 AFFIDAVIT OF CANDIDACY.

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The political party with which the candidate is registered to vote.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is nominated and elected the candidate will qualify by taking the oath of office.

7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.

8. A statement that the candidate is aware of the prohibition in section 43.20 against being a candidate for more than one office appearing on the primary election ballot.

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 5. Section 43.26, Code 1993, is amended to read as follows:

43.26 BALLOT — FORM.

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

PRIMARY ELECTION BALLOT

(Name of Party) of

County of, State of Iowa,

. . . Rotation (if any).

Primary election held on

the day of June, 19 . . .

FOR UNITED STATES SENATOR

(Vote for no more than one.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

FOR UNITED STATES REPRESENTATIVE

(Vote for no more than one.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

FOR GOVERNOR

(Vote for no more than one.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

(Followed by other elective state officers in the order in which they appear in section 39.9 and district officers in the order in which they appear in sections 39.15 and 39.16.)

FOR BOARD OF SUPERVISORS

(Vote for no more than two.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

_____

FOR COUNTY AUDITOR

(Vote for no more than one.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

(Followed by other elective county officers in the order in which they appear in ~~sections~~ section 39.17 and 39.18.)

FOR TOWNSHIP CLERK

(Vote for no more than one.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____ CANDIDATE'S NAME

_____

_____

Sec. 6. Section 43.67, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT.

Each candidate nominated 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 unless the candidate was nominated by write-in votes. Immediately after the completion of the canvass held under section 43.49, the county auditor shall notify each person who was nominated by write-in votes for a county or township office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. Immediately after the completion of the canvass held under section 43.63, the secretary of state shall notify each person who was nominated by write-in votes for a state or federal office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. If the affidavit is not filed by five p.m. on the seventh day after the completion of the canvass, that person's name shall not be placed upon the official general election ballot. The affidavit shall be signed by the candidate, notarized, and filed with the county auditor or the secretary of state, whichever is applicable.

The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.

4. The political party by which the candidate was nominated.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.
7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.
8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.
9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 7. Section 43.77, subsection 4, Code 1993, is amended to read as follows:

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 eighty-nine days before the primary election and not less than 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 seventy-four days before the primary election and not less than seventy-four days before the general election.~~

Sec. 8. Section 43.77, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A vacancy has occurred in the office of county supervisor or in any of the offices listed in section 39.17 and the term of office has more than seventy days remaining after the date of the next general election and one of the following circumstances applies:

- a. The vacancy occurred during the period beginning seventy-three days before the primary election and ending on the date of the primary election and no special election was called to fill the vacancy.
- b. The vacancy occurred after the date of the primary election and more than seventy-three days before the general election.

Sec. 9. Section 44.3, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

44.3 CERTIFICATE.

1. The certificate required by section 44.2 shall state the following information:
 - a. The name of each candidate nominated.
 - b. The office to which each candidate is nominated.
 - c. The name of the political organization making such nomination, expressed in not more than five words.
 - d. The place of residence of each nominee, with the street or number thereof, if any.
 - e. In case of presidential candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.
 - f. The name and address of each member of the organization's executive or central committee.
 - g. The provisions, if any, made for filling vacancies in nominations.
 - h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.
2. Each candidate nominated by the convention or caucus shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

- a. The candidate's name in the form the candidate wants it to appear on the ballot.
- b. The candidate's home address.
- c. The name of the county in which the candidate resides.
- d. The name of the political organization by which the candidate was nominated.
- e. The office sought by the candidate, and the district the candidate seeks to represent, if any.
- f. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.
- g. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.
- h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.
- i. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 10. Section 45.1, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Nominations for township officers may be made by nomination petitions signed by not less than ten eligible electors of the township.

Sec. 11. Section 45.3, unnumbered paragraphs 2, 3, 4, 5, 6, 7, and 8, Code 1993, are amended by striking the paragraphs and inserting in lieu thereof the following:

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The name of the political organization by which the candidate was nominated, if any.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.
7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 56.2, subsection 4. This subsection shall not apply to candidates for federal office.
8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council, soil and water conservation district commission, and regional library board of trustees.
9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 12. Section 49.11, subsection 2, Code Supplement 1993, is amended to read as follows:

2. Divide any precinct permanently established under this section which contains all or any parts of two or more mutually exclusive political subdivisions, ~~each~~ either or both of which is independently electing one or more officers or voting on one or more questions on the same date, into two or more temporary precincts and designate a polling place for each.

