

Senate Study Bill 3142

SENATE/HOUSE FILE _____
BY (PROPOSED SECRETARY OF
STATE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the conduct of elections and voter
2 registration and including effective date, applicability date,
3 and transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5403DP 82
6 sc/nh/8

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1 1 DIVISION I
1 2 ELECTION OF SCHOOL CORPORATION BOARDS OF DIRECTORS
1 3 Section 1. Section 39.24, Code 2007, is amended to read as
1 4 follows:
1 5 39.24 SCHOOL OFFICERS.
1 6 Members of boards of directors of community and independent
1 7 school districts, and boards of directors of merged areas
1 8 shall be elected at the school election. Their terms of
1 9 office shall be ~~three~~ four years, except as otherwise provided
1 10 by section 260C.11 ~~or 260C.13, 275.23A, 275.37, or 275.37A.~~
1 11 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
1 12 2007, is amended to read as follows:
1 13 The governing board of a merged area is a board of
1 14 directors composed of one member elected from each director
1 15 district in the area by the electors of the respective
1 16 district. Members of the board shall be residents of the
1 17 district from which elected. Successors shall be chosen at
1 18 the ~~annual~~ regular school elections for members whose terms
1 19 expire. The term of a member of the board of directors is
1 20 ~~three~~ four years and commences at the organization meeting.
1 21 Vacancies on the board shall be filled at the next regular
1 22 meeting of the board by appointment by the remaining members
1 23 of the board. A member so chosen shall be a resident of the
1 24 district in which the vacancy occurred and shall serve until a
1 25 member is elected pursuant to section 69.12 to fill the
1 26 vacancy for the balance of the unexpired term. A vacancy is
1 27 defined in section 277.29. A member shall not serve on the
1 28 board of directors who is a member of a board of directors of
1 29 a local school district or a member of an area education
1 30 agency board.
1 31 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
1 32 2007, is amended to read as follows:
1 33 The board of directors of the merged area shall organize at
1 34 the first regular meeting in October ~~of each year following~~
1 35 the regular school election. Organization of the board shall
2 1 be effected by the election of a president and other officers
2 2 from the board membership as board members determine. The
2 3 board of directors shall appoint a secretary and a treasurer
2 4 who shall each give bond as prescribed in section 291.2 and
2 5 who shall each receive the salary determined by the board.
2 6 The secretary and treasurer shall perform duties under chapter
2 7 291 and additional duties the board of directors deems
2 8 necessary. However, the board may appoint one person to serve
2 9 as the secretary and treasurer. If one person serves as the
2 10 secretary and treasurer, only one bond is necessary for that
2 11 person. The frequency of meetings other than organizational
2 12 meetings shall be as determined by the board of directors but
2 13 the president or a majority of the members may call a special
2 14 meeting at any time.
2 15 Sec. 4. Section 260C.13, subsection 1, Code 2007, is
2 16 amended to read as follows:
2 17 1. The board of a merged area may change the number of
2 18 directors on the board and shall make corresponding changes in

2 19 the boundaries of director districts. Changes shall be
2 20 completed not later than June 1 ~~for the regular school~~
2 21 ~~election to be held the next following September of the year~~
2 22 ~~of the regular school election.~~ As soon as possible after
2 23 adoption of the boundary changes, notice of changes in the
2 24 director district boundaries shall be submitted by the merged
2 25 area to the county commissioner of elections in all counties
2 26 included in whole or in part in the merged area.
2 27 Sec. 5. Section 260C.15, subsection 1, Code 2007, is
2 28 amended to read as follows:
2 29 1. Regular elections held ~~annually~~ by the merged area for
2 30 the election of members of the board of directors as required
2 31 by section 260C.11, for the renewal of the twenty and
2 32 one-fourth cents per thousand dollars of assessed valuation
2 33 levy authorized in section 260C.22, or for any other matter
2 34 authorized by law and designated for election by the board of
2 35 directors of the merged area, shall be held on the date of the
3 1 school election as fixed by section 277.1. The election
3 2 notice shall be made a part of the local school election
3 3 notice published as provided in section 49.53 in each local
3 4 school district where voting is to occur in the merged area
3 5 election and the election shall be conducted by the county
3 6 commissioner of elections pursuant to chapters 39 ~~to through~~
3 7 53 and section 277.20.
3 8 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
3 9 2007, is amended to read as follows:
3 10 a. In addition to the tax authorized under section
3 11 260C.17, the voters in ~~any~~ a merged area may at the ~~annual~~
3 12 ~~regular~~ school election vote a tax not exceeding twenty and
3 13 one-fourth cents per thousand dollars of assessed value in any
3 14 one year for a period not to exceed ten years for the purchase
3 15 of grounds, construction of buildings, payment of debts
3 16 contracted for the construction of buildings, purchase of
3 17 buildings and equipment for buildings, and the acquisition of
3 18 libraries, for the purpose of paying costs of utilities, and
3 19 for the purpose of maintaining, remodeling, improving, or
3 20 expanding the community college of the merged area. If the
3 21 tax levy is approved under this section, the costs of
3 22 utilities shall be paid from the proceeds of the levy. The
3 23 tax shall be collected by the county treasurers and remitted
3 24 to the treasurer of the merged area as provided in section
3 25 331.552, subsection 29. The proceeds of the tax shall be
3 26 deposited in a separate and distinct fund to be known as the
3 27 voted tax fund, to be paid out upon warrants drawn by the
3 28 president and secretary of the board of directors of the
3 29 merged area district for the payment of costs incurred in
3 30 providing the school facilities for which the tax was voted.
3 31 Sec. 7. Section 273.8, subsections 1 and 7, Code 2007, are
3 32 amended to read as follows:
3 33 1. BOARD OF DIRECTORS. The board of directors of an area
3 34 education agency shall consist of not less than five nor more
3 35 than nine members, each a resident of and elected in the
4 1 manner provided in this section from a director district that
4 2 is approximately equal in population to the other director
4 3 districts in the area education agency. Each director shall
4 4 serve a ~~three-year~~ four-year term which commences at the
4 5 organization meeting.
4 6 7. BOUNDARY LINE CHANGES. To the extent possible the
4 7 board shall provide that changes in the boundary lines of
4 8 director districts of area education agencies shall not
4 9 lengthen or diminish the term of office of a director of an
4 10 area education agency board. Initial terms of office shall be
4 11 set by the board so that as nearly as possible the terms of
4 12 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.
4 13 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,
4 14 Code 2007, are amended to read as follows:
4 15 a. Notice of the election shall be published by the area
4 16 education agency administrator not later than July 15 of the
4 17 ~~odd-numbered year~~ in at least one newspaper of general
4 18 circulation in the director district. The cost of publication
4 19 shall be paid by the area education agency.
4 20 b. A candidate for election to the area education agency
4 21 board shall file a statement of candidacy with the area
4 22 education agency secretary not later than August 15 of the
4 23 ~~odd-numbered year~~, on forms prescribed by the department of
4 24 education. The statement of candidacy shall include the
4 25 candidate's name, address, and school district. The list of
4 26 candidates shall be sent by the secretary of the area
4 27 education agency in ballot form by certified mail to the
4 28 presidents of the boards of directors of all school districts
4 29 within the director district not later than September 1. In

4 30 order for the ballot to be counted, the ballot must be
4 31 received in the secretary's office by the end of the normal
4 32 business day on September 30 or be clearly postmarked by an
4 33 officially authorized postal service not later than September
4 34 29 and received by the secretary not later than noon on the
4 35 first Monday following September 30.

5 1 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph
5 2 1, Code 2007, is amended to read as follows:

5 3 The board of directors of each area education agency shall
5 4 meet and organize at the first regular meeting in October ~~of~~
5 5 ~~each year following the regular school election~~ at a suitable
5 6 place designated by the president. Directors whose terms
5 7 commence at the organization meeting shall qualify by taking
5 8 the oath of office required by section 277.28 at or before the
5 9 organization meeting.

5 10 Sec. 10. Section 274.7, Code 2007, is amended to read as
5 11 follows:

5 12 274.7 DIRECTORS.

5 13 The affairs of each school corporation shall be conducted
5 14 by a board of directors, the members of which in all community
5 15 or independent school districts shall be chosen for a term of
5 16 ~~three~~ four years.

5 17 Sec. 11. Section 275.1, subsections 2 and 5, Code 2007,
5 18 are amended to read as follows:

5 19 2. "Initial board" means the board of a newly reorganized
5 20 district that is selected pursuant to section 275.25 or 275.41
5 21 and functions until the organizational meeting following the
5 22 ~~fourth~~ third regular school election held after the effective
5 23 date of the reorganization.

5 24 5. "Regular board" means the board of a reorganized
5 25 district that begins to function at the organizational meeting
5 26 following the ~~fourth~~ third regular school election held after
5 27 the effective date of the school reorganization, and is
5 28 comprised of members who were elected to the current terms or
5 29 were appointed to replace members who were elected.

5 30 Sec. 12. Section 275.12, subsection 2, Code 2007, is
5 31 amended to read as follows:

5 32 2. The petition filed under subsection 1 shall also state
5 33 the name of the proposed school district and the number of
5 34 directors which may be either five or seven and the method of
5 35 election of the school directors of the proposed district.
6 1 The method of election of the directors shall be one of the
6 2 following optional plans:

6 3 a. Election at large from the entire district by the
6 4 electors of the entire district.

6 5 b. Division of the entire school district into designated
6 6 geographical single director or multi=director subdistricts on
6 7 the basis of population for each director, to be known as
6 8 director districts, each of which ~~director districts~~ shall be
6 9 represented on the school board by one or more directors who
6 10 shall be residents of the director district but who shall be
6 11 elected by the vote of the electors of the entire school
6 12 district. The boundaries of the director districts and the
6 13 area and population included within each district shall be
6 14 such as justice, equity, and the interests of the people may
6 15 require. Changes in the boundaries of director districts
6 16 shall not be made during a period commencing sixty days prior
6 17 to the date of the ~~annual~~ regular school election. ~~Insofar As~~
6 18 ~~far as may be~~ practicable, the boundaries of the districts
6 19 shall follow established political or natural geographical
6 20 divisions.

6 21 c. Election of not more than one-half of the total number
6 22 of school directors at large from the entire district and the
6 23 remaining directors from and as residents of designated
6 24 single=member or multimember director districts into which the
6 25 entire school district shall be divided on the basis of
6 26 population for each director. In such case, all directors
6 27 shall be elected by the electors of the entire school
6 28 district. Changes in the boundaries of director districts
6 29 shall not be made during a period commencing sixty days prior
6 30 to the date of the ~~annual~~ regular school election.

6 31 d. Division of the entire school district into designated
6 32 geographical single director or multi=director subdistricts on
6 33 the basis of population for each director, to be known as
6 34 director districts, each of which ~~director districts~~ shall be
6 35 represented on the school board by one or more directors who
7 1 shall be residents of the director district and who shall be
7 2 elected by the voters of the director district. Place of
7 3 voting in the director districts shall be designated by the
7 4 commissioner of elections. Changes in the boundaries of
7 5 director districts shall not be made during a period

7 6 commencing sixty days prior to the date of the ~~annual regular~~
7 7 school election.
7 8 e. In districts having seven directors, election of three
7 9 directors at large by the electors of the entire district, ~~one~~
7 10 ~~no more than two~~ at each ~~annual regular~~ school election, and
7 11 election of the remaining directors as residents of and by the
7 12 electors of individual geographic subdistricts established on
7 13 the basis of population and identified as director districts,
7 14 ~~no more than two at each regular school election.~~ Boundaries
7 15 of the subdistricts shall follow precinct boundaries, ~~insofar~~
7 16 ~~as far~~ as practicable, and shall not be changed less than
7 17 sixty days prior to the ~~annual regular~~ school election.

7 18 Sec. 13. Section 275.25, subsection 3, Code 2007, is
7 19 amended to read as follows:

7 20 3. The directors who are elected and qualify to serve
7 21 shall serve until their successors are elected and qualify.
7 22 At the special election, the ~~three~~ newly elected ~~director~~
7 23 ~~directors~~ receiving the most votes shall be elected to serve
7 24 until the ~~director's successor qualifies their successors~~
7 25 ~~qualify~~ after the ~~fourth third~~ regular school election date
7 26 occurring after the effective date of the reorganization ~~and~~
7 27 the two newly elected directors receiving the next largest
7 28 number of votes shall be elected to serve until the directors'
7 29 successors qualify after the ~~third second~~ regular school
7 30 election date occurring after the effective date of the
7 31 reorganization ~~and the two newly elected directors receiving~~
7 32 ~~the next largest number of votes shall be elected to serve~~
7 33 ~~until the directors' successors qualify after the second~~
7 34 ~~regular school election date occurring after the effective~~
7 35 ~~date of the reorganization.~~ However, in districts that
8 1 include all or a part of a city of fifteen thousand or more
8 2 population and in districts in which the proposition to
8 3 establish a new corporation provides for the election of seven
8 4 directors, the ~~three newly elected directors receiving the~~
8 5 ~~most votes shall be elected to serve until the directors'~~
8 6 ~~successors qualify after the fourth regular school election~~
8 7 ~~date occurring after the effective date of the reorganization~~
8 8 ~~timelines specified in this subsection for the terms of office~~
8 9 ~~apply to the four newly elected directors receiving the most~~
8 10 ~~votes and then to the three newly elected directors receiving~~
8 11 ~~the next largest number of votes.~~

8 12 Sec. 14. Section 275.37, Code 2007, is amended to read as
8 13 follows:

8 14 275.37 INCREASE IN NUMBER OF DIRECTORS.

8 15 At the next succeeding ~~annual regular~~ school election in a
8 16 district where the number of directors has been increased from
8 17 five to seven, and directors are elected at large, there shall
8 18 be elected a director to succeed each incumbent director whose
8 19 term is expiring in that year, and two additional directors.
8 20 Upon organizing as required by section 279.1, ~~either one or~~
8 21 ~~two of~~ the newly elected ~~director directors~~ who received the
8 22 fewest votes in the election shall be assigned a term of
8 23 ~~either one year or~~ two years if ~~as~~ necessary in order that as
8 24 nearly as possible ~~one-third one-half~~ of the members of the
8 25 board shall be elected ~~each year biennially~~. If some or all
8 26 directors are elected from director districts, the board shall
8 27 assign terms appropriate for the method of election used by
8 28 the district.

8 29 Sec. 15. Section 275.37A, Code 2007, is amended to read as
8 30 follows:

8 31 275.37A DECREASE IN NUMBER OF DIRECTORS.

