

Reprinted 4/1/81

SENATE FILE 384

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 290)  
*Approved 5/10 (p. 73c)*

FILED MAR 10 1981

Passed Senate, Date 3-30-81 (p. 1002) Passed House, Date \_\_\_\_\_  
Vote: Ayes 42 Nays 2 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to elections by revising the statutes governing  
2 the furnishing of nomination papers, nominations by parties,  
3 nonparty political organizations and petition, nominations  
4 of presidential electors, information requested for  
5 registration, closing registration for elections, reporting  
6 on party registration, allowing employees time off work to  
7 vote, and delivering absentee ballots.

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

9  
10  
11  
12  
13  
14  
15  
16  
17

SENATE FILE 384

S-3178

1 Amend Senate File 384 as follows:  
2 1. Page 4, by striking lines 22 through 23  
3 and inserting in lieu thereof the words:  
4 "Registration shall close in a precinct at five  
5 o'clock p.m., ten days before an general election  
6 and eleven days before all other elections, except as  
7 provided".

S-3178 FILED  
MARCH 11, 1981

*Adopted 3/30 (p. 1002)*

BY JOHN N. NYSTROM  
TOM SLATER

1 Section 1. Chapter 43, Code 1981, is amended by adding  
2 the following new section:

3 NEW SECTION. A person who has filed nomination papers  
4 and been placed on the ballot as a candidate in a primary  
5 election under this chapter shall not be eligible for  
6 nomination as a candidate for the same office to be filled  
7 at the following general election by another party, by a  
8 nonparty political organization or by petition.

9 Sec. 2. Section 43.8, Code 1981, is amended to read as  
10 follows:

11 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The state  
12 commissioner shall, at state expense, furnish blank nomination  
13 papers, in the form provided in this chapter, to any ~~qualified~~  
14 eligible elector who desires to petition for the nomination  
15 of any candidate, or to any person who intends to be a  
16 candidate, for any office for which nomination papers are  
17 required to be filed in ~~his~~ the state commissioner's office.

18 Sec. 3. Section 44.3, subsection 1, paragraph e, Code  
19 1981, is amended to read as follows:

20 e. In case of presidential ~~electors~~ candidates, the names  
21 and addresses of presidential electors shall be stated, and  
22 the names of the candidates for president and vice president  
23 shall be added to the name of the organization.

24 Sec. 4. Section 45.1, Code 1981, is amended to read as  
25 follows:

26 45.1 NOMINATIONS BY PETITION. Nominations for candidates  
27 for president and vice president and for state offices may  
28 be made by nomination ~~paper-er~~ papers signed by not less than  
29 one thousand eligible electors of the state; for candidates  
30 for offices filled by the voters of a county, district or  
31 other division by ~~such~~ papers signed by eligible electors  
32 residing in the county, district or division equal in number  
33 to at least two percent of the total vote received by all  
34 candidates for president of the United States or governor,  
35 as the case may be, at the last preceding general election

1 in ~~such~~ the county, district or division; and for township,  
2 city or ward, by ~~such~~ papers signed by not less than twenty-  
3 five eligible electors, residents of ~~such~~ the township, city  
4 or ward. In the case of candidates for president and vice  
5 president, the names and addresses of the candidates for  
6 presidential electors shall be printed on the face of or  
7 attached to each page of the nomination petition.

8 Sec. 5. Section 48.5, subsection 3, Code 1981, is amended  
9 to read as follows:.

10 3. ~~Neither the~~ The duplicate registration records open  
11 to public inspection ~~nor~~ and any list obtained under subsection  
12 2 shall be used ~~for any purpose of any kind or nature, other~~  
13 than only to request a registrant's vote or for any other  
14 bona fide political purpose or for a bona fide official purpose  
15 by an elected official. The commissioner or registrar shall  
16 keep a list of the name, address, telephone number, and social  
17 security number of each person who copies or obtains copies  
18 of the registration lists. Any person that uses such lists  
19 in violation of this section shall, upon conviction, be guilty  
20 of a serious misdemeanor.

21 Sec. 6. Section 48.6, Code 1981, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. Residential telephone number at the option  
24 of the applicant.

25 Sec. 7. Section 48.6, subsection 6, Code 1981, is amended  
26 to read as follows:

27 6. Ward, precinct, school district, and such other  
28 districts in which the registrant resides which are empowered  
29 to call special elections. To assist in making this  
30 determination the commissioner may also request other  
31 information including but not limited to ~~telephone number,~~  
32 fire district number or township, range and section number  
33 of the location of the applicant's residence. The commissioner  
34 may if necessary obtain the needed information from other  
35 sources, but shall in no case decline to register an applicant

1 because the applicant is unable to provide any of the  
2 information referred to in this subsection.

