

APR 6 1978

STATE GOVERNMENT

HOUSE FILE 2398

By RINAS

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the manner in which names of independent
2 candidates are placed on the ballot.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section forty-nine point forty-two (49.42),
2 Code 1977, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. If one or more independent can-
5 didates have qualified for the general election ballot in
6 the manner prescribed by chapter forty-five (45) of the Code,
7 their names shall be printed on the ballot in a vertical
8 column or a horizontal row in the manner described in this
9 section, except that that column or row shall not be headed
10 by words or a symbol indicating that the voter may vote for
11 all candidates listed in that column or row by a single mark
12 or action. Such column or row shall appear on the ballot
13 to the right of the vertical columns or below the horizontal
14 rows containing the names of candidates of political parties
15 as defined by section forty-three point two (43.2) of the
16 Code, and to the left of or above any column or rows containing
17 names of candidates nominated in the manner prescribed by
18 chapter forty-four (44) of the Code.

19 Sec. 2. Section forty-nine point ninety-four (49.94),
20 Code 1977, is amended by adding the following new unnumbered
21 paragraph:

22 NEW UNNUMBERED PARAGRAPH. The ballot column or row contain-
23 ing the names of candidates nominated in the manner prescribed
24 by chapter forty-five (45) of the Code shall not be considered
25 a ticket. A vote shall be counted for a candidate whose name
26 appears in that column or row only if the voter has placed
27 a cross or check in the square opposite that candidate's name.

28 Sec. 3. Section fifty-two point twelve (52.12), Code 1977,
29 is amended to read as follows:

30 52.12 EXCEPTION--PARTY CIRCLE AND GENERAL FORM. The pro-
31 visions of section 49.42 shall not be applicable to voting
32 machines owned prior to April 1, 1921, by any county or
33 municipality insofar as they relate to the party circle and
34 the form of the ballot generally; but nothing herein contained
35 shall prohibit the use of voting machines equipped to comply

1 with the foregoing provisions. However, such machines shall
2 be so prepared as to comply with the requirements of that
3 section, and with the intent of section forty-nine point
4 ninety-four (49.94) of the Code, respecting the manner of
5 voting for candidates nominated in the manner prescribed by
6 chapter forty-five (45) of the Code.

7 Sec. 4. This Act is effective January 1, 1979.

8 EXPLANATION

9 This bill requires that in preparing the general election
10 ballot, county commissioners of elections place the ballot
11 column or voting machine row on which independent candidates
12 are listed ahead of the columns or rows containing the names
13 of minor party candidates. The bill is written so as to make
14 it clear that one may not cast a "straight ticket" vote for
15 all independent candidates listed. This is necessary because
16 it is possible that more than one independent candidate may
17 qualify to seek election to the same office.

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