Sec. 13. Section 49.73, subsection 1, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Any election conducted for a benefited district.

Sec. 14. Section 49.77, subsection 1, Code 1993, is amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

.....
SIGNATURE OF VOTER
.....
ADDRESS
.....
TELEPHONE

Approved:

.....
BOARD MEMBER

Sec. 15. Section 49.82, Code 1993, is amended to read as follows:

49.82 VOTER TO RECEIVE ONE BALLOT — ENDORSEMENT.

~~One~~ When an empty voting booth is available, one of the precinct election officials shall give the voter endorse the official's initials on each ballot the voter will receive. The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder. The official shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100, on the back of which a precinct election official shall endorse the official's initials so that they may be seen when the ballot is properly folded. No ballot without the required official endorsement shall be deposited placed in the ballot box.

Sec. 16. Section 49.84, Code 1993, is amended to read as follows:

49.84 MARKING AND RETURN OF BALLOT.

~~On receipt of~~ After receiving the ballot, the voter shall immediately retire go alone to one of the voting booths, and without delay mark the ballot, and, before. All voters shall vote in booths. No special lines shall be used to separate voters who state that they wish to vote only a portion of the ballot.

Before leaving the voting booth, the voter shall fold the ballot so as or enclose it in a secrecy folder to conceal the marks thereon, and on the ballot. The voter shall deliver it the ballot to one of the precinct election officials. No identifying mark or symbol shall be endorsed on the back of the voter's ballot. If the precinct has a portable vote tallying system which will not permit more than one ballot to be inserted at a time, the voter may insert the ballot into the tabulating device, otherwise the election official shall place the ballot in the ballot box.

Sec. 17. Section 49.104, subsections 2, 3, and 5, Code 1993, are amended to read as follows:

2. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

5. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

Sec. 18. Section 49.124, Code 1993, is amended to read as follows:
49.124 TRAINING COURSE BY COMMISSIONER.

It shall be the duty of the ~~The~~ commissioner ~~to shall~~ conduct, not less later than ~~three days~~ the day before each primary and general election, a training course of not more than two hours for all election personnel, and the commissioner may do so before any other election the commissioner administers. ~~Such~~ The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials who will serve on each precinct election board at the forthcoming election shall attend the training course; ~~and if.~~ If the entire board does not attend, those members who do attend shall so far as possible be persons who have not previously attended a similar training course.

Sec. 19. Section 50.48, subsection 4, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots or voting machine documents to ensure that the ballots and other documents are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified ~~in the request to be recounted in the request or by the recount board.~~ The board shall recount only the ballots which were voted and counted for the office in question. If an electronic tabulating system was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the electronic tabulating system. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

Sec. 20. Section 52.4, Code 1993, is amended to read as follows:
52.4 EXAMINERS — TERM — REMOVAL.

The governor state commissioner of elections shall appoint three members to a board of examiners for voting machines and electronic voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for the term staggered terms of five six years, subject to removal at the pleasure of the governor state commissioner of elections.

At least one of the examiners shall have been trained in computer programming and operations. The other two members shall be directly involved in the administration of elections and shall have experience in the use of electronic voting systems.

Sec. 21. Section 52.40, subsection 1, Code Supplement 1993, is amended to read as follows:

1. In counties where counting centers have been established under section 52.34, the commissioner may, ~~for general elections only,~~ designate certain polling places as early ballot pick-up sites. At these sites, between the hours of one p.m. and four p.m. on the day of the election, early pick-up officers shall receive the sealed ballot container containing the ballots which have

been voted throughout the day along with a signed statement of the precinct attesting to the number of declarations of eligibility signed up to that time, excluding those declarations signed by voters who have not yet placed their ballots in the ballot container. The officers shall replace the ballot container containing the voted ballots with an empty ballot container, to be sealed in the presence of a precinct election official.