3 Sec. 8. Section 48.7, Code 1981, is amended to read as  
4 follows:

5 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS. The commissioner  
6 of registration shall make available forms for use by qualified  
7 electors in giving notice of a legal change of name or a  
8 change of address within the county, or both. The notice  
9 shall provide space for the qualified elector's current name  
10 in full and the address of the exact location where he or  
11 she currently resides, current residential telephone number,  
12 the full name under which the elector was previously  
13 registered, if a legal change of name has occurred, the  
14 previous residence address of the elector, if a change of  
15 address has occurred, and the elector's signature. If the  
16 commissioner of registration receives written notification  
17 of a change of name or address from any qualified elector  
18 in the county and the notice does not contain the required  
19 information regarding name and address, the commissioner shall  
20 immediately send by forwardable mail to the elector at his  
21 or her last known address notice that the elector's  
22 registration is defective. Upon receipt of any valid change  
23 of name or address notice, on or before the last day of  
24 registration before any election, the commissioner of  
25 registration shall make entry of the change, as necessary,  
26 on the original and duplicate registration lists and the  
27 elector shall be qualified to vote under the new name or in  
28 the new election precinct, or both, as the case may be. If  
29 a qualified elector fails to notify the commissioner of  
30 registration of a change of legal name or of residence address  
31 before the close of registration for any election the elector  
32 shall not be qualified to vote at that election, except that  
33 if a change of residence address or change of name does not  
34 require printing the qualified elector's name in a different  
35 election register for that election, the qualified elector

1 shall be allowed to vote. A precinct election official shall  
2 have such an elector complete a registration form of the type  
3 prescribed for use by electors registering under section 48.3,  
4 at the polls and shall return the card to the commissioner  
5 with the election supplies. Upon receipt of the registration  
6 form, if the election was conducted for a political subdivision  
7 located in more than one county and the elector has listed  
8 a new address which is outside the commissioner's own county,  
9 the commissioner shall forward the form to the commissioner  
10 of the elector's county of residence.

11 Sec. 9. Section 48.8, unnumbered paragraph 1, Code 1981,  
12 is amended to read as follows:

13 The county commissioner of registration shall prepare an  
14 election register for each county precinct between the time  
15 of the closing of registration and election day. The election  
16 register shall be a copy of the list of all qualified electors  
17 of the precinct, include the elector's residential telephone  
18 number if given and shall be in a form prescribed by the state  
19 commissioner of elections.

20 Sec. 10. Section 48.11, unnumbered paragraph 2, Code 1981,  
21 is amended to read as follows:

22 Registration shall close in a precinct at five o'clock  
23 p.m., ~~ten~~ eleven days before an election, except as provided  
24 in section 48.3. The commissioner's office shall be open  
25 from eight o'clock a.m. until at least six o'clock p.m. on  
26 the day registration closes prior to each regularly scheduled  
27 election.

28 Sec. 11. Section 48.32, Code 1981, is amended by striking  
29 the section and inserting in lieu thereof the following:

30 48.32 REPORTS. On March 1 of each year and at other times  
31 deemed appropriate, the registrar shall report the number  
32 of persons registered in each political party in each county.

33 Sec. 12. Section 49.68, subsection 8, Code 1981, is amended  
34 by striking the subsection.

35 Sec. 13. Section 49.109, Code 1981, is amended to read

1 as follows:

2 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any person  
3 entitled to vote at ~~a general~~ an election in this state who  
4 does not have three consecutive hours in the period between  
5 the time of the opening and the time of the closing of the  
6 polls during which ~~he~~ the person is not required to be present  
7 at work for an employer, ~~shall be~~ is entitled to such time  
8 off from ~~his~~ work time to vote as will in addition to ~~his~~  
9 the person's nonworking time total three consecutive hours  
10 during the time the polls are open. Application by any  
11 employee for such absence shall be made individually and in  
12 writing prior to the date of the election, and the employer  
13 shall designate the period of time to be taken. ~~Such voter~~  
14 ~~shall~~ The employee is not be liable to any penalty nor shall  
15 any deduction be made from ~~his~~ the person's regular salary  
16 or wages on account of such absence.