8 32 1. A change from seven to five directors shall be effected
8 33 in a district at the first regular school election after
8 34 authorization by the voters in the following manner:

8 35 a. If at the first election in the district there are
9 1 ~~three four~~ terms expiring, ~~one director three directors~~ shall
9 2 be elected. At the second election in that district, if ~~two~~
9 3 ~~three~~ terms are expiring, two directors shall be elected. ~~At~~
9 4 ~~the third election in that district, if there are two terms~~
9 5 ~~expiring, two directors shall be elected.~~

9 6 b. If at the first election there are ~~two three~~ terms
9 7 expiring, ~~no two~~ directors shall be elected. At the second
9 8 election in that district, if ~~two four~~ terms are expiring, ~~two~~
9 9 ~~three~~ directors shall be elected. ~~At the third election in~~
9 10 ~~that district, if there are three terms expiring, three~~
9 11 ~~directors shall be elected, two for three years and one for~~
9 12 ~~one year. The newly elected director who received the fewest~~
9 13 ~~votes in the election shall be assigned a term of one year.~~

9 14 c. If at the first election there are two terms expiring,
9 15 no directors shall be elected. At the second election in that
9 16 district, if three terms are expiring, three directors shall

~~9 17 be elected, two for three years and one for two years. The~~
~~9 18 newly elected director who received the fewest votes in the~~
~~9 19 election shall be assigned a term of two years. At the third~~
~~9 20 election in that district, if there are two terms expiring,~~
~~9 21 two directors shall be elected.~~

9 22 2. If some or all of the directors are elected from
9 23 director districts, the board shall devise a plan to reduce
9 24 the number of members so that as nearly as possible ~~one-third~~
9 25 ~~one-half~~ of the members of the board shall be elected ~~each~~
~~9 26 year biennially~~ and so that each district will be continuously
9 27 represented.

9 28 Sec. 16. Section 275.38, Code 2007, is amended to read as
9 29 follows:

9 30 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

9 31 If change in the method of election of school directors is
9 32 approved at a regular or special school election, the
9 33 directors who were serving unexpired terms or were elected
9 34 concurrently with approval of the change of method shall serve
9 35 out the terms for which they were elected. If the plan
10 1 adopted is that described in section 275.12, subsection 2,
10 2 paragraph ~~"b," "c," "d," or "e,"~~ "b", "c", "d", or "e", the
10 3 board shall at the earliest practicable time designate the
10 4 districts from which residents are to be elected as school
10 5 directors at each of the next ~~three two~~ succeeding ~~annual~~
10 6 ~~regular~~ school elections, arranging so far as possible for
10 7 elections of directors as residents of the respective
10 8 districts to coincide with the expiration of terms of
10 9 incumbent members residing in those districts. If an increase
10 10 in the size of the board from five to seven members is
10 11 approved concurrently with the change in method of election of
10 12 directors, the board shall make the necessary adjustment in
10 13 the manner prescribed in section 275.37, as well as providing
10 14 for implementation of the districting plan under this section.

10 15 Sec. 17. Section 275.41, subsection 3, Code 2007, is
10 16 amended to read as follows:

10 17 3. Prior to the effective date of the reorganization, the
10 18 initial board shall approve a plan that commences at the
10 19 ~~second first~~ regular school election held after the effective
10 20 date of the merger and is completed at the ~~fourth third~~
10 21 regular school election held after the effective date of the
10 22 merger, to replace the initial board with the regular board.
10 23 If the petition specifies a number of directors on the regular
10 24 board to be different from the number of directors on the
10 25 initial board, the plan shall provide that the number
10 26 specified in the petition for the regular board is in place by
10 27 the time the regular board is formed. The plan shall provide
10 28 that as nearly as possible ~~one-third one-half~~ of the members
10 29 of the board shall be elected ~~each year biennially~~, and if a
10 30 special election was held to elect a member to create an odd
10 31 number of members on the board, the term of that member shall
10 32 end at the organizational meeting following the ~~fourth third~~
10 33 regular school election held after the effective date.

10 34 Sec. 18. Section 277.1, Code 2007, is amended to read as
10 35 follows:

11 1 277.1 REGULAR ELECTION.

11 2 The regular election shall be held ~~annually biennially~~ on
11 3 the second Tuesday in September ~~of each odd-numbered year~~ in
11 4 each school district for the election of officers of the
11 5 district and merged area and for the purpose of submitting to
11 6 the voters any matter authorized by law.

11 7 Sec. 19. Section 277.25, Code 2007, is amended to read as
11 8 follows:

11 9 277.25 DIRECTORS IN NEW DISTRICTS.

11 10 At the first election in newly organized districts the
11 11 directors shall be elected as follows:

11 12 1. In districts having three directors, ~~one director two~~
~~11 13 directors~~ shall be elected for ~~one year, one for~~ two years,
11 14 and one for ~~three four~~ years.

11 15 2. In districts having five directors, ~~two three~~ shall be
11 16 elected for ~~one year, two for~~ two years, and ~~one two~~ for ~~three~~
11 17 ~~four~~ years.

11 18 3. In districts having seven directors, ~~two four~~ shall be
11 19 elected for ~~one year, two for~~ two years, and three for ~~three~~
11 20 ~~four~~ years.

11 21 Sec. 20. Section 278.2, unnumbered paragraph 2, Code 2007,
11 22 is amended to read as follows:

11 23 Petitions filed under this section shall be filed with the
11 24 secretary of the school board at least seventy-five days
11 25 before the date of the ~~annual regular~~ school election, if the
11 26 question is to be included on the ballot at that election.
11 27 The petition shall include the signatures of the petitioners,

11 28 a statement of their place of residence, and the date on which
11 29 they signed the petition.

11 30 Sec. 21. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.

11 31 This division of this Act, being deemed of immediate
11 32 importance, takes effect upon enactment, for purposes of the
11 33 transition from election of directors of community and
11 34 independent school districts, merged areas, and area education
11 35 agencies annually for terms of three years each to the
12 1 staggered election of such directors biennially for terms of
12 2 four years each. This Act shall be applied so that the first
12 3 election at which directors, due to the expiration of
12 4 predecessor director terms, shall be elected to serve regular
12 5 four-year terms is the regular school election held in
12 6 September 2009 or the director district conventions held in
12 7 September 2009.

12 8 The board of directors of each affected school district and
12 9 each merged area and area education agency shall review the
12 10 expiration dates of the terms of office of its directors and
12 11 shall adopt by resolution a plan for shortening or lengthening
12 12 terms of members for the annual school election or director
12 13 district convention held in September 2007 and September 2008
12 14 so that all members whose terms expire at the regular school
12 15 election or director district convention held in September
12 16 2009 will be elected to four-year terms with the remaining
12 17 members of the board having their terms expire at the regular
12 18 school election or director district convention held in
12 19 September 2011. The board shall submit a copy of the
12 20 resolution adopting its plan to the office of the state
12 21 commissioner of elections no later than August 1, 2008. In
12 22 developing the plan, the board of directors shall take into
12 23 consideration the terms for which the members were elected and
12 24 the number of votes the members received in relation to the
12 25 number of votes other candidates received at the applicable
12 26 election or director district convention.

12 27 DIVISION II

12 28 VOTING CENTERS FOR CERTAIN ELECTIONS

12 29 Sec. 22. Section 49.9, Code 2007, is amended to read as
12 30 follows:

12 31 49.9 PROPER PLACE OF VOTING.

12 32 ~~No~~ Except as provided in section 49.11, subsection 1A, a
12 33 person shall not vote in any precinct but that of the person's
12 34 residence.

12 35 Sec. 23. Section 49.11, Code 2007, is amended by adding
13 1 the following new subsection:

13 2 NEW SUBSECTION. 1A. a. Establish voting centers for the
13 3 regular city election, regular school election, and special
13 4 elections. Any registered voter who is eligible to vote in
13 5 the regular city election may vote at any voting center in the
13 6 city. Any registered voter who is eligible to vote at the
13 7 regular school election may vote at any voting center in the
13 8 school district. Any registered voter who is eligible to vote
13 9 in a special election may vote at any voting center
13 10 established for that special election. For purposes of
13 11 section 48A.7A, a voting center shall be considered the
13 12 polling place for the precinct in which a person resides.

13 13 b. The county commissioner of elections shall designate
13 14 the location of each voting center to be used in the election.

13 15 c. A voting center designated under this subsection is
13 16 subject to the requirements of section 49.21 relating to
13 17 accessibility to persons who are elderly and persons with
13 18 disabilities and relating to the posting of signs. The
13 19 location of each voting center shall be published by the
13 20 county commissioner of elections in the same manner as the
13 21 location of polling places is required to be published.

13 22 DIVISION III

13 23 DATES OF SPECIAL ELECTIONS

13 24 Sec. 24. Section 39.2, Code 2007, is amended by adding the
13 25 following new subsection:

13 26 NEW SUBSECTION. 4. Unless otherwise provided by law,
13 27 special elections on public measures are limited to the
13 28 following dates:

13 29 a. For a county, on the day of the general election, on
13 30 the day of the regular city election, on the date of a special
13 31 election held to fill a vacancy in the same county, or on the
13 32 second Tuesday in March of each year.

13 33 b. For a city, on the day of the general election, on the
13 34 day of the regular city election, on the date of a special
13 35 election held to fill a vacancy in the same city, or on the
14 1 second Tuesday in March of each year.

14 2 c. For a school district or merged area, on the day of the
14 3 regular school election or on the second Tuesday in February

14 4 of each year.

14 5 Sec. 25. Section 47.6, subsection 1, unnumbered paragraph
14 6 1, Code 2007, is amended to read as follows:

14 7 The governing body of ~~any~~ a political subdivision which has
14 8 authorized a special election to which section 39.2 ~~is~~,
14 9 ~~subsections 1, 2, and 3, are applicable shall by written~~
14 10 notice inform the commissioner who will be responsible for
14 11 conducting the election of the proposed date of the special
14 12 election. If a public measure will appear on the ballot at
14 13 the special election the governing body shall submit the
14 14 complete text of the public measure to the commissioner with
14 15 the notice of the proposed date of the special election.

14 16 Sec. 26. Section 47.6, Code 2007, is amended by adding the
14 17 following new subsection:

14 18 NEW SUBSECTION. 3. a. A city council or a county board
14 19 of supervisors that has authorized a public measure to be
14 20 submitted to the voters at a special election held pursuant to
14 21 section 39.2, subsection 4, shall file the full text of the
14 22 public measure with the commissioner no later than five p.m.
14 23 on the forty-sixth day before the election.

14 24 b. If there are vacancies in county offices to be filled
14 25 at the special election, candidates shall file their
14 26 nomination papers with the commissioner not later than five
14 27 p.m. on the forty-sixth day before the election.

14 28 c. If there are vacancies in city offices to be filled at
14 29 the special election, candidates shall file their nomination
14 30 papers with the city clerk not later than five p.m. on the
14 31 forty-seventh day before the election. The city clerk shall
14 32 deliver the nomination papers to the commissioner not later
14 33 than five p.m. on the forty-sixth day before the election.

14 34 Candidates for city offices in cities in which a primary
14 35 election may be necessary shall file their nomination papers
15 1 with the city clerk not later than five p.m. on the
15 2 fifty-fourth day before the election. The city clerk shall
15 3 deliver the nomination papers to the commissioner not later
15 4 than five p.m. on the fifty-third day before the election.

15 5 Sec. 27. Section 69.12, subsection 1, paragraph a, Code
15 6 2007, is amended to read as follows:

15 7 a. A vacancy shall be filled at the next pending election
15 8 if it occurs:

15 9 (1) Seventy-four or more days before the election, if it
15 10 is a general election.

15 11 (2) Fifty-two or more days before the election, if it is a
15 12 regularly scheduled or special city election. However, for
15 13 those cities which may be required to hold a primary election,
15 14 the vacancy shall be filled at the next pending election if it
15 15 occurs seventy-three or more days before a regularly scheduled
15 16 city election or fifty-nine or more days before a special city
15 17 election.

15 18 (3) Forty-five or more days before the election, if it is
15 19 a regularly scheduled school election.

15 20 (4) ~~Forty~~ Sixty or more days before the election, if it is
15 21 a special election.

15 22 Sec. 28. Section 69.12, subsection 1, paragraph b,
15 23 subparagraph (2), Code 2007, is amended to read as follows:

15 24 (2) The candidate filing deadline specified in section
15 25 376.4 for ~~a regularly scheduled~~ the regular city election or
15 26 the filing deadline specified in section 372.13, subsection 2,
15 27 for a special city election.

15 28 Sec. 29. Section 75.1, unnumbered paragraph 3, Code 2007,
15 29 is amended to read as follows:

15 30 When a proposition to authorize an issuance of bonds has
15 31 been submitted to the electors under this section and the
15 32 proposal fails to gain approval by the required percentage of
15 33 votes, such proposal, or any proposal which incorporates any
15 34 portion of the defeated proposal, shall not be submitted to
15 35 the electors for a period of six months from the date of such
16 1 regular or special election and may only be submitted on a
16 2 date specified in section 39.2, subsection 4, paragraph "a",
16 3 "b", or "c", as applicable.

16 4 Sec. 30. Section 99F.7, subsection 11, paragraphs a and c,
16 5 Code Supplement 2007, are amended to read as follows:

16 6 a. A license to conduct gambling games on an excursion
16 7 gambling boat in a county shall be issued only if the county
16 8 electorate approves the conduct of the gambling games as
16 9 provided in this subsection. The board of supervisors, upon
16 10 receipt of a valid petition meeting the requirements of
16 11 section 331.306, shall direct the commissioner of elections to
16 12 submit to the registered voters of the county a proposition to
16 13 approve or disapprove the conduct of gambling games on an
16 14 excursion gambling boat in the county. The proposition shall

16 15 be submitted ~~at a general election or at a special an election~~
16 16 ~~called for that purpose held on a date specified in section~~
16 17 ~~39.2, subsection 4, paragraph "a".~~ To be submitted at a
16 18 general election, the petition must be received by the board
16 19 of supervisors at least five working days before the last day
16 20 for candidates for county offices to file nomination papers
16 21 for the general election pursuant to section 44.4. If a
16 22 majority of the county voters voting on the proposition favor
16 23 the conduct of gambling games, the commission may issue one or
16 24 more licenses as provided in this chapter. If a majority of
16 25 the county voters voting on the proposition do not favor the
16 26 conduct of gambling games, a license to conduct gambling games
16 27 in the county shall not be issued.

16 28 c. If a licensee of a pari-mutuel racetrack who held a
16 29 valid license issued under chapter 99D as of January 1, 1994,
16 30 requests a license to operate gambling games as provided in
16 31 this chapter, the board of supervisors of a county in which
16 32 the licensee of a pari-mutuel racetrack requests a license to
16 33 operate gambling games shall submit to the county electorate a
16 34 proposition to approve or disapprove the operation of gambling
16 35 games at pari-mutuel racetracks ~~at a special an election at~~
17 1 ~~the earliest practicable time held on a date specified in~~
17 2 ~~section 39.2, subsection 4, paragraph "a".~~ If the operation
17 3 of gambling games at the pari-mutuel racetrack is not approved
17 4 by a majority of the county electorate voting on the
17 5 proposition at the election, the commission shall not issue a
17 6 license to operate gambling games at the racetrack.