Sec. 22. Section 53.17, subsection 2, unnumbered paragraph 2, Code 1993, is amended to read as follows:

In order for the ballot to be counted, the carrier envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 23. Section 53.22, subsection 2, Code Supplement 1993, is amended to read as follows:

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility in the county where the elector is qualified to vote within three days prior to the date of any election or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, these officers shall deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 24. Section 53.22, subsection 5, Code Supplement 1993, is amended to read as follows:

5. If the qualified elector becomes a patient or resident of a hospital or health care facility outside the county where the elector is registered to vote within three days before the date of any election or on election day, the elector may designate a person to deliver and return the absentee ballot. The designee may be any person the elector chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, the ballot shall be delivered by mail or by the person designated by the elector. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the carrier envelope must be received by the time the polls close, or clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 25. Section 53.37, Code 1993, is amended by adding the following new unnumbered paragraph before unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. This division is intended to implement the federal Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.

Sec. 26. Section 53.39, Code 1993, is amended to read as follows:

53.39 REQUEST FOR BALLOT – WHEN AVAILABLE.

Section 53.2 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 any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such elector upon a request as provided in this division.

PARAGRAPH DIVIDED. 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 respective elections and shall be available for transmittal to such qualified electors in the armed forces of the United States at least forty days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States at ~~primary and general elections~~ except as modified by the provisions of this division.

Sec. 27. Section 53.40, unnumbered paragraph 1, Code 1993, is amended to read as follows:

~~Request A request~~ in writing for a ballot for the ~~primary election and for the general election~~ may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time ~~prior to either of before the elections election~~. Any member of the armed forces of the United States may request ballots for all elections to be held within a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. The county auditor shall send the applicant a ballot for each election held during the calendar year in which the application is received.

PARAGRAPH DIVIDED. Unless the request specifies otherwise, a request for the primary election shall also be considered a request for the general election. In the case of the general election request may be made not more than seventy days before the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of the voter, residing in the county of the voter's residence. However, a request made by other than the voter may be required to be made on forms prescribed by the state commissioner.

Sec. 28. Section 53.43, Code 1993, is amended to read as follows:

53.43 IDENTIFICATION ON ENVELOPE.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which ~~said~~ the ballot is to be cast, either "Primary Election" or "General Election", as the case may be.

Sec. 29. Section 53.51, Code 1993, is amended to read as follows:

53.51 RULE OF CONSTRUCTION.

This division shall be liberally construed in order to provide means and opportunity for qualified voters of the state of Iowa serving in the armed forces of the United States to vote ~~at the primary and general elections.~~

Sec. 30. Section 53.53, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Federal write-in absentee ballots may be used in primary and general elections, and in special elections held pursuant to section 69.14. The federal write-in absentee ballot transmission envelope may also serve as an application for voter registration if the information submitted is sufficient to register the person to vote and the applicant is otherwise eligible to vote under the provisions of this division.

Sec. 31. Section 56.2, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 32. Section 56.2, subsection 15, Code Supplement 1993, is amended to read as follows:

15. "Political committee" means a committee, but not a candidate's committee, which accepts contributions in excess of two hundred fifty dollars in the aggregate, makes expenditures in excess of two hundred fifty dollars in the aggregate, or incurs indebtedness in excess of two hundred fifty dollars in the aggregate in any one calendar year for the purpose of supporting or opposing a candidate for public office ~~or ballot issue, or which accepts contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate~~

in any one calendar year for the purpose of supporting or opposing a ballot issue; “political committee” also means an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization which makes contributions in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or opposing a candidate for public office ~~or a ballot issue or which accepts contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate in any one calendar year for the purpose of supporting or opposing a ballot issue.~~ “Political committee” also includes a committee which accepts contributions in excess of two hundred fifty dollars in the aggregate, makes expenditures in excess of two hundred fifty dollars in the aggregate, or incurs indebtedness in excess of two hundred fifty dollars in the aggregate in a calendar year to cause the publication or broadcasting of material in which the public policy positions or voting record of an identifiable candidate is discussed and in which a reasonable person could find commentary favorable or unfavorable to those public policy positions or voting record.

Sec. 33. Section 56.5, subsection 2, paragraph f, Code Supplement 1993, is amended to read as follows:

f. A signed statement by the treasurer of the committee and the candidate, in the case of a candidate’s committee, ~~or by the treasurer of the committee and the chairperson, in the case of a political committee,~~ which shall verify that they are aware of the requirement to file disclosure reports if the committee, the committee officers, the candidate, or both the committee officers and the candidate receive contributions in excess of five hundred dollars in the aggregate, make expenditures in excess of five hundred dollars in the aggregate, or incur indebtedness in excess of five hundred dollars in the aggregate in a calendar year for the purpose of supporting or opposing any candidate for public office. In the case of political committees, statements relating to ballot issues shall be made by the treasurer of the committee and the chairperson a two hundred fifty dollar aggregate threshold level shall apply instead of the five hundred dollar threshold level.