17 Sec. 14. Section 53.17, Code 1981, is amended to read  
18 as follows:

19 53.17 MAILING OR DELIVERING BALLOT. The sealed envelope  
20 containing the absentee ballot shall be enclosed in a carrier  
21 envelope which shall be securely sealed. The sealed carrier  
22 envelope shall be delivered by the qualified elector or ~~his~~  
23 a designee to the commissioner or a deputy in ~~his~~ the  
24 commissioner's office, or mailed, postage paid, to the office  
25 of the commissioner. The carrier envelope shall be received  
26 by the commissioner until ~~eight o'clock p.m.~~ the closing of  
27 the polls on election day.

28 Sec. 15. Section 54.5, Code 1981, is amended to read as  
29 follows:

30 54.5 PRESIDENTIAL NOMINEES. The names of the candidates  
31 for president and vice president, ~~respectively,~~ of a political  
32 party as defined in the law relating to primary elections,  
33 shall, ~~at least sixty-five days~~ by five o'clock p.m. on the  
34 sixty-seventh day prior to the election, be certified to the  
35 state commissioner by the ~~chairman~~ chairperson and secretary

1 of the state central committee of said the party.

2 EXPLANATION

3 This bill makes several changes in the statutes governing  
4 elections.

5 Section 1 provides that a person who is on the primary  
6 ballot is ineligible to be nominated for that office in the  
7 general election by another party, a nonparty organization  
8 or by petition.

9 Section 2 provides for furnishing nomination papers to  
10 eligible electors since candidates and petitioners are not  
11 required to be qualified electors.

12 Section 3 requires the names and addresses of the  
13 presidential electors to be included in a nomination  
14 certificate for a nonparty political organization.

15 Section 4 provides that nominations by petition for  
16 president and vice president shall have the names and addresses  
17 of the candidates for presidential electors on the petition.

18 Section 5 allows registration records to be used for bona  
19 fide official purposes by elected officials.

20 Sections 6 through 9 require the registration form to  
21 request the residential telephone number and the election  
22 register to include it if given.

23 Section 10 provides that the county commissioner of  
24 elections may close registration eleven instead of ten days  
25 before an election.

26 Section 11 changes the date of the registrar's annual  
27 report on party registration.

28 Sections 12 and 13 provide that the right of an employee  
29 to have three consecutive nonworking hours while the polls  
30 are open applies to all elections and is not limited to general  
31 elections and strikes a reference to an employee's two hours  
32 off work.

33 Section 14 provides that absentee ballots may be delivered  
34 to the commissioner until the polls close.

35 Section 15 makes the deadline for presidential and vice

1 presidential nominations consistent with other nomination  
2 deadlines.

3 The bill takes effect July 1 following enactment.

4

5

SENATE FILE 384

S-3262

1 Amend Senate File 384 as follows:

2 1. Page 2, by inserting after line 7 the following:

3 "Sec. \_\_\_\_ Section 48.5, subsection 2, paragraph a,

4 Code 1981, is amended to read as follows:

5 a. Each list shall be produced in the order and  
6 form specified by the requester, so long as that order  
7 and form are within the capacity of the record maintenance  
8 system used by the registrar; however, the available  
9 residential telephone numbers shall be included if requested."

10 2. Page 4, by striking lines 11 through 19.

11 3. By renumbering sections as required by this  
12 amendment.

S-3262 FILED & ADOPTED  
MARCH 30, 1981 (p 1002)

BY JOHN N. NYSTROM

--  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35



3558  
2007

1 Section 1. Chapter 43, Code 1981, is amended by adding  
2 the following new section:

3 NEW SECTION. A person who has filed nomination papers  
4 and been placed on the ballot as a candidate in a primary  
5 election under this chapter shall not be eligible for  
6 nomination as a candidate for the same office to be filled  
7 at the following general election by another party, by a  
8 nonparty political organization or by petition.

9 Sec. 2. Section 43.8, Code 1981, is amended to read as  
10 follows:

11 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The state  
12 commissioner shall, at state expense, furnish blank nomination  
13 papers, in the form provided in this chapter, to any qualified  
14 eligible elector who desires to petition for the nomination  
15 of any candidate, or to any person who intends to be a  
16 candidate, for any office for which nomination papers are  
17 required to be filed in ~~his~~ the state commissioner's office.

18 Sec. 3. Section 44.3, subsection 1, paragraph e, Code  
19 1981, is amended to read as follows:

20 e. In case of presidential ~~electors~~ candidates, the names  
21 and addresses of presidential electors shall be stated, and  
22 the names of the candidates for president and vice president  
23 shall be added to the name of the organization.