17 7 Sec. 31. Section 145A.7, Code 2007, is amended to read as
17 8 follows:

17 9 145A.7 SPECIAL ELECTION.

17 10 When a protesting petition is received, the officials
17 11 receiving the petition shall call a special election of all
17 12 registered voters of that political subdivision ~~for the~~
17 13 ~~purpose upon the question~~ of approving or rejecting the order
17 14 setting out the proposed merger plan. The election shall be
17 15 held on a date specified in section 39.2, subsection 4,

17 16 paragraph "a" or "b", as applicable. The vote will be taken
17 17 by ballot in the form provided by sections 49.43 to 49.47, and
17 18 the election shall be initiated and held as provided in
17 19 chapter 49. A majority vote of those registered voters voting
17 20 at ~~said the~~ special election shall be sufficient to approve
17 21 the order and thus include the political subdivision within
17 22 the merged area.

17 23 Sec. 32. Section 257.18, subsection 1, Code 2007, is
17 24 amended to read as follows:

17 25 1. An instructional support program that provides
17 26 additional funding for school districts is established. A
17 27 board of directors that wishes to consider participating in
17 28 the instructional support program shall hold a public hearing
17 29 on the question of participation. The board shall set forth
17 30 its proposal, including the method that will be used to fund
17 31 the program, in a resolution and shall publish the notice of
17 32 the time and place of a public hearing on the resolution.
17 33 Notice of the time and place of the public hearing shall be
17 34 published not less than ten nor more than twenty days before
17 35 the public hearing in a newspaper which is a newspaper of
18 1 general circulation in the school district. At the hearing,
18 2 or no later than thirty days after the date of the hearing,
18 3 the board shall take action to adopt a resolution to
18 4 participate in the instructional support program for a period
18 5 not exceeding five years or to direct the county commissioner
18 6 of elections to submit the question of participation in the
18 7 program for a period not exceeding ten years to the registered
18 8 voters of the school district ~~at the next regular school~~
18 9 ~~election or at a special an election held on a date specified~~
18 10 ~~in section 39.2, subsection 4, paragraph "c".~~ If the board

18 11 submits the question at an election and a majority of those
18 12 voting on the question favors participation in the program,
18 13 the board shall adopt a resolution to participate and certify
18 14 the results of the election to the department of management.

18 15 Sec. 33. Section 257.18, subsection 2, unnumbered
18 16 paragraph 1, Code 2007, is amended to read as follows:

18 17 If the board does not provide for an election and adopts a
18 18 resolution to participate in the instructional support
18 19 program, the district shall participate in the instructional
18 20 support program unless within twenty-eight days following the
18 21 action of the board, the secretary of the board receives a
18 22 petition containing the required number of signatures, asking
18 23 that ~~an election be called the question~~ to approve or
18 24 disapprove the action of the board in adopting the
18 25 instructional support program be submitted to the voters of

18 26 the school district. The petition must be signed by eligible
18 27 electors equal in number to not less than one hundred or
18 28 thirty percent of the number of voters at the last preceding
18 29 regular school election, whichever is greater. The board
18 30 shall either rescind its action or direct the county
18 31 commissioner of elections to submit the question to the
18 32 registered voters of the school district at ~~the next following~~
~~18 33 regular school election or a special an election held on a~~
~~18 34 date specified in section 39.2, subsection 4, paragraph "c".~~

18 35 If a majority of those voting on the question at the election
19 1 favors disapproval of the action of the board, the district
19 2 shall not participate in the instructional support program.
19 3 If a majority of those voting on the question favors approval
19 4 of the action, the board shall certify the results of the
19 5 election to the department of management and the district
19 6 shall participate in the program.

19 7 Sec. 34. Section 257.29, unnumbered paragraph 1, Code
19 8 2007, is amended to read as follows:

19 9 An educational improvement program is established to
19 10 provide additional funding for school districts in which the
19 11 regular program district cost per pupil for a budget year is
19 12 one hundred ten percent of the regular program state cost per
19 13 pupil for the budget year and which have approved the use of
19 14 the instructional support program established in section
19 15 257.18. A board of directors that wishes to consider
19 16 participating in the educational improvement program shall
19 17 hold a hearing on the question of participation and the
19 18 maximum percent of the regular program district cost of the
19 19 district that will be used. The hearing shall be held in the
19 20 manner provided in section 257.18 for the instructional
19 21 support program. Following the hearing, the board may direct
19 22 the county commissioner of elections to submit the question to
19 23 the registered voters of the school district at ~~the next~~
~~19 24 following regular school election or a special an election~~
~~19 25 held not later than the following February 1 on a date~~
~~19 26 specified in section 39.2, subsection 4, paragraph "c".~~ If a

19 27 majority of those voting on the question favors participation
19 28 in the program, the board shall adopt a resolution to
19 29 participate and shall certify the results of the election to
19 30 the department of management and the district shall
19 31 participate in the program. If a majority of those voting on
19 32 the question does not favor participation, the district shall
19 33 not participate in the program.

19 34 Sec. 35. Section 257.29, unnumbered paragraph 5, Code
19 35 2007, is amended to read as follows:

20 1 Once approved at an election, the authority of the board to
20 2 use the educational improvement program shall continue until
20 3 the board votes to rescind the educational improvement program
20 4 or the voters of the school district by majority vote order
20 5 the discontinuance of the program. The board shall ~~call~~
~~20 6 submit at an election to vote on held on a date specified in~~
~~20 7 section 39.2, subsection 4, paragraph "c",~~ the proposition
20 8 whether to discontinue the program upon the receipt of a
20 9 petition signed by not less than one hundred eligible electors
20 10 or thirty percent of the number of electors voting at the last
20 11 preceding school election, whichever is greater.

20 12 Sec. 36. Section 260C.28, subsection 3, Code 2007, is
20 13 amended to read as follows:

20 14 3. If the board of directors wishes to certify for a levy
20 15 under subsection 2, the board shall direct the county
20 16 commissioner of elections to ~~call an election to~~ submit the
20 17 question of such authorization for the board at ~~a regular or~~
~~20 18 special an election held on a date specified in section 39.2,~~
~~20 19 subsection 4, paragraph "c".~~ If a majority of those voting on
20 20 the question at the election favors authorization of the board
20 21 to make such a levy, the board may certify for a levy as
20 22 provided under subsection 2 during each of the ten years
20 23 following the election. If a majority of those voting on the
20 24 question at the election does not favor authorization of the
20 25 board to make a levy under subsection 2, the board ~~shall not~~
~~20 26 may~~ submit the question to the voters again ~~until three~~
~~20 27 hundred fifty-five days have elapsed from the at an election~~
~~20 28 held on a date specified in section 39.2, subsection 4,~~
~~20 29 paragraph "c".~~

20 30 Sec. 37. Section 260C.39, unnumbered paragraph 1, Code
20 31 2007, is amended to read as follows:

20 32 Any merged area may combine with any adjacent merged area
20 33 after a favorable vote by the electors of each of the areas
20 34 involved. If the boards of directors of two or more merged
20 35 areas agree to a combination, the question shall be submitted
21 1 to the electors of each area at ~~a special an election to be~~

21 2 ~~held on a date specified in section 39.2, subsection 4,~~
21 3 ~~paragraph "c" and held on the same day in each area. The~~
21 4 ~~special election shall not be held within thirty days of any~~
21 5 ~~general election. Prior to the special election, the board of~~
21 6 ~~each merged area shall notify the county commissioner of~~
21 7 ~~elections of the county in which the greatest proportion of~~
21 8 ~~the merged area's taxable base is located who shall publish~~
21 9 ~~notice of the election according to section 49.53. The two~~
21 10 ~~respective county commissioners of elections shall conduct the~~
21 11 ~~election pursuant to the provisions of chapters 39 to 53. The~~
21 12 ~~votes cast in the election shall be canvassed by the county~~
21 13 ~~board of supervisors and the county commissioners commissioner~~
21 14 ~~of elections who conducted the election of each county in the~~
21 15 ~~merged areas shall certify the results to the board of~~

21 16 ~~directors of each merged area.~~

21 17 Sec. 38. Section 275.18, unnumbered paragraph 1, Code
21 18 2007, is amended to read as follows:

21 19 When the boundaries of the territory to be included in a
21 20 proposed school corporation and the number and method of the
21 21 election of the school directors of the proposed school
21 22 corporation have been determined as provided in this chapter,
21 23 the area education agency administrator with whom the petition
21 24 is filed shall give written notice of the ~~proposed date of the~~
21 25 ~~election to the county commissioner of elections of the county~~
21 26 ~~in the proposed school corporation which has the greatest~~
21 27 ~~taxable base. The proposed date shall be as soon as possible~~
21 28 ~~pursuant to section 39.2, subsections 1 and 2, and section~~
21 29 ~~47.6, subsections 1 and 2, but not later than November 30 of~~
21 30 ~~question shall be submitted to the voters at an election held~~
21 31 ~~on a date specified in section 39.2, subsection 4, paragraph~~

21 32 ~~"c" in the calendar year prior to the calendar year in which~~
21 33 ~~the reorganization will take effect.~~

21 34 Sec. 39. Section 275.23A, subsection 2, Code 2007, is
21 35 amended to read as follows:

22 1 2. Following each federal decennial census the school
22 2 board shall determine whether the existing director district
22 3 boundaries meet the standards in subsection 1 according to the
22 4 most recent federal decennial census. In addition to the
22 5 authority granted to voters to change the number of directors
22 6 or method of election as provided in sections 275.35, 275.36,
22 7 and 278.1, the board of directors of a school district may,
22 8 following a federal decennial census, by resolution and in
22 9 accordance with this section, authorize a change in the method
22 10 of election as set forth in section 275.12, subsection 2, or a
22 11 change to either five or seven directors after the board
22 12 conducts a hearing on the resolution. If the board proposes
22 13 to change the number of directors from seven to five
22 14 directors, the resolution shall include a plan for reducing
22 15 the number of directors. If the board proposes to increase
22 16 the number of directors to seven directors, two directors
22 17 shall be added according to the procedure described in section
22 18 277.23, subsection 2. If necessary, the board of directors
22 19 shall redraw the director district boundaries. The director
22 20 district boundaries shall be described in the resolution
22 21 adopted by the school board. The resolution shall be adopted
22 22 no earlier than November 15 of the year immediately following
22 23 the year in which the federal decennial census is taken nor
22 24 later than May 15 of the second year immediately following the
22 25 year in which the federal decennial census is taken. A copy
22 26 of the plan shall be filed with the area education agency
22 27 administrator of the area education agency in which the
22 28 school's electors reside. If the board does not provide for
22 29 an election as provided in sections 275.35, 275.36, and 278.1
22 30 and adopts a resolution to change the number of directors or
22 31 method of election in accordance with this subsection, the
22 32 district shall change the number of directors or method of
22 33 election as provided unless, within twenty-eight days
22 34 following the action of the board, the secretary of the board
22 35 receives a petition containing the required number of
23 1 signatures, asking that an election be called to approve or
23 2 disapprove the action of the board in adopting the resolution.
23 3 The petition must be signed by eligible electors equal in
23 4 number to not less than one hundred or thirty percent of the
23 5 number of voters at the last preceding regular school
23 6 election, whichever is greater. The board shall either
23 7 rescind its action or direct the county commissioner of
23 8 elections to submit the question to the registered voters of
23 9 the school district at ~~the next following regular school~~
23 10 ~~election or a special an election held on a date specified in~~
23 11 ~~section 39.2, subsection 4, paragraph "c". If a majority of~~
23 12 ~~those voting on the question at the election favors~~

23 13 disapproval of the action of the board, the district shall not
23 14 change the number of directors or method of election. If a
23 15 majority of those voting on the question does not favor
23 16 disapproval of the action, the board shall certify the results
23 17 of the election to the department of management and the
23 18 district shall change the number of directors or method of
23 19 election as provided in this subsection. At the expiration of
23 20 the twenty-eight-day period, if no petition is filed, the
23 21 board shall certify its action to the department of management
23 22 and the district shall change the number of directors or
23 23 method of election as provided in this subsection.

23 24 Sec. 40. Section 275.24, Code 2007, is amended to read as
23 25 follows:

23 26 275.24 EFFECTIVE DATE OF CHANGE.

23 27 When a school district is enlarged, reorganized, or changes
23 28 its boundary pursuant to sections 275.12 to 275.22, the change
23 29 shall take effect on July 1 following the date of the
23 30 reorganization election held pursuant to section 275.18 ~~if the~~
~~23 31 election was held by the prior November 30. Otherwise the~~
~~23 32 change shall take effect on July 1 one year later.~~

23 33 Sec. 41. Section 275.35, unnumbered paragraph 1, Code
23 34 2007, is amended to read as follows:

23 35 ~~Any existing or hereafter created or enlarged~~ A school
24 1 district may change the number of directors to either five or
24 2 seven and may also change its method of election of school
24 3 directors to any method authorized by section 275.12 by
24 4 submission of a proposal, stating the proposed new method of
24 5 election, by the school board of such district to the electors
24 6 at ~~any regular or special school~~ an election held on a date
~~24 7 specified in section 39.2, subsection 4, paragraph "c".~~ The
24 8 school board shall notify the county commissioner of elections
24 9 who shall publish notice of the election in the manner
24 10 provided in section 49.53. The election shall be conducted
24 11 pursuant to chapters 39 to 53 by the county commissioner of
24 12 elections. Such proposal shall be adopted if it is approved
24 13 by a majority of the votes cast on the proposition.

24 14 Sec. 42. Section 275.36, unnumbered paragraph 1, Code
24 15 2007, is amended to read as follows:

24 16 If a petition for a change in the number of directors or in
24 17 the method of election of school directors is filed with the
24 18 school board of a school district pursuant to the requirements
24 19 of section 278.2, the school board shall submit such
24 20 proposition to the voters at ~~the regular school~~ an election or
~~24 21 a special election held not later than February 1 held on a~~
~~24 22 date specified in section 39.2, subsection 4, paragraph "c".~~

24 23 The petition shall be accompanied by an affidavit as required
24 24 by section 275.13. If a proposition for a change in the
24 25 number of directors or in the method of election of school
24 26 directors submitted to the voters under this section is
24 27 rejected, it shall not be resubmitted to the voters of the
24 28 district in substantially the same form within the next three
24 29 years; if it is approved, no other proposal may be submitted
24 30 to the voters of the district under this section within the
24 31 next six years.