Sec. 34. Section 56.5A, Code Supplement 1993, is amended to read as follows:
56.5A CANDIDATE’S COMMITTEE.

Each candidate for federal, state, county, city, or school office shall organize one, and only one, candidate’s committee for a specific office sought when the candidate receives contributions in excess of five hundred dollars in the aggregate, makes expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of ~~two~~ five hundred fifty dollars in the aggregate in a calendar year.

Sec. 35. Section 56.7, subsection 2, Code 1993, is amended to read as follows:

2. A copy of every report or statement shall be preserved by the person filing it or the person’s successor for at least ~~one year~~ three years following the filing of the report or statement.

Sec. 36. Section 56.13, Code Supplement 1993, is amended to read as follows:

56.13 ACTION OF COMMITTEE IMPUTED TO CANDIDATE INDEPENDENT EXPENDITURES.

1. Action involving a contribution or expenditure which must be reported under this chapter and which is taken by any person, candidate’s committee or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate’s committee. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the commissioner or board and take corrective action within seventy-two hours of the action. A person, candidate’s committee or political committee taking such action independently of that candidate’s committee shall notify that candidate’s committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate’s committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the board.

Any person who makes expenditures or incurs indebtedness, other than incidental expenses incurred in performing volunteer work, in support or opposition of a candidate for public office shall notify the appropriate committee and provide necessary information for disclosure reports.

2. If a person, other than a political committee, makes one or more expenditures in excess of five hundred dollars in the aggregate, or incurs indebtedness in excess of five hundred dollars in the aggregate, in any one calendar year for purposes of supporting or opposing a ballot issue, the person shall file a statement of activity within ten days of taking the action exceeding the threshold. The statement shall contain information identifying the person filing the statement, identifying the ballot issue, and indicating the position urged by the person with regard to the ballot issue. The person shall file reports indicating the dates on which the expenditures or incurrence of indebtedness took place; a description of the nature of the action taken which resulted in the expenditures or debt; and the cost of the promotion at fair market value. For a local ballot issue, the reports shall be filed five days prior to any election in which the ballot issue appears and on the first day of the month following the election, as well as on the twentieth day of January, May, and July of each year in which the ballot issue appears on the ballot and on the twentieth day of January and October of each year in which the ballot issue does not appear on the ballot. For a statewide ballot issue, reports shall be filed on the twentieth day of January, May, and July of each year. The reports shall be current to five days prior to the filing deadline, and are considered timely filed if mailed bearing a United States postal service postmark on or before the due date. Filing obligations shall cease when the person files a statement of discontinuation indicating that the person's financial activity in support of or in opposition to the ballot issue has ceased. Statements and reports shall be filed with the commissioner responsible under section 47.2 for conducting the election at which the issue is voted upon, except that reports on a statewide ballot issue shall be filed with the board.

3. A person taking action involving the making of an expenditure or incurrence of indebtedness in support or opposition to a ballot issue independently of a political committee shall, within seventy-two hours of taking the action, notify in writing any political committee which advocates the same position with regard to the ballot issue as the person taking the action. The notification shall provide the political committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the board. It shall be presumed that a benefited committee approves the action if the committee fails to file a statement of disavowal with the commissioner or board and takes corrective action within ten days of the action. Action approved by a committee shall be reported as a contribution by the committee.

4. However, this This section shall not be construed to require duplicate reporting of anything reported under this chapter, by a political committee, or except that actions which constitute contributions in kind shall be reported by the benefited committee. This section shall not be construed to require reporting of action by any person which does not constitute a contribution.

Sec. 37. Section 69.8, subsection 5, Code 1993, is amended by striking the subsection and inserting in lieu thereof the following:

5. ELECTED TOWNSHIP OFFICES. When a vacancy occurs in the office of township clerk or township trustee, the vacancy shall be filled by appointment by the trustees. All appointments to fill vacancies in township offices shall be until a successor is elected at the next general election and qualifies by taking the oath of office. If the term of office in which the vacancy exists will expire within seventy days after the next general election, the person elected to the office for the succeeding term shall qualify by taking the oath of office within ten days after the election and shall serve for the remainder of the unexpired term, as well as for the next four-year term.