24 Sec. 4. Section 45.1, Code 1981, is amended to read as  
25 follows:

26 45.1 NOMINATIONS BY PETITION. Nominations for candidates  
27 for president and vice president and for state offices may  
28 be made by nomination ~~paper-or~~ papers signed by not less than  
29 one thousand eligible electors of the state; for candidates  
30 for offices filled by the voters of a county, district or  
31 other division by ~~such~~ papers signed by eligible electors  
32 residing in the county, district or division equal in number  
33 to at least two percent of the total vote received by all  
34 candidates for president of the United States or governor,  
35 as the case may be, at the last preceding general election

1 in ~~such~~ the county, district or division; and for township,  
2 city or ward, by ~~such~~ papers signed by not less than twenty-  
3 five eligible electors, residents of ~~such~~ the township, city  
4 or ward. In the case of candidates for president and vice  
5 president, the names and addresses of the candidates for  
6 presidential electors shall be printed on the face of or  
7 attached to each page of the nomination petition.

8 Sec. 5. Section 48.5, subsection 2, paragraph a, Code  
9 1981, is amended to read as follows:

10 a. Each list shall be produced in the order and form  
11 specified by the requester, so long as that order and form  
12 are within the capacity of the record maintenance system used  
13 by the registrar; however, the available residential telephone  
14 numbers shall be included if requested.

15 Sec. 6. Section 48.5, subsection 3, Code 1981, is amended  
16 to read as follows:.

17 3. ~~Neither the~~ The duplicate registration records open  
18 to public inspection ~~nor~~ and any list obtained under subsection  
19 2 shall be used ~~for any purpose of any kind or nature, other~~  
20 ~~than~~ only to request a registrant's vote or for any other  
21 bona fide political purpose or for a bona fide official purpose  
22 by an elected official. The commissioner or registrar shall  
23 keep a list of the name, address, telephone number, and social  
24 security number of each person who copies or obtains copies  
25 of the registration lists. Any person that uses such lists  
26 in violation of this section shall, upon conviction, be guilty  
27 of a serious misdemeanor.

28 Sec. 7. Section 48.6, Code 1981, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. Residential telephone number at the option  
31 of the applicant.

32 Sec. 8. Section 48.6, subsection 6, Code 1981, is amended  
33 to read as follows:

34 6. Ward, precinct, school district, and such other  
35 districts in which the registrant resides which are empowered

1 to call special elections. To assist in making this  
2 determination the commissioner may also request other  
3 information including but not limited to ~~telephone-number,~~  
4 fire district number or township, range and section number  
5 of the location of the applicant's residence. The commissioner  
6 may if necessary obtain the needed information from other  
7 sources, but shall in no case decline to register an applicant  
8 because the applicant is unable to provide any of the  
9 information referred to in this subsection.

10 Sec. 9. Section 48.7, Code 1981, is amended to read as  
11 follows:

12 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS. The commissioner  
13 of registration shall make available forms for use by qualified  
14 electors in giving notice of a legal change of name or a  
15 change of address within the county, or both. The notice  
16 shall provide space for the qualified elector's current name  
17 in full and the address of the exact location where he or  
18 she currently resides, current residential telephone number,  
19 the full name under which the elector was previously  
20 registered, if a legal change of name has occurred, the  
21 previous residence address of the elector, if a change of  
22 address has occurred, and the elector's signature. If the  
23 commissioner of registration receives written notification  
24 of a change of name or address from any qualified elector  
25 in the county and the notice does not contain the required  
26 information regarding name and address, the commissioner shall  
27 immediately send by forwardable mail to the elector at his  
28 or her last known address notice that the elector's  
29 registration is defective. Upon receipt of any valid change  
30 of name or address notice, on or before the last day of  
31 registration before any election, the commissioner of  
32 registration shall make entry of the change, as necessary,  
33 on the original and duplicate registration lists and the  
34 elector shall be qualified to vote under the new name or in  
35 the new election precinct, or both, as the case may be. If

1 a qualified elector fails to notify the commissioner of  
2 registration of a change of legal name or of residence address  
3 before the close of registration for any election the elector  
4 shall not be qualified to vote at that election, except that  
5 if a change of residence address or change of name does not  
6 require printing the qualified elector's name in a different  
7 election register for that election, the qualified elector  
8 shall be allowed to vote. A precinct election official shall  
9 have such an elector complete a registration form of the type  
10 prescribed for use by electors registering under section 48.3,  
11 at the polls and shall return the card to the commissioner  
12 with the election supplies. Upon receipt of the registration  
13 form, if the election was conducted for a political subdivision  
14 located in more than one county and the elector has listed  
15 a new address which is outside the commissioner's own county,  
16 the commissioner shall forward the form to the commissioner  
17 of the elector's county of residence.