24 32 Sec. 43. Section 275.38, Code 2007, is amended to read as
24 33 follows:

24 34 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

24 35 If change in the method of election of school directors is
25 1 approved at ~~a regular or special school~~ an election, the
25 2 directors who were serving unexpired terms or were elected
25 3 concurrently with approval of the change of method shall serve
25 4 out the terms for which they were elected. If the plan
25 5 adopted is that described in section 275.12, subsection 2,
25 6 paragraph ~~"b," "c," "d," or "e,"~~ "b," "c," "d," or "e," the
25 7 board shall at the earliest practicable time designate the
25 8 districts from which residents are to be elected as school
25 9 directors at each of the next three succeeding annual school
25 10 elections, arranging so far as possible for elections of
25 11 directors as residents of the respective districts to coincide
25 12 with the expiration of terms of incumbent members residing in
25 13 those districts. If an increase in the size of the board from
25 14 five to seven members is approved concurrently with the change
25 15 in method of election of directors, the board shall make the
25 16 necessary adjustment in the manner prescribed in section
25 17 275.37, as well as providing for implementation of the
25 18 districting plan under this section.

25 19 Sec. 44. Section 275.55, unnumbered paragraphs 1 and 2,
25 20 Code 2007, are amended to read as follows:

25 21 The After the final hearing on the dissolution proposal,
~~25 22 the board of the school district shall call a special election~~
~~25 23 to be held not later than forty days following the date of the~~

~~25 24 final hearing on the dissolution proposal submit the~~
~~25 25 proposition to the voters at an election held on a date~~
~~25 26 specified in section 39.2, subsection 4, paragraph "c". The~~
~~25 27 special election may be held at the same time as the regular~~
~~25 28 school election. The proposition submitted to the voters~~
25 29 residing in the school district ~~at the special election~~ shall
25 30 describe each separate area to be attached to a contiguous
25 31 school district and shall name the school district to which it
25 32 will be attached. In addition to the description, a map may
25 33 be included in the summary of the question on the ballot.
25 34 The board shall give written notice of the proposed date of
25 35 the election to the county commissioner of elections. ~~The~~
~~26 1 proposed date shall be pursuant to section 39.2, subsections 1~~
~~26 2 and 2 and section 47.6, subsections 1 and 2. The county~~
26 3 commissioner of elections shall give notice of the election by
26 4 one publication in the same newspaper in which the previous
26 5 notice was published about the hearing, which publication
26 6 shall not be less than four nor more than twenty days prior to
26 7 the election.
26 8 Sec. 45. Section 277.2, Code 2007, is amended by striking
26 9 the section and inserting in lieu thereof the following:
26 10 277.2 ELECTIONS ON PUBLIC MEASURES.
26 11 Unless otherwise stated, the date of an election on a
26 12 public measure authorized to be held by a school district is
26 13 limited to the dates specified in section 39.2, subsection 4,
26 14 paragraph "c".
26 15 Sec. 46. Section 278.1, unnumbered paragraph 2, Code 2007,
26 16 is amended to read as follows:
26 17 The board may, with approval of sixty percent of the
26 18 voters, voting in ~~a regular or special~~ an election in the
26 19 school district, make extended time contracts not to exceed
26 20 twenty years in duration for rental of buildings to supplement
26 21 existing schoolhouse facilities; and where it is deemed
26 22 advisable for buildings to be constructed or placed on real
26 23 estate owned by the school district, these contracts may
26 24 include lease-purchase option agreements, the amounts to be
26 25 paid out of the physical plant and equipment levy fund. ~~The~~
~~26 26 election shall be held on a date specified in section 39.2,~~
~~26 27 subsection 4, paragraph "c".~~
26 28 Sec. 47. Section 279.39, Code 2007, is amended to read as
26 29 follows:
26 30 279.39 SCHOOL BUILDINGS.
26 31 The board of any school corporation shall establish
26 32 attendance centers and provide suitable buildings for each
26 33 school in the district and may at the regular or a special
26 34 meeting ~~call a special election~~ resolve to submit to the
26 35 registered voters of the district ~~at an election held on a~~
~~27 1 date specified in section 39.2, subsection 4, paragraph "c".~~
27 2 the question of voting a tax or authorizing the board to issue
27 3 bonds, or both.
27 4 Sec. 48. Section 297.11, Code 2007, is amended to read as
27 5 follows:
27 6 297.11 USE FORBIDDEN.
27 7 If ~~at any time~~ the voters of such district at a regular
27 8 election forbid such use of any such schoolhouse or grounds,
27 9 the board shall not ~~thereafter~~ permit such use until the ~~said~~
27 10 action of such voters ~~shall have been~~ is rescinded by the
27 11 voters at ~~a regular~~ an election, ~~or at a special election~~
~~27 12 called for that purpose held on a date specified in section~~
~~27 13 39.2, subsection 4, paragraph "c".~~
27 14 Sec. 49. Section 298.9, Code 2007, is amended to read as
27 15 follows:
27 16 298.9 SPECIAL LEVIES.
27 17 If the voter-approved physical plant and equipment levy,
27 18 consisting solely of a physical plant and equipment property
27 19 tax levy, is ~~voted at a special~~ approved by the voters at the
~~27 20 regular school~~ election and certified to the board of
27 21 supervisors after the regular levy is made, the board shall at
27 22 its next regular meeting levy the tax and cause it to be
27 23 entered upon the tax list to be collected as other school
27 24 taxes. If the certification is filed prior to May 1, the
27 25 annual levy shall begin with the tax levy of the year of
27 26 filing. If the certification is filed after May 1 in a year,
27 27 the levy shall begin with the levy of the fiscal year
27 28 succeeding the year of the filing of the certification.
27 29 Sec. 50. Section 298.18, unnumbered paragraphs 4 and 6,
27 30 Code 2007, are amended to read as follows:
27 31 The amount estimated and certified to apply on principal
27 32 and interest for any one year may exceed two dollars and
27 33 seventy cents per thousand dollars of assessed value by the
27 34 amount approved by the voters of the school corporation, but

27 35 not exceeding four dollars and five cents per thousand of the
28 1 assessed value of the taxable property within any school
28 2 corporation, provided that the registered voters of such
28 3 school corporation have first approved such increased amount
28 4 at a special election, which may be held at the same time as
~~28 5 the regular school an election held on a date specified in~~
~~28 6 section 39.2, subsection 4, paragraph "c".~~ The proposition
28 7 submitted to the voters at such special election shall be in
28 8 substantially the following form:
28 9 Notice of the election shall be given by the county
28 10 commissioner of elections according to section 49.53. ~~The~~
~~28 11 election shall be held on a date not less than four nor more~~
~~28 12 than twenty days after the last publication of the notice. At~~
~~28 13 such election the ballot used for the submission of said~~
~~28 14 proposition shall be in substantially the form for submitting~~
~~28 15 special questions at general elections.~~ The county
28 16 commissioner of elections shall conduct the election pursuant
28 17 to the provisions of chapters 39 to 53 and certify the results
28 18 to the board of directors. ~~Such~~ The proposition shall not be
28 19 deemed carried or adopted unless the vote in favor of such
28 20 proposition is equal to at least sixty percent of the total
28 21 vote cast for and against ~~said the~~ proposition at ~~said the~~
28 22 election. Whenever such a proposition has been approved by
28 23 the voters of a school corporation as hereinbefore provided,
28 24 no further approval of the voters of such school corporation
28 25 shall be required as a result of any subsequent change in the
28 26 boundaries of such school corporation.
28 27 Sec. 51. Section 298.18A, subsection 2, Code 2007, is
28 28 amended to read as follows:
28 29 2. The adjustment shall not result in a total amount
28 30 levied in excess of the two dollar and seventy cent per
28 31 thousand dollars of assessed valuation limit provided in
28 32 section 298.18. An adjustment in excess of the two dollar and
28 33 seventy cent per thousand dollars of assessed valuation limit
28 34 shall be subject to the special election provisions for
28 35 increases of up to four dollars and five cents per thousand
29 1 dollars of assessed valuation provisions of section 298.18.
29 2 Sec. 52. Section 298.21, unnumbered paragraph 1, Code
29 3 2007, is amended to read as follows:
29 4 The board of directors of any school corporation when
29 5 authorized by the voters at ~~the regular an election or at a~~
~~29 6 special election called for that purpose held on a date~~
~~29 7 specified in section 39.2, subsection 4, paragraph "c",~~ may
29 8 issue the negotiable, interest-bearing school bonds of ~~said~~
29 9 ~~the~~ corporation for borrowing money for any or all of the
29 10 following purposes:
29 11 Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2007,
29 12 is amended to read as follows:
29 13 The board of directors of a school district may, and upon
29 14 receipt of a petition signed by eligible electors equal in
29 15 number to at least twenty-five percent of the number of voters
29 16 at the last preceding school election, shall, direct the
29 17 county commissioner of elections to submit to the registered
29 18 voters of the school district the question of whether to levy
29 19 a tax of not to exceed thirteen and one-half cents per
29 20 thousand dollars of assessed valuation for public educational
29 21 and recreational activities authorized under this chapter. ~~if~~
~~29 22 at the time of filing the petition, it is more than three~~
~~29 23 months until the next regular school election, the board of~~
~~29 24 directors shall submit the question at a special election~~
~~29 25 within sixty days. Otherwise, the~~ The question shall be
29 26 submitted at ~~the next regular school an election held on a~~
~~29 27 date specified in section 39.2, subsection 4, paragraph "c".~~
29 28 Sec. 54. Section 330.17, unnumbered paragraph 1, Code
29 29 2007, is amended to read as follows:
29 30 The council of any city or county which owns or acquires an
29 31 airport may, and upon the council's receipt of a valid
29 32 petition as provided in section 362.4, or receipt of a
29 33 petition by the board of supervisors as provided in section
29 34 331.306 shall, ~~at a regular city election or a general~~
~~29 35 election if one is to be held within seventy-four days from~~
~~30 1 the filing of the petition, or otherwise at a special an~~
30 2 election called for that purpose held on a date specified in
30 3 section 39.2, subsection 4, paragraph "a" or "b", as
30 4 applicable, submit to the voters the question as to whether
30 5 the management and control of the airport shall be placed in
30 6 an airport commission. If a majority of the voters favors
30 7 placing the management and control of the airport in an
30 8 airport commission, the commission shall be established as
30 9 provided in this chapter.
30 10 Sec. 55. NEW SECTION. 331.309 ELECTIONS ON PUBLIC

30 11 MEASURES.

30 12 Unless otherwise stated, the dates of elections on public
30 13 measures authorized in this chapter are limited to those
30 14 specified for counties in section 39.2.

30 15 Sec. 56. Section 346.27, subsection 10, unnumbered
30 16 paragraph 1, Code 2007, is amended to read as follows:

30 17 After the incorporation of an authority, and before the
30 18 sale of any issue of revenue bonds, except refunding bonds,
30 19 the authority shall ~~call an election to decide~~ submit to the
30 20 voters the question of whether the authority shall issue and
30 21 sell revenue bonds. The ballot shall state the amount of the
30 22 bonds and the purposes for which the authority is
30 23 incorporated. All registered voters of the county shall be
30 24 entitled to vote on the question. The question may be
30 25 submitted at ~~a general election or at a special~~ an election
30 26 held on a date specified in section 39.2, subsection 4,
30 27 paragraph "a" or "b", as applicable. An affirmative vote of a
30 28 majority of the votes cast on the question is required to
30 29 authorize the issuance and sale of revenue bonds.

30 30 Sec. 57. Section 347.13, subsection 12, unnumbered
30 31 paragraph 1, Code 2007, is amended to read as follows:

30 32 Submit to the voters at ~~any regular or special~~ an election
30 33 held on a date specified in section 39.2, subsection 4,
30 34 paragraph "a", a proposition to sell or lease any sites and
30 35 buildings, excepting those described in subsection 11 ~~hereof,~~
31 1 and upon such proposition being carried by a majority of the
31 2 total number of votes cast at such election, may proceed to
31 3 sell such property at either public or private sale, and apply
31 4 the proceeds only for:

31 5 Sec. 58. Section 347.14, subsection 15, unnumbered
31 6 paragraph 1, Code 2007, is amended to read as follows:

31 7 Submit to the voters at ~~a regular or special~~ an election
31 8 held on a date specified in section 39.2, subsection 4,
31 9 paragraph "a", a proposition to sell or lease a county public
31 10 hospital for use as a private hospital or as a merged area
31 11 hospital under chapter 145A or to sell or lease a county
31 12 hospital in conjunction with the establishment of a merged
31 13 area hospital. The authorization of the board of hospital
31 14 trustees submitting the proposition may, but is not required
31 15 to, contain conditions which provide for maintaining hospital
31 16 care within the county, for the retention of county public
31 17 hospital employees and staff, and for the continuation of the
31 18 board of trustees for the purpose of carrying out provisions
31 19 of contracts. The property listed in section 347.13,
31 20 subsection 11, may be included in the proposition, but the
31 21 proceeds from the property shall be used for the purposes
31 22 listed in section 347.13, subsection 12, or for the purpose of
31 23 providing health care for residents of the county. Proceeds
31 24 from the sale or lease of the county hospital or other assets
31 25 of the board of trustees shall not be used for the prepayment
31 26 of health care services for residents of the county with the
31 27 purchaser or lessee of the county hospital or to underwrite
31 28 the sale or lease of the county hospital. The proposition
31 29 submitted to the voters of the county shall not be set forth
31 30 at length, but it shall be in substantially the following
31 31 form:

31 32 Sec. 59. Section 347.23, unnumbered paragraph 1, Code
31 33 2007, is amended to read as follows:

31 34 Any hospital organized and existing as a city hospital may
31 35 become a county hospital organized and managed as provided for
32 1 in this chapter, upon a proposition for such purpose being
32 2 submitted to and approved by a majority of the electors of
32 3 both the city in which such hospital is located and of the
32 4 county under whose management it is proposed that such
32 5 hospital be placed, ~~at any general or special election called~~
32 6 ~~for such purpose.~~ The proposition shall be placed upon the
32 7 ballot by the board of supervisors when requested by a
32 8 petition signed by eligible electors of the county equal in
32 9 number to five percent of the votes cast for president of the
32 10 United States or governor, as the case may be, at the last
32 11 general election. The proposition ~~may~~ shall be submitted at
32 12 ~~the next general election or at a special~~ an election ~~called~~
32 13 ~~for that purpose held on a date specified in section 39.2,~~
32 14 subsection 4, paragraph "a". Upon the approval of the

32 15 proposition the hospital, its assets and liabilities, will
32 16 become the property of the county and this chapter will govern
32 17 its future management. The question shall be submitted in
32 18 substantially the following form: "Shall the municipal
32 19 hospital of, Iowa, be transferred to and become the
32 20 property of, and be managed by the county of, Iowa?"