However, if the offices of two trustees are vacant the county board of supervisors shall fill the vacancies by appointment. If the offices of three trustees are vacant the board may fill the vacancies by appointment, or the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which the

vacancies exist until the vacancies are filled at the next general election. If a township office vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to fill the vacancy until the vacancy can be filled at the next general election.

Sec. 38. Section 69.14A, subsection 1, paragraph a, unnumbered paragraph 2, Code 1993, is amended to read as follows:

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306, except that in counties where supervisors are elected under plan "three", the number of signatures calculated according to the formula in section 331.306 shall be divided by the number of supervisor districts in the county.

Sec. 39. Section 69.14A, subsection 1, paragraph b, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the committee or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

NEW UNNUMBERED PARAGRAPH. If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 40. Section 69.14A, subsection 2, paragraph b, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If a vacancy in an elective county office occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the board of supervisors or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot with the name of the office and the additional description, "To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

NEW UNNUMBERED PARAGRAPH. If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

Sec. 41. Section 161A.5, subsection 3, Code 1993, 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. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

PARAGRAPH DIVIDED. The signed petitions shall be filed with the county commissioner of elections not later than five p.m. on the sixty-ninth day before 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 is sufficient to elect commissioners, and a primary election for the office shall not 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. 42. Section 277.4, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

Each candidate shall be nominated by petition. If the candidate is running for an at-large seat in the district, the petition must be signed by eligible electors equal in number to not less than one percent of the qualified electors of the district or one hundred eligible electors of the district, whichever is less. If the candidate is running for a seat in a director district, the petition must be signed by eligible electors equal in number to not less than one percent of the qualified electors in the director district or one hundred eligible electors in the district, whichever is less. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director 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 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. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 43. Section 277.5, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Objections to the legal sufficiency of a 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. The objection must be filed with the secretary of the school board at least ~~thirty~~ thirty-five days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

Sec. 44. **NEW SECTION. 277.7 PETITIONS FOR PUBLIC MEASURES.**

A petition filed with the school board to request an election on a public measure shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the secretary of the school board within five working days after the petition was filed. The objection process in section 277.5 shall be followed for objections filed pursuant to this section.

Sec. 45. Section 331.237, subsection 1, Code 1993, is amended to read as follows:

1. If a proposed charter for county government is received not ~~later~~ less than five working days before the filing deadline for candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the qualified electors of the county at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter or amendment must ~~shall~~ be published in the official county newspapers and in a newspaper of general circulation in each participating city, if applicable, at least ten but not more than twenty days before the date of the election. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 46. Section 331.237, subsection 2, paragraph a, Code 1993, is amended to read as follows:

a. The adopted charter shall take effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, ~~a special election shall be called to elect the new elective officers to fill elective offices shall be elected in the general election in the even-numbered year following the adoption of the charter. If the adopted charter provides for a special election, the board shall direct the county commissioner of elections to conduct the election. Those county officers holding office at the time of the adoption of the charter shall continue in office until the general election in the even-numbered year following the adoption of the charter. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until the general election in the even-numbered year. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date the adopted charter takes effect.~~

Sec. 47. Section 331.254, subsection 7, Code 1993, is amended to read as follows:

7. The merger of the elective offices of each consolidating county with the election of new officers within sixty days after the effective date of the charter. The elections shall be conducted by the county commissioner of elections of each county ~~pursuant to section 69.13. No primary election shall be held. Nominations shall be made pursuant to section 43.78 and chapters 44 and 45, as applicable, except that the filing deadline shall be forty days before the election.~~

Sec. 48. Section 331.306, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A petition shall be examined before it is accepted for filing. If it appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

NEW UNNUMBERED PARAGRAPH. Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the county auditor within five working days after the petition was filed. The objection process in section 44.7 shall be followed for objections filed pursuant to this section.

Sec. 49. Section 347.10, Code 1993, is amended to read as follows:

347.10 VACANCIES.

Vacancies in the board of trustees may, ~~until the next general election, be filled by an appointment to fill the vacancy~~ by the remaining members of the board of trustees or, if fewer than four trustees remain on the board, by the board of supervisors for the period until the vacancies are filled ~~pursuant to section 69.12 by election. Should~~ If any board member ~~be~~ is absent for four consecutive regular board meetings, without prior excuse, the member's position shall be declared vacant and filled as set out ~~above~~ in this section.