18 Sec. 10. Section 48.11, unnumbered paragraph 2, Code 1981,  
19 is amended to read as follows:

20 Registration shall close in a precinct at five o'clock  
21 p.m., ten days before an a general election and eleven days  
22 before all other elections, except as provided in section  
23 48.3. The commissioner's office shall be open from eight  
24 o'clock a.m. until at least six o'clock p.m. on the day  
25 registration closes prior to each regularly scheduled election.

26 Sec. 11. Section 48.32, Code 1981, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 48.32 REPORTS. On March 1 of each year and at other times  
29 deemed appropriate, the registrar shall report the number  
30 of persons registered in each political party in each county.

31 Sec. 12. Section 49.68, subsection 8, Code 1981, is amended  
32 by striking the subsection.

33 Sec. 13. Section 49.109, Code 1981, is amended to read  
34 as follows:

35 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any person

1 entitled to vote at a-general an election in this state who  
2 does not have three consecutive hours in the period between  
3 the time of the opening and the time of the closing of the  
4 polls during which he the person is not required to be present  
5 at work for an employer, ~~shall-be~~ is entitled to such time  
6 off from ~~his~~ work time to vote as will in addition to ~~his~~  
7 the person's nonworking time total three consecutive hours  
8 during the time the polls are open. Application by any  
9 employee for such absence shall be made individually and in  
10 writing prior to the date of the election, and the employer  
11 shall designate the period of time to be taken. ~~Such-voter~~  
12 ~~shall~~ The employee is not be liable to any penalty nor shall  
13 any deduction be made from ~~his~~ the person's regular salary  
14 or wages on account of such absence.

15 Sec. 14. Section 53.17, Code 1981, is amended to read  
16 as follows:

17 53.17 MAILING OR DELIVERING BALLOT. The sealed envelope  
18 containing the absentee ballot shall be enclosed in a carrier  
19 envelope which shall be securely sealed. The sealed carrier  
20 envelope shall be delivered by the qualified elector or ~~his~~  
21 a designee to the commissioner or a deputy in ~~his~~ the  
22 commissioner's office, or mailed, postage paid, to the office  
23 of the commissioner. The carrier envelope shall be received  
24 by the commissioner until ~~eight-o'clock-p.m.~~ the closing of  
25 the polls on election day.

26 Sec. 15. Section 54.5, Code 1981, is amended to read as  
27 follows:

28 54.5 PRESIDENTIAL NOMINEES. The names of the candidates  
29 for president and vice president, ~~respectively,~~ of a political  
30 party as defined in the law relating to primary elections,  
31 shall, ~~at-least-sixty-five-days~~ by five o'clock p.m. on the  
32 sixty-seventh day prior to the election, be certified to the  
33 state commissioner by the ~~chairman~~ chairperson and secretary  
34 of the state central committee of ~~said~~ the party.

SENATE FILE 384

H-3688

1 Amend Senate File 384 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. By striking all after the enacting clause and  
4 inserting in lieu thereof the following:

5 "Section 1. Section 43.8, Code 1981, is amended  
6 to read as follows:

7 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The  
8 state commissioner shall, at state expense, furnish  
9 blank nomination papers, in the form provided in this  
10 chapter, to any qualified eligible elector who desires  
11 to petition for the nomination of any candidate, or  
12 to any person who intends to be a candidate, for any  
13 office for which nomination papers are required to  
14 be filed in ~~his~~ the state commissioner's office.