32 21 Sec. 60. Section 347.23A, subsection 1, Code 2007, is

32 22 amended to read as follows:

32 23 1. A hospital established as a memorial hospital under
32 24 chapter 37 or a county hospital supported by revenue bonds and
32 25 organized under chapter 347A may become, in accordance with
32 26 the provisions of this section, a county hospital organized
32 27 and managed as provided for in this chapter. If the hospital
32 28 is established by a city as a memorial hospital, the city must
32 29 be located in the county which will own and manage the
32 30 hospital. A proposition for the change must be submitted to
32 31 and approved by a majority of the electors of the county which
32 32 will own and manage the hospital as provided for in this
32 33 chapter. In addition, if the hospital is a memorial hospital
32 34 organized by a city under chapter 37, the proposition must
32 35 also be approved by a majority of the electors of that city.

33 1 The proposition ~~may~~ shall be submitted to the electors at ~~any~~
~~33 2 general or special an election called by the county board of~~
33 3 ~~supervisors for this purpose and held on a date specified in~~
33 4 ~~section 39.2, subsection 4, paragraph "a".~~

33 5 Sec. 61. NEW SECTION. 362.11 ELECTIONS ON PUBLIC
33 6 MEASURES.

33 7 Unless otherwise stated, the dates of elections on public
33 8 measures authorized in the city code are limited to those
33 9 specified for cities in section 39.2.

33 10 Sec. 62. Section 368.19, unnumbered paragraph 1, Code
33 11 2007, is amended to read as follows:

33 12 The committee shall approve or disapprove the petition or
33 13 plan as amended, within ninety days of the final hearing, and
33 14 shall file its decision for record and promptly notify the
33 15 parties to the proceeding of its decision. If a petition or
33 16 plan is approved, the board shall ~~set a date not less than~~
~~33 17 thirty days nor more than ninety days after approval for a~~
~~33 18 special submit the proposal at an election on the proposal~~
33 19 ~~held on a date specified in section 39.2, subsection 4,~~
33 20 ~~paragraph "a" or "b", whichever is applicable, and the county~~
33 21 ~~commissioner of elections shall conduct the election. In a~~
33 22 ~~case of incorporation or discontinuance, registered voters of~~
33 23 ~~the territory or city may vote, and the proposal is authorized~~
33 24 ~~if a majority of those voting approves it. In a case of~~
33 25 ~~annexation or severance, registered voters of the territory~~
33 26 ~~and of the city may vote, and the proposal is authorized if a~~
33 27 ~~majority of the total number of persons voting approves it.~~
33 28 ~~In a case of consolidation, registered voters of each city to~~
33 29 ~~be consolidated may vote, and the proposal is authorized only~~
33 30 ~~if it receives a favorable majority vote in each city. The~~
33 31 ~~county commissioner of elections shall publish notice of the~~
33 32 ~~election as provided in section 49.53 and shall conduct the~~
33 33 ~~election in the same manner as other special city elections.~~

33 34 Sec. 63. Section 372.2, subsection 2, unnumbered paragraph
33 35 1, Code 2007, is amended to read as follows:

34 1 Within fifteen days after receiving a valid petition, the
34 2 council shall publish notice of the date that a special ~~city~~
34 3 election will be held to determine whether the city shall
34 4 change to a different form of government. The election date
34 5 shall be ~~not more than sixty days after the publication as~~
34 6 ~~specified in section 39.2, subsection 4, paragraph "b". If~~
34 7 ~~the next election date specified in that paragraph is more~~
34 8 ~~than sixty days after the publication, the council shall~~
34 9 ~~publish another notice fifteen days before the election. The~~
34 10 ~~notice shall include a statement that the filing of a petition~~
34 11 ~~for appointment of a home rule charter commission will delay~~
34 12 ~~the election until after the home rule charter commission has~~
34 13 ~~filed a proposed charter. Petition requirements and filing~~
34 14 ~~deadlines shall also be included in the notice.~~

34 15 Sec. 64. Section 372.3, Code 2007, is amended to read as
34 16 follows:

34 17 372.3 HOME RULE CHARTER.

34 18 If a petition for appointment of a home rule charter
34 19 commission is filed with the city clerk not more than ten days
34 20 after the council has published the first notice announcing
34 21 the date of the special election on adoption of another form
34 22 of government, the special election shall not be held until
34 23 the charter proposed by the home rule charter commission is
34 24 filed. Both forms must be published as provided in section
34 25 372.9 and submitted to the voters at the special election.

34 26 Sec. 65. Section 372.9, subsection 3, Code 2007, is
34 27 amended to read as follows:

34 28 3. The proposed home rule charter must be submitted at a
34 29 special ~~city~~ election on a date ~~selected by the mayor and~~
~~34 30 council specified in section 39.2, subsection 4, paragraph~~
34 31 ~~"b", and in accordance with section 47.6. However, the date~~
34 32 ~~of the election last publication must be not less than thirty~~

34 33 nor more than sixty days ~~after before~~ the last publication of
~~34 34 the proposed home rule charter election.~~

34 35 Sec. 66. Section 372.13, subsection 11, unnumbered
35 1 paragraph 1, Code Supplement 2007, is amended to read as
35 2 follows:

35 3 Council members shall be elected according to the council
35 4 representation plans under sections 372.4 and 372.5. However,
35 5 the council representation plan may be changed, by petition
35 6 and election, to one of those described in this subsection.
35 7 Upon receipt of a valid petition, as defined in section 362.4,
35 8 requesting a change to a council representation plan, the
35 9 council shall submit the question at a special ~~city~~ election
35 10 ~~to be held within sixty days~~. If a majority of the persons
35 11 voting at the special election approves the changed plan, it
35 12 becomes effective at the beginning of the term following the
35 13 next regular city election. If a majority does not approve
35 14 the changed plan, the council shall not submit another
35 15 proposal to change a plan to the voters within the next two
35 16 years.

35 17 Sec. 67. Section 376.2, unnumbered paragraph 2, Code 2007,
35 18 is amended to read as follows:

35 19 Except as otherwise provided by state law or the city
35 20 charter, terms for elective offices are two years. However,
35 21 the term of an elective office may be changed to two or four
35 22 years by petition and election. Upon receipt of a valid
35 23 petition as defined in section 362.4, requesting that the term
35 24 of an elective office be changed, the council shall submit the
35 25 question at a special ~~city~~ election ~~to be held within sixty~~
~~35 26 days after the petition is received. The special election~~
~~35 27 shall be held more than ninety days before the regular city~~
~~35 28 election if the change shall go into effect at the next~~
~~35 29 regular city election.~~ If a majority of the persons voting at
35 30 the special election approves the changed term, it becomes
35 31 effective at the beginning of the term following the next
35 32 regular city election. If a majority does not approve the
35 33 changed term, the council shall not submit the same proposal
35 34 to the voters within the next four years.

35 35 Sec. 68. Section 423B.1, subsection 5, Code Supplement
36 1 2007, is amended to read as follows:

36 2 5. The county commissioner of elections shall submit the
36 3 question of imposition of a local option tax at ~~a state~~
~~36 4 general election or at a special an election held at any time~~
~~36 5 other than the time of a city regular election on a date~~
~~36 6 specified in section 39.2, subsection 4, paragraph "a".~~ The
36 7 election shall not be held sooner than sixty days after
36 8 publication of notice of the ballot proposition. The ballot
36 9 proposition shall specify the type and rate of tax and in the
36 10 case of a vehicle tax the classes that will be exempt and in
36 11 the case of a local sales and services tax the date it will be
36 12 imposed which date shall not be earlier than ninety days
36 13 following the election. The ballot proposition shall also
36 14 specify the approximate amount of local option tax revenues
36 15 that will be used for property tax relief and shall contain a
36 16 statement as to the specific purpose or purposes for which the
36 17 revenues shall otherwise be expended. If the county board of
36 18 supervisors decides under subsection 6 to specify a date on
36 19 which the local option sales and services tax shall
36 20 automatically be repealed, the date of the repeal shall also
36 21 be specified on the ballot. The rate of the vehicle tax shall
36 22 be in increments of one dollar per vehicle as set by the
36 23 petition seeking to impose the tax. The rate of a local sales
36 24 and services tax shall not be more than one percent as set by
36 25 the governing body. The state commissioner of elections shall
36 26 establish by rule the form for the ballot proposition which
36 27 form shall be uniform throughout the state.

36 28 Sec. 69. Section 423E.2, subsection 2, paragraph a, Code
36 29 Supplement 2007, is amended to read as follows:

36 30 a. Upon receipt by a county board of supervisors of a
36 31 petition requesting imposition of a local sales and services
36 32 tax for infrastructure purposes, signed by eligible electors
36 33 of the whole county equal in number to five percent of the
36 34 persons in the whole county who voted at the last preceding
36 35 state general election, the board shall within thirty days
37 1 direct the county commissioner of elections to submit the
37 2 question of imposition of the tax to the registered voters of
37 3 the whole county at an election held on a date specified in
37 4 section 39.2, subsection 4, paragraph "a".

37 5 Sec. 70. Section 423E.2, subsection 3, Code Supplement
37 6 2007, is amended to read as follows:

37 7 3. The county commissioner of elections shall submit the
37 8 question of imposition of a local sales and services tax for

37 9 school infrastructure purposes at ~~a state general election or~~
37 10 ~~at a special an election held at any time other than the time~~
37 11 ~~of a city regular election on a date specified in section~~
37 12 ~~39.2, subsection 4, paragraph "a".~~ The election shall not be
37 13 held sooner than sixty days after publication of notice of the
37 14 ballot proposition. The ballot proposition shall specify the
37 15 rate of tax, the date the tax will be imposed and repealed,
37 16 and shall contain a statement as to the specific purpose or
37 17 purposes for which the revenues shall be expended. The
37 18 content of the ballot proposition shall be substantially
37 19 similar to the petition of the board of supervisors or motions
37 20 of a school district or school districts requesting the
37 21 election as provided in subsection 2, as applicable, including
37 22 the rate of tax, imposition and repeal ~~date dates~~, and the
37 23 specific purpose or purposes for which the revenues will be
37 24 expended. The dates for the imposition and repeal of the tax
37 25 shall be as provided in subsection 1. The rate of tax shall
37 26 not be more than one percent. The state commissioner of
37 27 elections shall establish by rule the form for the ballot
37 28 proposition which form shall be uniform throughout the state.
37 29 Sec. 71. APPLICABILITY DATE. This division of this Act
37 30 applies to elections held on or after January 1, 2009.

37 31 DIVISION IV

37 32 VOTER REGISTRATION

37 33 Sec. 72. NEW SECTION. 44.18 AFFILIATION ON VOTER
37 34 REGISTRATION FORM.

37 35 1. A nonparty political organization that nominated a
38 1 candidate whose name appeared on the general election ballot
38 2 for a federal office, for governor, or for any other statewide
38 3 elective office in any of the preceding ten years may request
38 4 registration of voters showing their affiliation with the
38 5 nonparty political organization pursuant to this section.

38 6 2. The organization shall file the following documents
38 7 with the state registrar of voters on or before December 1 of
38 8 an even-numbered year:

38 9 a. A petition in the form prescribed by the registrar and
38 10 signed by no fewer than eight hundred fifty eligible electors
38 11 residing in at least five counties in the state. The petition
38 12 shall include the official name of the organization; the
38 13 organization's name as the organization requests it to appear
38 14 on the voter registration form if different from the
38 15 organization's official name; and the name, address, and
38 16 telephone number of the contact person for the organization.
38 17 Each person who signs the petition shall include the person's
38 18 signature, printed name, residence address with house number,
38 19 street name, city, and county, and the date the person signed
38 20 the petition.

38 21 b. A copy of the nonparty political organization's
38 22 articles of incorporation, bylaws, constitution, or other
38 23 document relating to establishment of the organization. Such
38 24 copy shall be certified as a true copy of the original by the
38 25 custodian of the original document.

38 26 c. An application form prescribed by the state registrar
38 27 of voters. The form shall include all of the following:

38 28 (1) The official name of the nonparty political
38 29 organization.

38 30 (2) The name, address, and telephone number of the contact
38 31 person for the organization who is responsible for the
38 32 application.

38 33 (3) The signature of the chief executive officer of the
38 34 organization approving the application.

38 35 (4) The organization's name as the organization requests
39 1 it to appear on the voter registration form if different from
39 2 the organization's official name.

39 3 3. The nonparty political organization's name and its name
39 4 as listed on the voter registration form shall conform to the
39 5 requirements of section 43.121. The registrar shall not
39 6 invalidate the application solely because the registrar finds
39 7 the official name of the organization or the name to be
39 8 included on the voter registration form to be unacceptable.
39 9 If the registrar finds the name to be unacceptable, the
39 10 registrar shall contact the organization and provide
39 11 assistance in identifying an appropriate official name for the
39 12 organization and for identifying the organization on the voter
39 13 registration form. A determination by the registrar that the
39 14 official name or voter registration form name requested is
39 15 acceptable for use within the voter registration system is
39 16 final.

39 17 4. The registrar and the voter registration commission may
39 18 require biennial filings to update contact information.

39 19 5. Beginning in January 2011, and each odd-numbered year

39 20 thereafter, the registrar and the voter registration
39 21 commission may review the number of voters registered as
39 22 affiliated with a nonparty political organization. If the
39 23 number of registrants, including both active and inactive
39 24 voters, is fewer than 150, the commission shall declare the
39 25 organization to be dormant for purposes of voter registration
39 26 and may revise the voter registration form and instructions
39 27 and electronic voter registration system to remove the
39 28 organization from the list of nonparty political organizations
39 29 with which a voter may register as affiliated. However, a
39 30 change shall not be made to the record of political
39 31 affiliation of individual registrants unless the registrant
39 32 requests the change.

39 33 6. If a political party, as defined in section 43.2, fails
39 34 to receive a sufficient number of votes in a general election
39 35 to retain status as a political party and the former political
40 1 party organizes as a nonparty political organization, the
40 2 organization may request registration of voters showing their
40 3 affiliation with the organization. A change shall not be made
40 4 to the record of political party affiliation of individual
40 5 registrants unless the registrant requests the change.

40 6 Sec. 73. Section 48A.7A, subsection 1, paragraph b,
40 7 subparagraph (2), unnumbered paragraph 1, Code Supplement
40 8 2007, is amended to read as follows:

40 9 If the photographic identification presented does not
40 10 contain the person's current address in the precinct, the
40 11 person shall also present one of the following documents that
40 12 shows the person's name and current address in the precinct:

40 13 Sec. 74. Section 48A.7A, subsection 3, Code Supplement
40 14 2007, is amended to read as follows:

40 15 3. At any time before election day, and after the deadline
40 16 for registration in section 48A.9, a person who appears in
40 17 person at the commissioner's office or at a satellite absentee
40 18 voting station after the deadline for registration in section
40 19 48A.9, or whose ballot is delivered to a health care facility
40 20 pursuant to section 53.22 may register to vote and vote an
40 21 absentee ballot by following the procedure in this section for
40 22 registering to vote on election day. A person who wishes to
40 23 vote in person at the polling place on election day and who
40 24 has not registered to vote before the deadline for registering
40 25 in section 48A.9, is required to register to vote at the
40 26 polling place on election day following the procedure in this
40 27 section. However, the person may complete the voter
40 28 registration application at the commissioner's office and,
40 29 after the commissioner has reviewed the completed application,
40 30 may present the application to the appropriate precinct
40 31 election official along with proof of identity and residency.