Sec. 50. Section 362.3, subsection 2, Code Supplement 1993, is amended to read as follows:

2. A publication required by the city code must be in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, or in the case of ~~notices of elections, ordinances, and amendments to be published in a city in which no newspaper is published,~~ a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.

In the case of notices of elections, a city with a population of two hundred or less meets the publication requirement of this section by posting notices of elections in three public places which have been designated by ordinance.

Sec. 51. Section 362.4, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The petition shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioner.

NEW UNNUMBERED PARAGRAPH. Petitions which have been accepted for filing are valid unless written objections are filed with the city clerk within five working days after the petition is received. The objection process in section 44.8 shall be followed.

Sec. 52. Section 372.2, subsection 1, Code 1993, is amended to read as follows:

1. Eligible electors of the city, ~~equal in number to at least twenty-five percent of the persons who voted at the last regular city election,~~ may petition the council to submit to the electors the question of adopting a different form of city government. The minimum number of signatures required on the petition shall be equal in number to twenty-five percent of those who voted in the last regular city election. The petition shall specify which form of city government in section 372.1 the petitioners propose for adoption.

Sec. 53. Section 372.2, subsection 5, paragraph a, Code 1993, is amended to read as follows:

a. The elective officers provided for in the adopted form are to be elected at the next regular city election held more than ~~sixty eighty-four~~ days after the special election at which the form was adopted, ~~and the~~. The adopted form becomes effective at the beginning of the new term following the regular city election.

Sec. 54. Section 372.13, subsection 2, paragraph a, subparagraph (4), Code Supplement 1993, is amended to read as follows:

(4) The minimum number of signatures for a valid petition pursuant to subparagraphs (1) through (3) shall not be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

Sec. 55. Section 376.4, unnumbered paragraph 4, Code 1993, is amended to read as follows:

The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 56. Section 384.12, subsection 19, paragraph c, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

c. The ballot question shall be in substantially the following form:

WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF?

(Vote for only one of the following choices.)

CHANGE LEVY AMOUNT _____

Add to the existing levy amount a tax for the purpose of (state purpose of proposed levy) at a rate of (rate) which will provide an additional \$ (amount).

KEEP CURRENT LEVY _____

Continue under the current maximum rate of, providing \$ (amount).

Sec. 57. TRANSITION AND EFFECTIVE DATE.

1. When the terms of the current members of the board of examiners for voting machines and electronic voting systems expire in June 1994, the state commissioner shall appoint three examiners for staggered terms. One examiner shall be appointed for six years, one for four years, and one for two years.

2. This section of this Act and the section of this Act which amends Code section 52.4, relating to appointment of the board of examiners for voting machines and electronic voting systems, being deemed of immediate importance, take effect upon enactment.

Sec. 58. APPLICABILITY. Section 46 of this Act, which amends Code section 331.237, subsection 2, is applicable to charters adopted by the electorate on or after the effective date of this Act.

Approved May 16, 1994

CHAPTER 1181

STATE BUDGET PROCESSES

S.F. 2318

AN ACT relating to state budget processes and providing effective dates.

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

**DIVISION I
REVERSIONS**

Section 1. Section 8.54, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The governor shall not submit and the general assembly shall not pass a budget which in order to balance assumes reversion of a specific amount of the total of the appropriations included in the budget.

Sec. 2. NEW SECTION. 8.62 USE OF REVERSIONS.

For the purposes of this section, "operational appropriation" means an appropriation from the general fund of the state providing for salary, support, administrative expenses, or other personnel-related costs. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of the fiscal years ending in 1995 and 1996, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for employee training and for technology enhancement. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year. On or before June 30, 1996, and 1997, an agency encumbering funds under this section shall report to the joint appropriations subcommittee which recommends funding for the agency, the legislative fiscal bureau, the department of management, and the legislative fiscal committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39. This section is repealed on September 1, 1997.

Sec. 3. CONTINGENCY PROVISION FOR USE OF REVERSIONS. For the fiscal year beginning July 1, 1994, and ending June 30, 1995, if the sum of the moneys that agencies would