15 Sec. 2. Section 43.66, Code 1981, is amended to  
16 read as follows:

17 43.66 WRITE-IN CANDIDATES. The fact that the  
18 candidate who receives the highest number of votes  
19 cast for any party's nomination for an office to which  
20 section 43.52 or 43.65 is applicable is a person whose  
21 name was not printed on the official primary election  
22 ballot shall not affect the validity of the person's  
23 nomination as a candidate for that office in the  
24 general election. However, if there is no candidate  
25 on the official primary ballot of a political party  
26 for nomination to a particular office, a write-in  
27 candidate may obtain the party's nomination to that  
28 office in the primary if the candidate receives a  
29 number of votes equal to at least thirty-five percent  
30 of the total vote cast for all of that party's  
31 candidates for that office in the last preceding  
32 primary election for which the party had candidates  
33 on the ballot for that office. If there have been  
34 no candidates from a political party for a seat in  
35 the general assembly since the most recent  
36 redistricting of the general assembly, a write-in  
37 candidate shall be considered nominated who receives  
38 a number of votes equal to at least thirty-five percent  
39 of the total votes cast, at the last preceding primary  
40 election in the precincts which currently constitute  
41 the general assembly district, for all of that party's  
42 candidates for representative in the congress of the  
43 United States or who receives at least one hundred  
44 votes, whichever number is greater. When two or more  
45 nominees are required, the division procedure  
46 prescribed in section 43.52 shall be applied to  
47 establish the minimum number of write-in votes  
48 necessary for nomination. If the primary is  
49 inconclusive, the necessary nominations shall be made  
50 in accordance with section 43.78, subsection 1.

1 Sec. 3. Section 43.88, Code 1981, is amended by  
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Nominations certified  
4 to the proper official under this section shall be  
5 accompanied by an affidavit executed by the nominee  
6 in substantially the form required by section 43.67.

7 Sec. 4. Section 43.92, Code 1981, is amended to  
8 read as follows:

9 43.92 DATE OF CAUCUS PUBLISHED. The date, time,  
10 and place of each precinct caucus of a political party  
11 shall be published at least twice in at least one  
12 newspaper of general circulation in the precinct.  
13 ~~Such~~ The first publication shall be made not more  
14 than ~~thirty~~ fifteen days ~~and not~~ nor less than ~~five~~  
15 seven days before the date of the caucus and the  
16 second shall be made not more than seven days before  
17 and not later than the date of the caucus. Such  
18 publication shall also state in substance that each  
19 voter affiliated with the specified political party  
20 may attend the precinct caucus. Publication in a  
21 news item or advertisement in such newspaper shall  
22 constitute publication for the purposes of this  
23 section. The cost of such publication, if any, shall  
24 be paid by the political party.

25 Sec. 5. Section 44.3, subsection 1, paragraph  
26 e, Code 1981, is amended to read as follows:

27 e. In case of presidential ~~electors~~ candidates,  
28 the names and addresses of presidential electors shall  
29 be stated, and the names of the candidates for  
30 president and vice president shall be added to the  
31 name of the organization.

32 Sec. 6. Section 44.13, Code 1981, is amended to  
33 read as follows:

34 44.13 CERTIFICATES IN MATTER OF VACANCIES. The  
35 certificates of nominations made to supply such  
36 vacancies shall state, in addition to the facts and  
37 candidate's affidavit required in an original  
38 certificate, the name of the original nominee, the  
39 date of his death or declination of nomination, or  
40 the fact that the former nomination has been held  
41 insufficient or inoperative, and the measures taken  
42 in accordance with the above requirements for filling  
43 a vacancy, and shall be signed and sworn to by the  
44 presiding officer and secretary of the convention,  
45 or caucus, or by the chairman and secretary of the  
46 committee, as the case may be.

47 Sec. 7. Section 45.1, Code 1981, is amended to  
48 read as follows:

49 45.1 NOMINATIONS BY PETITION. Nominations for  
50 candidates for president and vice president and for

1 state offices may be made by nomination paper-~~or~~  
2 papers signed by not less than one thousand eligible  
3 electors of the state; for candidates for offices  
4 filled by the voters of a county, district or other  
5 division by ~~such~~ papers signed by eligible electors  
6 residing in the county, district or division equal  
7 in number to at least two percent of the total vote  
8 received by all candidates for president of the United  
9 States or governor, as the case may be, at the last  
10 preceding general election in ~~such~~ the county, district  
11 or division; and for township, city or ward, by ~~such~~  
12 papers signed by not less than twenty-five eligible  
13 electors, residents of ~~such~~ the township, city or  
14 ward. In the case of candidates for president and  
15 vice president, the names and addresses of the  
16 candidates for presidential elector; shall be printed  
17 on the face of or attached to each page of the  
18 nomination petition.