40 32 Sec. 75. Section 48A.7A, subsection 4, paragraph b, Code
40 33 Supplement 2007, is amended to read as follows:

40 34 b. The form of the written oath required of a person
40 35 attesting to the identity and residency of the registrant
41 1 shall read as follows:

41 2 I, (name of registered voter), do solemnly swear or
41 3 affirm all of the following:

41 4 I am a preregistered voter in this precinct or I registered
41 5 to vote in this precinct today, and a registered voter did not
41 6 sign an oath on my behalf. I have not signed an oath

41 7 attesting to the identity and residence of any other person in
41 8 this election.

41 9 I am a resident of the ... precinct, ... ward or township,
41 10 city of, county of, Iowa.

41 11 I reside at (street address) in (city or
41 12 township).

41 13 I personally know (name of registrant), and I
41 14 personally know that (name of registrant) is a resident
41 15 of the ... precinct, ward or township, city of,
41 16 county of, Iowa.

41 17 I understand that any false statement in this oath is a
41 18 class "D" felony punishable by no more than five years in
41 19 confinement and a fine of at least seven hundred fifty dollars
41 20 but not more than seven thousand five hundred dollars.

41 21
41 22 Signature of Registered Voter

41 23 Subscribed and sworn before me on (date).
41 24

41 25 Signature of Precinct Election Official

41 26 Sec. 76. Section 48A.11, subsection 1, paragraph i, Code
41 27 Supplement 2007, is amended to read as follows:

41 28 i. Political party registration affiliation as defined in
41 29 section 43.2 or nonparty political organization affiliation if
41 30 approved for inclusion on the form pursuant to section 44.18.

41 31 Sec. 77. Section 48A.11, subsection 1, paragraph k, Code
41 32 Supplement 2007, is amended by striking the paragraph.

41 33 Sec. 78. Section 48A.12, unnumbered paragraph 1, Code
41 34 2007, is amended to read as follows:

41 35 The mail voter registration form prescribed by the federal
42 1 election assistance commission shall be accepted for voter
42 2 registration in Iowa if all required information is provided,
42 3 if it is signed by the registrant, and if the form is timely
42 4 received.

42 5 Sec. 79. Section 48A.26, subsection 4, Code 2007, is
42 6 amended to read as follows:

42 7 4. If the registrant applied by mail to register to vote
42 8 and did not answer either "yes" or "no" to the question in
42 9 section 48A.11, subsection 3, paragraph "a", the application
42 10 shall be processed, ~~but the registration shall be designated~~
~~42 11 as valid only for elections that do not include candidates for~~
~~42 12 federal offices on the ballot. The acknowledgment shall~~
~~42 13 advise the applicant that the status of the registration is~~
~~42 14 local and the reason for the registration being assigned local~~
~~42 15 status. The commissioner shall enclose a new registration by~~
~~42 16 mail form for the applicant to use. If the original~~
~~42 17 application is received during the twelve days before the~~
~~42 18 close of registration for an election that includes candidates~~
~~42 19 for federal offices on the ballot, the commissioner shall~~
~~42 20 provide the registrant with an opportunity to complete the~~
~~42 21 form before the close of registration. If the application is~~
42 22 complete and proper in all other respects and information on
42 23 the application is verified, as required by section 48A.25A,
42 24 the applicant shall be registered to vote and sent an
42 25 acknowledgment.

42 26 Sec. 80. Section 48A.27, subsection 2, paragraph b, Code
42 27 2007, is amended to read as follows:

42 28 b. If a registered voter submits a change of name,
42 29 telephone number, or address ~~is submitted~~ under this
42 30 subsection, the commissioner shall not change the political
42 31 party or nonparty political organization affiliation in the
42 32 ~~elector's registered voter's~~ prior registration other than
42 33 that indicated by the elector registered voter.

42 34 Sec. 81. Section 48A.37, subsection 2, Code Supplement
42 35 2007, is amended to read as follows:

43 1 2. Electronic records shall include a status code
43 2 designating whether the records are active, inactive, ~~local,~~
~~43 3 or pending, or canceled.~~ Inactive records are records of
43 4 registered voters to whom notices have been sent pursuant to
43 5 section 48A.28, subsection 3, and who have not returned the
43 6 card or otherwise responded to the notice, and those records
43 7 have been designated inactive pursuant to section 48A.29.
43 8 Inactive records are also records of registered voters to whom
43 9 notices have been sent pursuant to section 48A.26A and who
43 10 have not responded to the notice. ~~Local records are records~~
~~43 11 of applicants who did not answer either "yes" or "no" to the~~
~~43 12 question in section 48A.11, subsection 3, paragraph "a".~~
43 13 Pending records are records of applicants whose applications
43 14 have not been verified pursuant to section 48A.25A. Canceled
43 15 records are records that have been canceled pursuant to
43 16 section 48A.30. All other records are active records. An
43 17 inactive record shall be made active when the registered voter
43 18 votes at an election, registers again, or reports a change of
43 19 name, address, telephone number, or political party or
43 20 organization affiliation. A pending record shall be made
43 21 active upon verification. ~~A local record shall be valid for~~
~~43 22 any election for which no candidates for federal office appear~~
~~43 23 on the ballot. A registrant with only a local record shall~~
~~43 24 not vote in a federal election unless the registrant submits a~~
~~43 25 new voter registration application before election day~~
~~43 26 indicating that the applicant is a citizen of the United~~
~~43 27 States.~~

43 28 Sec. 82. Section 49.74, Code 2007, is amended to read as
43 29 follows:

43 30 49.74 ~~REGISTERED~~ VOTERS ENTITLED TO VOTE AFTER CLOSING
43 31 TIME.

43 32 Every ~~registered~~ voter who is on the premises of the
43 33 voter's precinct polling place at the time the polling place
43 34 is to be closed for any election shall be permitted to vote in
43 35 that election. Wherever possible, when there are persons on
44 1 the premises of a polling place awaiting an opportunity to
44 2 claim their vote at the time the polling place is to be
44 3 closed, the election board shall cause those persons to move
44 4 inside the structure in which the polling place is located and
44 5 shall then shut the doors of the structure and shall not admit
44 6 any additional persons to the polling place for the purpose of

44 7 voting. If it is not feasible to cause persons on the
44 8 premises of a polling place awaiting an opportunity to claim
44 9 their vote at the time the polling place is to be closed to
44 10 move inside the structure in which the polling place is
44 11 located, the election board shall cause those persons to be
44 12 designated in some reasonable manner and shall not receive
44 13 votes after that time from any persons except those ~~registered~~
44 14 voters so designated.

44 15 DIVISION V

44 16 CHALLENGES AND PROVISIONAL VOTING

44 17 Sec. 83. Section 39A.3, subsection 1, paragraph a, Code
44 18 2007, is amended by adding the following new subparagraph:
44 19 NEW SUBPARAGRAPH. (4) Files a challenge containing false
44 20 information under section 48A.14 or 49.79.

44 21 Sec. 84. Section 39A.5, subsection 1, paragraph b,
44 22 subparagraph (3), Code Supplement 2007, is amended by striking
44 23 the subparagraph.

44 24 Sec. 85. Section 48A.14, subsections 3 and 4, Code 2007,
44 25 are amended to read as follows:

44 26 3. A challenge shall contain a statement signed by the
44 27 challenger in substantially the following form: "I am a
44 28 registered voter in (name of county) County, Iowa. I swear or

44 29 affirm that information contained on this challenge is true.
44 30 I understand that knowingly filing a challenge containing
44 31 false information is an aggravated misdemeanor."

44 32 4. A challenge may be filed at any time. A challenge
44 33 filed less than seventy days before a regularly scheduled
44 34 election shall not be processed until after the pending
44 35 election unless the challenge is filed within twenty days of
45 1 the commissioner's receipt of the challenged registrant's
45 2 registration form or notice of change to an existing
45 3 registration. A challenge filed against a person registering
45 4 to vote pursuant to section 48A.7A is considered a challenge
45 5 to a person offering to vote and must be filed under section
45 6 49.79.

45 7 Sec. 86. Section 49.79, subsection 2, paragraph c, Code
45 8 Supplement 2007, is amended to read as follows:

45 9 c. The challenged person is not a resident at the address
45 10 where the person is registered. However, a person who is
45 11 reporting a change of address at the polls on election day
45 12 pursuant to section 48A.27, subsection 2, paragraph "a",
45 13 subparagraph (3), or who is registering to vote pursuant to
45 14 section 48A.7A, shall not be challenged for this reason.

45 15 Sec. 87. Section 49.79, Code Supplement 2007, is amended
45 16 by adding the following new subsections:

45 17 NEW SUBSECTION. 3. a. The state commissioner of
45 18 elections shall prescribe a form to be used for challenging a
45 19 prospective voter at the polls. The form shall include a
45 20 space for the challenger to provide the challenger's printed
45 21 name, signature, address, and telephone number. The form
45 22 shall also contain the following statement signed by the
45 23 challenger: "I am a registered voter in (name of county)
45 24 County, Iowa. I swear or affirm that information contained in
45 25 this challenge is true. I understand that knowingly filing a
45 26 challenge containing false information is an aggravated
45 27 misdemeanor."

45 28 b. The special precinct board shall reject a challenge
45 29 that lacks the name, address, telephone number, and signature
45 30 of the challenger.

45 31 NEW SUBSECTION. 4. A separate written challenge shall be
45 32 made against each prospective voter challenged.

45 33 NEW SUBSECTION. 5. A challenger may withdraw a challenge
45 34 at the polling place on election day or at any time before the
45 35 meeting of the special precinct counting board by notifying
46 1 the commissioner in writing of the withdrawal.

46 2 Sec. 88. Section 49.81, Code 2007, is amended to read as
46 3 follows:

46 4 49.81 PROCEDURE FOR ~~CHALLENGED~~ VOTER TO CAST PROVISIONAL
46 5 BALLOT.

46 6 1. A prospective voter who is prohibited under section
46 7 48A.8, subsection 4, section 49.77, subsection 4, or section
46 8 49.80 from voting except under this section shall be notified
46 9 by the appropriate precinct election official that the voter
46 10 may cast a provisional ballot. If a booth meeting the
46 11 requirement of section 49.25 is not available at that polling
46 12 place, the precinct election officials shall make alternative
46 13 arrangements to insure the ~~challenged~~ voter the opportunity to
46 14 vote in secret. The ~~marked ballot, folded~~ voter shall mark
46 15 the ballot, fold it or insert it in a secrecy envelope as
46 16 required by section 49.84, ~~shall be delivered to a precinct~~
46 17 election official who shall and immediately seal it in an

46 18 envelope of the type prescribed by subsection 4. The voter
46 19 shall deliver the sealed envelope to a precinct election
46 20 official who shall be deposited deposit it in an envelope
46 21 marked "provisional ballots" and. The ballot shall be
46 22 considered as having been cast in the special precinct
46 23 established by section 53.20 for purposes of the postelection
46 24 canvass.
46 25 2. Each person who casts a provisional ballot under this
46 26 section shall receive a printed statement in ~~substantially the~~
46 27 ~~following form:~~
46 28 ~~Your qualifications as a registered voter have been~~
46 29 ~~challenged for the following reasons:~~
46 30 ~~I.....~~
46 31 ~~ii.....~~
46 32 ~~iii.....~~
46 33 ~~You must show identification before your ballot can be~~
46 34 ~~counted. Please bring or mail a copy of a current and valid~~
46 35 ~~photo identification card to the county commissioner's office~~
47 1 ~~or bring or mail a copy of one of the following current~~
47 2 ~~documents that show your name and address:~~
47 3 ~~a. Utility bill.~~
47 4 ~~b. Bank statement.~~
47 5 ~~c. Paycheck.~~
47 6 ~~d. Government check.~~
47 7 ~~e. Other government document.~~
47 8 ~~Your right to vote will be reviewed by the special precinct~~
47 9 ~~counting board on You have the right and~~
47 10 ~~are encouraged to make a written statement and submit~~
47 11 ~~additional written evidence to this board supporting your~~
47 12 ~~qualifications as a registered voter. This written statement~~
47 13 ~~and evidence may be given to an election official of this~~
47 14 ~~precinct on election day or mailed or delivered to the county~~
47 15 ~~commissioner of elections, but must be received before~~
47 16 ~~... a.m./p.m. on at~~
47 17 ~~... If your ballot is not counted you will receive, by~~
47 18 ~~mail, notification of this fact and the reason that the ballot~~
47 19 ~~was not counted a form prescribed by the state commissioner by~~
47 20 ~~rule adopted in accordance with chapter 17A. The statement~~
47 21 ~~shall contain, at a minimum, the following information:~~
47 22 ~~a. The reason the person is casting a provisional ballot.~~
47 23 ~~b. If the person is casting a provisional ballot because~~
47 24 ~~the person failed to provide a required form of~~
47 25 ~~identification, a list of the types of acceptable~~
47 26 ~~identification and notification that the person must show~~
47 27 ~~identification before the ballot can be counted.~~
47 28 ~~c. If the person is casting a provisional ballot because~~
47 29 ~~the person's qualifications as a registered voter have been~~
47 30 ~~challenged, the allegations contained in the written~~
47 31 ~~challenge, a description of the challenge process, and the~~
47 32 ~~person's right to address the challenge.~~
47 33 ~~d. A statement that if the person's ballot is not counted,~~
47 34 ~~the person will receive, by mail, notification of this fact~~
47 35 ~~and the reason the ballot was not counted.~~
48 1 ~~e. Other information deemed necessary by the state~~
48 2 ~~commissioner.~~
48 3 3. Any eligible elector may present written statements or
48 4 documents, supporting or opposing the counting of any
48 5 provisional ballot, to the precinct election officials on
48 6 election day, until the hour for closing the polls. Any
48 7 statements or documents so presented shall be delivered to the
48 8 commissioner when the election supplies are returned.
48 9 4. The individual envelopes used for each provisional
48 10 ballot cast pursuant to subsection 1 shall have space for the
48 11 voter's name, date of birth, and address and shall have
48 12 printed on them the following:
48 13 I am a United States citizen, at least eighteen years of
48 14 age. I believe I am a registered voter of this county and I
48 15 am eligible to vote in this election. I registered to vote in
48 16 county on or about at My name at that
48 17 time was I have not moved to a different county since
48 18 that time. I am a United States citizen, at least eighteen
48 19 years of age.
48 20
48 21 (signature of voter) (date)
48 22 The following information is to be provided by the precinct
48 23 election official:
48 24 Reason for ~~challenge~~ casting provisional ballot:
48 25
48 26
48 27 ~~Did not present required identification form.~~
48 28

48 29 (signature of precinct
48 30 election official)
48 31 The precinct election official shall attach a completed
48 32 voter registration form from each provisional voter unless the
48 33 person's registration status is listed in the election
48 34 register as active or pending. If a voter is casting a
48 35 provisional ballot because the voter's qualifications as a
49 1 registered voter have been challenged, the precinct election
49 2 official shall attach the signed challenge to the provisional
49 3 ballot envelope.

49 4 DIVISION VI

49 5 GENERAL CHANGES TO ELECTIONS PROVISIONS

49 6 Sec. 89. Section 39A.2, subsection 1, paragraph c, Code
49 7 Supplement 2007, is amended to read as follows:

49 8 c. DURESS. Intimidates, threatens, or coerces, or
49 9 attempts to intimidate, threaten, or coerce, a person to do or
49 10 to refrain from doing any of the following:

49 11 (1) To register to vote, to vote, or to attempt to
49 12 register to vote.

49 13 (2) To urge or aid a person to register to vote, to vote,
49 14 or to attempt to register to vote.

49 15 (2A) To sign a petition nominating a candidate for public
49 16 office or a petition requesting an election for which a
49 17 petition may legally be submitted.

49 18 (3) To exercise a right under chapters 39 through 53.

49 19 Sec. 90. Section 39A.2, subsection 1, Code Supplement
49 20 2007, is amended by adding the following new paragraph:

49 21 NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.

49 22 Intentionally altering or damaging any computer software or
49 23 any physical part of a voting machine, automatic tabulating
49 24 equipment, or any other part of a voting system.

49 25 Sec. 91. Section 39A.4, subsection 1, paragraph c, Code
49 26 Supplement 2007, is amended by adding the following new
49 27 subparagraph:

49 28 NEW SUBPARAGRAPH. (13) Making a false statement on an
49 29 affidavit of candidacy.

49 30 Sec. 92. Section 49.20, Code 2007, is amended to read as
49 31 follows:

49 32 49.20 COMPENSATION OF MEMBERS.

49 33 The members of election boards shall be deemed temporary
49 34 state employees who are compensated by the county in which
49 35 they serve, and shall receive compensation at a rate
50 1 established by the board of supervisors, which shall be not
50 2 less than three dollars and fifty cents per hour the minimum
50 3 wage established in section 91D.1, subsection 1, paragraph
50 4 "b", while engaged in the discharge of their duties and shall
50 5 be reimbursed for actual and necessary travel expense at a
50 6 rate determined by the board of supervisors, except that
50 7 persons who have advised the commissioner prior to their
50 8 appointment to the election board that they are willing to
50 9 serve without pay at elections conducted for any school
50 10 district or a city of three thousand five hundred or less
50 11 population, shall receive no compensation for service at those
50 12 elections. Compensation shall be paid to members of election
50 13 boards only after the vote has been canvassed and it has been
50 14 determined in the course of the canvass that the election
50 15 record certificate has been properly executed by the election
50 16 board.

50 17 Sec. 93. Section 49.21, Code 2007, is amended to read as
50 18 follows:

50 19 49.21 POLLING PLACES == ACCESSIBILITY == SIGNS.

50 20 1. It is the responsibility of the commissioner to
50 21 designate a polling place for each precinct in the county.
50 22 Each polling place designated shall be accessible to persons
50 23 with disabilities. However, if the commissioner is unable to
50 24 provide an accessible polling place for a precinct, the
50 25 commissioner shall apply for a temporary waiver of the
50 26 accessibility requirement. The state commissioner shall adopt
50 27 rules in accordance with chapter 17A prescribing standards for
50 28 determining whether a polling place is accessible and the
50 29 process for applying for a temporary waiver of accessibility.

50 30 2. a. Upon the application of the commissioner, the
50 31 authority which has control of any buildings or grounds
50 32 supported by taxation under the laws of this state shall make
50 33 available the necessary space therein for the purpose of
50 34 holding elections, without charge for the use thereof.

50 35 b. Except as otherwise provided by law, the polling place
51 1 in each precinct in the state shall be located in a central
51 2 location if a building is available. However, first
51 3 consideration shall be given to the use of public buildings
51 4 supported by taxation.

51 5 ~~In the selection of polling places, preference shall also~~
51 6 ~~be given to the use of buildings accessible to persons who are~~
51 7 ~~elderly and persons with disabilities.~~

51 8 3. a. On the day of an election, the commissioner shall
51 9 post a sign stating "vote here" at the entrance to each
51 10 driveway leading to the building where a polling place is
51 11 located. The sign must be visible from the street or highway
51 12 fronting the driveway, but shall not encroach upon the
51 13 right-of-way of such street or highway.

51 14 b. The commissioner shall post a sign at the entrance to
51 15 the polling place indicating the election precinct number or
51 16 name, and displaying a street map showing the boundaries of
51 17 the precinct.

51 18 Sec. 94. Section 49.25, subsection 1, Code Supplement
51 19 2007, is amended to read as follows:

51 20 1. In any county or portion of a county for which voting
51 21 machines have been acquired under section 52.2 the
51 22 commissioner shall determine pursuant to section 49.26, in
51 23 advance of each election conducted for a city of three
51 24 thousand five hundred or less population, or any school
51 25 district, and individually for each precinct, whether voting
51 26 in that election shall be by machine or by paper ballot. In
51 27 counties in which conventional paper ballots are not used, the
51 28 commissioner shall furnish voting equipment for use by voters
51 29 with disabilities.

51 30 Sec. 95. Section 49.68, Code 2007, is amended to read as
51 31 follows:

51 32 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

51 33 1. The state commissioner with the approval of the
51 34 attorney general shall prepare, and from time to time revise,
51 35 written instructions to the voters relative to ~~voting the~~
52 1 ~~rights of voters~~, and shall furnish each commissioner with
52 2 copies of the instructions. Such instructions shall cover the
52 3 following matters:

52 4 a. The procedure for registering to vote after the
52 5 registration deadline has passed.

52 6 b. Instructions for voters who are required by law to show
52 7 identification before voting.

52 8 c. General information on voting rights under applicable
52 9 federal and state laws, including the following:

52 10 (1) Information on the right of an individual to cast a
52 11 provisional ballot and the procedure for casting a provisional
52 12 ballot.

52 13 (2) Federal and state laws regarding prohibitions on acts
52 14 of fraud, misrepresentation, coercion, or duress.

52 15 d. Instructions on how to contact the appropriate
52 16 officials if a voter believes the voter's rights have been
52 17 violated.

52 18 2. The state commissioner shall prepare instructions
52 19 relative to voting for each voting system in use in the state
52 20 and shall furnish the county commissioner with copies of the
52 21 instructions. Such instructions shall cover the following
52 22 matters:

52 23 1- a. The manner of obtaining ballots.

52 24 2- b. The manner of marking ballots.

52 25 3- c. That unmarked or improperly marked ballots will not
52 26 be counted.

52 27 4- d. The method of gaining assistance in marking ballots.

52 28 5- e. That any erasures or identification marks, or
52 29 otherwise spoiling or defacing a ballot, will render it
52 30 invalid.

52 31 6- f. Not to vote a spoiled or defaced ballot.

52 32 7- g. How to obtain a new ballot in place of a spoiled or
52 33 defaced one.

52 34 8- h. Any other matters thought necessary.

52 35 Sec. 96. Section 49.70, Code 2007, is amended to read as
53 1 follows:

53 2 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

53 3 The commissioner shall cause copies of ~~the foregoing each~~
53 4 ~~set of~~ instructions to be printed in large, clear type, under

53 5 the heading of "Rights of Voters" and "Instructions for

53 6 ~~voters~~ Voting", as applicable, and shall furnish the precinct

53 7 election officials with a sufficient number of ~~such each set~~
53 8 ~~of~~ instructions as will enable them to comply with section

53 9 49.71.

53 10 Sec. 97. Section 49.71, Code Supplement 2007, is amended
53 11 to read as follows:

53 12 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

53 13 The precinct election officials, before the opening of the
53 14 polls, shall cause ~~the each set of~~ instructions ~~for voters~~
53 15 required pursuant to section 49.70 to be securely posted as

53 16 follows:

53 17 1. ~~One~~ At least one copy of the instructions for voting
53 18 prescribed in section 49.68, subsection 2, in each voting
53 19 booth.

53 20 2. ~~Not less than four copies,~~ At least one copy of the
53 21 instructions for voting prescribed in section 49.68,
53 22 subsection 2, with an equal number of sample ballots, in and
53 23 about the polling place.

53 24 3. At least one copy of the instructions relating to
53 25 rights of voters, as prescribed in section 49.68, subsection
53 26 1, in and about the polling place.

53 27 Sec. 98. Section 49.73, subsection 1, unnumbered paragraph
53 28 1, Code Supplement 2007, is amended to read as follows:

53 29 At all elections, except as otherwise permitted by this
53 30 section, the polls shall be opened at seven o'clock a.m., ~~or~~
53 31 ~~as soon thereafter as vacancies on the precinct election board~~
53 32 ~~have been filled.~~ On the basis of voter turnout for recent
53 33 similar elections and factors considered likely to so affect
53 34 voter turnout for the forthcoming election as to justify
53 35 shortened voting hours for that election, the commissioner may
54 1 direct that the polls be opened at twelve o'clock noon for:

54 2 Sec. 99. Section 49.77, subsection 2, Code Supplement
54 3 2007, is amended to read as follows:

54 4 2. ~~One of the precinct election officials shall announce~~
54 5 ~~the voter's name aloud for the benefit of any persons present~~
54 6 ~~pursuant to section 49.104, subsection 2, 3, or 5. If the~~
54 7 ~~declaration of eligibility is not printed on each page of the~~
54 8 ~~election register, any of those persons present pursuant to~~
54 9 ~~section 49.104, subsection 2, 3, or 5, may upon request view~~

54 10 the signed declarations of eligibility and may review the
54 11 signed declarations on file so long as the person does not
54 12 interfere with the functions of the precinct election
54 13 officials. If the declaration of eligibility is printed on
54 14 the election register, voters shall also sign a voter roster
54 15 which the precinct election official shall make available for
54 16 viewing a listing of those voters who have signed declarations
54 17 of eligibility. Any of those persons present pursuant to
54 18 section 49.104, subsection 2, 3, or 5, may upon request view
54 19 the listing roster of those voters who have signed
54 20 declarations of eligibility, so long as the person does not
54 21 interfere with the functions of the precinct election
54 22 officials.

54 23 Sec. 100. Section 49.88, Code 2007, is amended to read as
54 24 follows:

54 25 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.

54 26 1. No more than one person shall be allowed to occupy any
54 27 voting booth at any time. ~~No person shall occupy such booth~~
54 28 ~~for more than three minutes to cast a vote. Nothing in this~~
54 29 ~~section shall prohibit assistance to voters under section~~
54 30 ~~49.90. The use of cameras, cellular telephones, pagers, or~~
54 31 ~~other electronic communications devices in the voting booth is~~
54 32 ~~prohibited.~~

54 33 2. a. Nothing in this section shall prohibit assistance
54 34 to voters under section 49.90.

54 35 b. This section does not prohibit a voter from taking
55 1 minor children into the voting booth with the voter.

55 2 Sec. 101. Section 49.104, Code 2007, is amended by adding
55 3 the following new subsection:

55 4 NEW SUBSECTION. 8. Reporters, photographers, and other
55 5 staff representing the news media. However, representatives
55 6 of the news media, while present at or in the immediate
55 7 vicinity of the polling places, shall not do any of the
55 8 following:

55 9 a. Take a photograph or otherwise create an image of a
55 10 voter without the voter's permission.

55 11 b. Take a photograph or otherwise create an image of a
55 12 voter's ballot.

55 13 c. Interview a voter.

55 14 d. Interfere with the election process in any way.

55 15 Sec. 102. Section 50.9, Code 2007, is amended to read as
55 16 follows:

55 17 50.9 RETURN OF BALLOTS NOT VOTED.

55 18 Ballots not voted, or spoiled by voters while attempting to
55 19 vote, shall be returned by the precinct election officials to
55 20 the commissioner, and a receipt taken for the ballots. The
55 21 spoiled ballots shall be preserved for twenty-two months
55 22 following elections for federal offices and for six months
55 23 following elections for all other offices. The commissioner
55 24 shall record the number of ballots sent to the polling places
55 25 but not voted. The ballots not voted shall be destroyed after
55 26 the end of the period for contesting the election. However,

55 27 if a contest is requested, the ballots not voted shall be
55 28 preserved until the election contest is concluded.

55 29 Sec. 103. NEW SECTION. 50.15A UNOFFICIAL RESULTS OF
55 30 VOTING == GENERAL ELECTION ONLY.

55 31 1. In order to provide the public with an early source of
55 32 election results before the official canvass of votes, the
55 33 state commissioner of elections, in cooperation with the
55 34 commissioners of elections, shall conduct an unofficial
55 35 canvass of election results following the closing of the polls
56 1 on the day of a general election. The unofficial canvass
56 2 shall report election results for national offices, statewide
56 3 offices, the office of state representative, the office of
56 4 state senator, and other offices or public measures at the
56 5 discretion of the state commissioner of elections.

56 6 2. After the polls close on election day, the commissioner
56 7 of elections shall periodically provide election results to
56 8 the state commissioner of elections as the precincts in the
56 9 county report election results to the commissioner pursuant to
56 10 section 50.11. If the commissioner determines that all
56 11 precincts will not report election results before the office
56 12 is closed, the commissioner shall report the most complete
56 13 results available prior to leaving the office at the time the
56 14 office is closed as provided in section 50.11. The
56 15 commissioner shall specify the number of precincts included in
56 16 the report to the state commissioner of elections.

56 17 The state commissioner of elections shall tabulate
56 18 unofficial election results as the results are received from
56 19 the commissioners of elections and shall periodically make the
56 20 reports of the results available to the public.

56 21 3. Before the day of the general election, the state
56 22 commissioner of elections shall provide a form and
56 23 instructions for reporting unofficial election results
56 24 pursuant to this section.