19 Sec. 8. Section 47.1, Code 1981, is amended to  
20 read as follows:

21 47.1 STATE COMMISSIONER OF ELECTIONS. The  
22 secretary of state is designated as the state  
23 commissioner of elections and shall supervise the  
24 activities of the county commissioners of elections.  
25 There is established within the office of the secretary  
26 of state a division of elections which shall be under  
27 the direction of the state commissioner of elections.  
28 The state commissioner of elections may appoint a  
29 person to be in charge of the division of elections  
30 who shall perform ~~such~~ the duties ~~as may be~~ assigned  
31 by the state commissioner of elections. The state  
32 commissioner of elections shall prescribe uniform  
33 election practices and procedures, shall prescribe  
34 the necessary forms required for the conduct of  
35 elections, shall assign a number to each proposed  
36 constitutional amendment and statewide public measure  
37 for identification purposes, and shall adopt rules,  
38 pursuant to chapter 17A, to carry out ~~the provisions~~  
39 of this section.

40 Sec. 9. Section 47.2, Code 1981, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. The commissioner shall assign  
43 each local public measure a letter for identification  
44 purposes. The public measure on the ballot shall  
45 be identified by the letter.

46 The county commissioner who is responsible under  
47 subsection 2 for conducting the elections held for  
48 a political subdivision which lies in more than one  
49 county shall assign the letter to the public measure.  
50 The county commissioners of elections of the other

1 counties in which the political subdivision is lo-  
2 cated shall not assign the same letter to a local  
3 public measure on the ballot in their counties during  
4 the same election.

5 Sec. 10. Section 47.7, subsection 1, Code 1981,  
6 is amended to read as follows:

7 1. The senior administrator of data processing  
8 services in the office of the state comptroller is  
9 designated the state registrar of voters, and shall  
10 regulate the preparation, preservation and maintenance  
11 of voter registration records, the preparation of  
12 precinct election registers for all elections  
13 administered by the commissioner of any county, and  
14 the preparation of other data on voter registration  
15 and participation in elections as shall be requested  
16 and purchased at actual cost of preparation and  
17 production by a political party or any resident of  
18 this state, ~~except as otherwise provided by section~~  
19 ~~48.5, subsection 2, paragraph "d"~~. The registrar shall  
20 maintain a log, which shall be a public record, showing  
21 all lists and reports which have been requested or  
22 generated or which are capable of being generated  
23 by existing programs of the data processing services  
24 in the office of the state comptroller.

25 Sec. 11. Section 48.5, subsection 2, paragraph  
26 d, Code 1981, is amended by striking the paragraph.

27 Sec. 12. Section 48.5, subsection 2, paragraphs  
28 a and e, Code 1981, are amended to read as follows:

29 a. Each list shall be produced in the order and  
30 form specified by the requester, so long as that order  
31 and form are within the capacity of the record  
32 maintenance system used by the registrar; however,  
33 the available residential telephone numbers shall  
34 be included if requested.

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

49 Sec. 13. Section 48.5, subsection 3, Code 1981,  
50 is amended to read as follows:

1       3. ~~Neither-the~~ The duplicate registration records  
2 open to public inspection ~~and~~ and any list obtained  
3 under subsection 2 shall be used ~~for-any-purposes-of~~  
4 ~~any-kind-or-nature,-other-than~~ only to request a  
5 registrant's vote or ~~for~~ any other bona fide political  
6 purpose or for a bona fide official purpose by an  
7 elected official. The commissioner or registrar shall  
8 keep a list of the name, address, telephone number,  
9 and social security number of each person who copies  
10 or obtains copies of the registration lists. Any  
11 person that uses such lists in violation of this  
12 section shall, upon conviction, be guilty of a serious  
13 misdemeanor.

14       Sec. 14. Section 48.6, Code 1981, is amended by  
15 adding the following new subsection:

16       NEW SUBSECTION. Residential telephone number at  
17 the option of the applicant.

18       Sec. 15. Section 48.6, subsection 6, Code 1981,  
19 is amended to read as follows:

20       6. Ward, precinct, school district, and such other  
21 districts in which the registrant resides which are  
22 empowered to call special elections. To assist in  
23 making this determination the commissioner may also  
24 request other information including but not limited  
25 to ~~telephone-number,~~ fire district number or township,  
26 range and section number of the location of the  
27 applicant's residence. The commissioner may if  
28 necessary obtain the needed information from other  
29 sources, but shall in no case decline to register  
30 an applicant because the applicant is unable to provide  
31 any of the information referred to in this subsection.