56 25 Sec. 104. Section 50.49, unnumbered paragraph 4, Code
56 26 2007, is amended to read as follows:

56 27 The petitioners requesting the recount shall post a bond as
56 28 required by section 50.48, subsection 2. The amount of the
56 29 bond shall be one thousand dollars for a public measure
56 30 appearing on the ballot statewide or one hundred dollars for
56 31 any other public measure. If the difference between the
56 32 affirmative and negative votes cast on the public measure is
56 33 less than the greater of fifty votes or one percent of the
56 34 total number of votes cast for and against the question, a
56 35 bond is not required. If approval by sixty percent of the
57 1 votes cast is required for adoption of the public measure, no
57 2 bond is required if the difference between sixty percent of
57 3 the total votes cast for and against the question and the
57 4 number of affirmative votes cast ~~for the losing side~~ is less
57 5 than the greater of fifty votes or one percent of the total
57 6 number of votes cast.

57 7 Sec. 105. Section 53.23, subsection 3, paragraph b, Code
57 8 Supplement 2007, is amended to read as follows:

57 9 b. If the board finds any ballot not enclosed in a secrecy
57 10 envelope and the ballot is folded in such a way that any of
57 11 the votes cast on the ballot are visible, the two special
57 12 precinct election officials, one from each of the two
57 13 political parties referred to in section 49.13, subsection 2,
57 14 shall place the ballot in a secrecy envelope. No one shall
57 15 examine the ballot. ~~Each of the special precinct election~~
57 16 ~~officials shall sign the secrecy envelope.~~

57 17 Sec. 106. Section 423A.4, subsection 4, Code Supplement
57 18 2007, is amended to read as follows:

57 19 4. a. A city or county shall impose or repeal a hotel and
57 20 motel tax or increase or reduce the tax rate only after an
57 21 election at which a majority of those voting on the question
57 22 favors imposition, repeal, or change in rate. However, a
57 23 hotel and motel tax shall not be repealed or reduced in rate
57 24 if obligations are outstanding which are payable as provided
57 25 in section 423A.7, unless funds sufficient to pay the
57 26 principal, interest, and premium, if any, on the outstanding
57 27 obligations at and prior to maturity have been properly set
57 28 aside and pledged for that purpose. ~~The election shall be~~
57 29 ~~held at the time of the regular city election or the county's~~
57 30 ~~general election or at the time of a special election.~~

57 31 b. If the tax applies only within the corporate boundaries
57 32 of a city, only the registered voters of the city shall be
57 33 permitted to vote. The election shall be held at the time of
57 34 the regular city election or at a special election called for
57 35 that purpose. If the tax applies only in the unincorporated
58 1 areas of a county, only the registered voters of the
58 2 unincorporated areas of the county shall be permitted to vote.

58 3 The election shall be held at the time of the general election
58 4 or at a special election called for that purpose.
58 5 DIVISION VII
58 6 LOCAL REDISTRICTING
58 7 Sec. 107. Section 68B.32A, Code Supplement 2007, is
58 8 amended by adding the following new subsection:
58 9 NEW SUBSECTION. 15. Establish an expedited procedure for
58 10 reviewing complaints forwarded by the state commissioner of
58 11 elections to the board for a determination as to whether a
58 12 supervisor district plan adopted pursuant to section 331.210A
58 13 was drawn for improper political reasons as described in
58 14 section 42.4, subsection 5. The expedited procedure shall be
58 15 substantially similar to the process used for other complaints
58 16 filed with the board except that the provisions of section
58 17 68B.32D shall not apply.
58 18 Sec. 108. Section 331.210A, subsection 2, paragraph e,
58 19 Code 2007, is amended to read as follows:
58 20 e. The plan approved by the board of supervisors shall be
58 21 submitted to the state commissioner of elections for approval.
58 22 If the state commissioner or the ethics and campaign
58 23 disclosure board finds that the plan does not meet the
58 24 standards of section 42.4, the state commissioner shall reject
58 25 the plan, and the board of supervisors shall direct the
58 26 commission to prepare and adopt an acceptable plan.
58 27 For purposes of determining whether the standards of
58 28 section 42.4 have been met, an eligible elector may file a
58 29 complaint with the state commissioner of elections within
58 30 fourteen days after a plan is approved by the board of
58 31 supervisors of the county in which the eligible elector
58 32 resides, on a form prescribed by the commissioner, alleging
58 33 that the plan was drawn for improper political reasons as
58 34 described in section 42.4, subsection 5. If a complaint is
58 35 filed with the state commissioner of elections, the state
59 1 commissioner shall forward the complaint to the ethics and
59 2 campaign disclosure board established in section 68B.32 for
59 3 resolution.
59 4 If, after the initial proposed supervisor district plan or
59 5 precinct plan has been submitted to the state commissioner for
59 6 approval, it is necessary for the temporary county
59 7 redistricting commission to make subsequent attempts at
59 8 adopting an acceptable plan, the subsequent plans do not
59 9 require public hearings.

59 10 EXPLANATION
59 11 This bill makes various changes to the Code relating to the
59 12 conduct of elections, voting, and voter registration.
59 13 Division I of the bill provides for the election of the
59 14 directors of local school districts and merged areas in
59 15 September in odd-numbered years. Area education agencies are
59 16 required by law to hold their director district conventions
59 17 within two weeks of the regular school election. Area
59 18 education agency board directors are elected at those
59 19 conventions. In order to accomplish these purposes, the
59 20 division changes the terms of all of these directors from
59 21 three to four years and provides for a transition period.
59 22 Division II of the bill allows a county commissioner of
59 23 elections to establish voting centers for regular city
59 24 elections, regular school elections, and special elections and
59 25 provides that a registered voter at any of these elections may
59 26 vote at a voting center.
59 27 Division III of the bill makes changes relating to the
59 28 dates that certain local government special elections on
59 29 public measures can be held.
59 30 The division provides that special elections of a county
59 31 shall be held on the day of the general election, on the day
59 32 of the regular city election, on the date of a special
59 33 election held to fill a vacancy in the same county, or on the
59 34 second Tuesday in March of each year. Special elections of a
59 35 city shall be held on the day of the general election, on the
60 1 day of the regular city election, on the date of a special
60 2 election held to fill a vacancy in the same city, or on the
60 3 second Tuesday in March of each year. Special elections of a
60 4 school district or merged area shall be held on the day of the
60 5 regular school election or on the second Tuesday in February
60 6 of each year.
60 7 The division amends Code section 47.6 to conform filing
60 8 deadlines to the special election dates, including filing
60 9 deadlines for vacancies in city or county offices. The
60 10 division amends Code section 69.12 to change certain time
60 11 periods in determining the next pending election at which a
60 12 vacancy in office may be filled.
60 13 The division applies to elections held on or after January

60 14 1, 2009.

60 15 Division IV makes changes relating to voter registration.

60 16 The division creates new Code section 44.18 to provide a

60 17 procedure by which a nonparty political organization may be

60 18 listed on a voter registration form. The division applies to

60 19 a nonparty political organization that nominated a candidate

60 20 whose name appeared on the general election ballot for a

60 21 federal office, for governor, or for any other statewide

60 22 elective office in any of the preceding 10 years. To request

60 23 that it be listed on the voter registration form, a nonparty

60 24 political organization must file a petition with the state

60 25 registrar of voters containing the signatures of no fewer than

60 26 850 eligible electors residing in at least five counties in

60 27 the state, along with specified documents relating to

60 28 establishment of the organization. Beginning in January 2011,

60 29 and each odd-numbered year thereafter, the state registrar of

60 30 voters and the voter registration commission shall review the

60 31 number of voters registered as affiliated with a nonparty

60 32 political organization. If the number of voters affiliated

60 33 falls below 150, the commission shall declare the organization

60 34 to be dormant and shall remove its name from the voter

60 35 registration form. Corresponding amendments are made to Code

61 1 sections 48A.11 and 48A.27.

61 2 The division makes corrective changes to Code sections

61 3 48A.7A and 49.74 relating to registering to vote and voting

61 4 after the statutory deadline for registration has passed.

61 5 Code section 48A.11 is amended to strike the requirement

61 6 that the voter registration form include space for a rural

61 7 resident to provide township and section number and other

61 8 information describing where the person resides.

61 9 Code section 48A.12, relating to federal mail voter

61 10 registration forms, is amended to refer to the election

61 11 assistance commission created by the Help America Vote Act,

61 12 rather than to the federal election commission.

61 13 Code section 48A.26 is amended to provide that the

61 14 application of a registrant who did not answer the question on

61 15 the voter registration application relating to citizenship

61 16 shall be processed, and if the application is complete in all

61 17 other respects and information on the application is verified,

61 18 the applicant shall be registered to vote and sent an

61 19 acknowledgment. Current law provides that until a new

61 20 application is completed, the registration shall be entered as

61 21 a local registration, and the registrant may only vote in

61 22 elections that do not have a federal office on the ballot.

61 23 Code section 48A.37, relating to status codes used on

61 24 electronic registration records, is amended to delete the

61 25 reference to local registrations. The Code section is also

61 26 amended to add canceled registrations to the types of

61 27 registration status.

61 28 Division V of the bill makes changes relating to challenges

61 29 to a person's qualifications when registering to vote and when

61 30 voting.

61 31 Code sections 39A.3 and 39A.5 are amended to specify that

61 32 filing a challenge containing false information is an

61 33 aggravated misdemeanor.

61 34 Code section 48A.14 is amended to provide that a challenge

61 35 filed against a person who is registering to vote and voting

62 1 after the statutory deadline is considered a challenge to a

62 2 person offering to vote rather than a challenge of a voter

62 3 registration. Challenges to voter registrations are required

62 4 to be filed by a certain time to be considered for the next

62 5 pending election.

62 6 Code section 49.79 is amended to prescribe a form to be

62 7 used for challenging a prospective voter at the polls and

62 8 provides that a challenge that lacks the name, address,

62 9 telephone number, and signature of the challenger shall be

62 10 rejected. The Code section is also amended to conform its

62 11 provisions with those in Code section 48A.14, relating to

62 12 challenges of voter registrations.

62 13 Code section 49.81, relating to the procedure for a voter

62 14 to cast a provisional ballot, is rewritten to require the

62 15 state commissioner of elections to adopt, by rule, a statement

62 16 to be given to a person casting a provisional ballot. The

62 17 statement is to give the reason the voter is casting a

62 18 provisional ballot and other information about related

62 19 procedures. The Code section is also amended to require that

62 20 a signed challenge to a prospective voter be attached to that

62 21 voter's provisional ballot envelope.

62 22 Division VI of the bill makes general changes to election

62 23 law provisions.

62 24 Code section 39A.2 is amended to make it a class "D" felony

62 25 to intimidate, threaten, or coerce a person to sign or refrain
62 26 from signing a petition nominating a candidate for public
62 27 office or a petition requesting an election that is authorized
62 28 by law to be petitioned for. Code section 39A.2 is also
62 29 amended to make it a class "D" felony to tamper with voting
62 30 equipment.
62 31 Code section 39A.4 is amended to make it a serious
62 32 misdemeanor to make a false statement on an affidavit of
62 33 candidacy.
62 34 Code section 49.20 is amended to provide that members of
62 35 election boards shall be compensated at the rate of the
63 1 federal or state minimum wage, whichever is higher.
63 2 Code section 49.21 is amended to require that each polling
63 3 place designated be accessible to persons with disabilities
63 4 and removes the requirement that preference be given to
63 5 buildings that are accessible to the elderly. The Code
63 6 section is also amended to allow the county commissioner of
63 7 elections to receive a temporary waiver of the accessibility
63 8 requirement.
63 9 Code section 49.25 is amended to require the county
63 10 commissioner of elections to furnish voting equipment for use
63 11 by voters with disabilities in counties in which conventional
63 12 paper ballots are not used.
63 13 Code section 49.68 is amended to provide that two separate
63 14 sets of instructions shall be prepared for voters. The first
63 15 set shall cover matters relating to the rights of voters and
63 16 the second set shall contain instructions relative to voting.
63 17 Corresponding amendments are made to Code sections 49.70 and
63 18 49.71.
63 19 Code section 49.73 is amended to strike the provision that
63 20 states that the polls shall open as soon after 7 a.m. as
63 21 vacancies on the precinct election board have been filled.
63 22 Code section 49.77 is amended to strike the requirement
63 23 that the precinct election official announce a voter's name
63 24 aloud for the benefit of any observers at the polling place.
63 25 The Code section is also amended to specify that if the
63 26 declaration of eligibility is printed on the election
63 27 register, voters must also sign a voter roster which is to be
63 28 made available to observers at the polling place.
63 29 Code section 49.88 is amended to remove the requirement
63 30 that a voter take no more than three minutes to cast a vote.
63 31 The Code section is also amended to prohibit the use of
63 32 cameras, cellular telephones, pagers, and other electronic
63 33 communications devices in the voting booth.
63 34 Code section 49.104, relating to persons permitted at the
63 35 polling place, is amended to add reporters, photographers, and
64 1 other staff representing the news media, with certain
64 2 prohibitions pertaining to conduct by such persons.
64 3 Code section 50.9 is amended to provide that the number of
64 4 ballots not voted at an election shall be recorded by the
64 5 county commissioner of elections and retained until after the
64 6 end of the period for contesting an election or, if an
64 7 election contest is requested, until the election contest is
64 8 concluded.
64 9 New Code section 50.15A authorizes the state commissioner
64 10 of elections to report unofficial election results after the
64 11 closing of the polls on the day of a general election. This
64 12 codifies current administrative rules.
64 13 Code section 50.49, relating to a request for a recount of
64 14 the vote on a public measure, changes the equation for
64 15 determining whether a bond is required to be paid.
64 16 Code section 53.23 is amended to strike the requirement
64 17 that each special precinct election official sign the secrecy
64 18 envelope when the officials place an absentee ballot into a
64 19 secrecy envelope.
64 20 Code section 423A.4 is amended to clarify what voters are
64 21 eligible to vote at an election to impose, repeal, or change
64 22 the percentage rate of a hotel and motel tax. The division
64 23 provides that if the tax is imposed only within a city, the
64 24 registered voters of the city shall be permitted to vote. If
64 25 the tax applies only in the unincorporated areas of a county,
64 26 only the registered voters of the unincorporated areas shall
64 27 be permitted to vote.
64 28 Division VII provides that the ethics and campaign
64 29 disclosure board shall establish an expedited procedure for
64 30 reviewing a county supervisor redistricting plan to determine
64 31 if the plan was drawn for improper political reasons in
64 32 violation of Code section 42.4, subsection 5. The procedure
64 33 shall be substantially similar to the process used for other
64 34 complaints considered by the board. The division provides
64 35 that an eligible elector in the county for which the plan was

65 1 adopted has 14 days following adoption of the plan to file a
65 2 complaint with the state commissioner of elections alleging a
65 3 violation. The division provides that the state commissioner
65 4 shall forward the complaint to the ethics board and if the
65 5 board does find a violation, the state commissioner is
65 6 required to reject the plan.
65 7 LSB 5403DP 82
65 8 sc/nh/8.1