32       Sec. 16. Section 48.7, Code 1981, is amended by  
33 striking the section and inserting in lieu thereof  
34 the following:

35       48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

36       1. A qualified elector may record a legal change  
37 of name or a change of telephone number or address,  
38 for voter registration purposes, by one of the  
39 following methods:

40       a. The qualified elector may submit to the  
41 commissioner a written notice of the change of name,  
42 telephone number, or address, bearing the elector's  
43 signature. Upon receipt of the notice, the  
44 commissioner shall change the registration records  
45 accordingly and the change shall be reflected in the  
46 election registers prepared for the next election  
47 held ten or more days after receipt of the qualified  
48 elector's notice. If the notice received by the  
49 commissioner does not contain the information regarding  
50 name and address necessary to properly update the

1 registration records, the commissioner shall  
2 immediately send notice to the elector, by forwardable  
3 mail directed to the elector's last known address,  
4 that the elector's registration is defective. The  
5 commissioner's notice shall advise the elector of  
6 the corrections necessary.

7 b. A qualified elector may record a change of  
8 name, telephone number, or address on election day  
9 at the polling place for the precinct in which the  
10 elector currently resides, if the elector's name or  
11 former name appears on the election register of that  
12 polling place for the election being held that day.  
13 The precinct election officials shall furnish such  
14 a qualified elector a postcard registration form,  
15 as prescribed for use under section 48.2, subsection  
16 1, paragraph c. The elector shall complete the form  
17 and submit it to the precinct election officials,  
18 who shall return it to the commissioner with the  
19 election supplies. If the qualified elector's former  
20 address and new address are in different counties,  
21 the registration form completed by the qualified  
22 elector shall be forwarded to the commissioner of  
23 the elector's current county of residence by the  
24 commissioner conducting the election.

25 2. The commissioner shall record a change of  
26 address for a qualified elector, without the necessity  
27 of action by the elector, in any of the following  
28 circumstances in which the elector's mailing address  
29 is changed but the elector's place of residence has  
30 not actually changed:

31 a. Annexation of territory to a city. When a  
32 city annexes territory, the city clerk shall furnish  
33 the commissioner a detailed map of the annexed  
34 territory. The commissioner shall change the  
35 registration of persons residing in that territory  
36 to reflect the annexation and the city precinct to  
37 which each of those persons is assigned. If the  
38 commissioner cannot determine the names and addresses  
39 of the persons affected by the annexation, the  
40 commissioner shall send each person who may be involved  
41 a letter informing that person that his or her  
42 registration may be in error, and requesting that  
43 each person provide the commissioner the information  
44 necessary to correct the registration records.

45 b. Change of official street name or house or  
46 building number by a city. When the city changes  
47 the name of a street or the number of a house or other  
48 building in which an individual resides, the city  
49 clerk shall inform the commissioner of the change,  
50 and the commissioner shall change the registration

1 of each person affected.

2 c. Change of rural route designation of the  
3 residence of a qualified elector. The commissioner  
4 shall request each postmaster in the county to inform  
5 the commissioner of each change of rural route  
6 designation and the names of the persons affected,  
7 and shall change the registration of each such person  
8 as appropriate.

9 Sec. 17. Section 48.8, unnumbered paragraph 1,  
10 Code 1981, is amended to read as follows:

11 The ~~county~~ commissioner of ~~registration~~ shall  
12 prepare an election register for each county precinct  
13 between the time of the closing of registration and  
14 election day. The election register shall be a copy  
15 of the list of all qualified electors of the precinct  
16 and shall be in a form prescribed by the state  
17 ~~commissioner of elections~~ voter registration  
18 commission.

19 Sec. 18. Section 48.10, Code 1981, is amended  
20 by striking the section and inserting in lieu thereof  
21 the following:

22 48.10 DECEASED PERSONS--RECORD. The state  
23 registrar of vital statistics shall transmit or cause  
24 to be transmitted to the state registrar of voters,  
25 on or before the tenth day of each month, a certified  
26 list of all persons seventeen and one-half years of  
27 age and older in the state whose deaths have been  
28 reported to the records and statistics division of  
29 the department of health since the previous list of  
30 decedents was certified to the state registrar of  
31 voters. The list shall be submitted according to  
32 the specifications of the state registrar of voters,  
33 who shall determine whether each listed decedent was  
34 registered to vote in this state. If the decedent  
35 was registered in a county which uses its own data  
36 processing facilities for voter registration record-  
37 keeping, the registrar shall notify the commissioner  
38 in that county who shall cancel the decedent's  
39 registration. If the decedent was registered in a  
40 county for which voter registration record-keeping  
41 is performed under contract by the registrar, the  
42 registrar shall immediately cancel the registration  
43 and notify the commissioner of the county in which  
44 the decedent was registered to vote of the  
45 cancellation.

46 Sec. 19. Section 48.15, Code 1981, is amended  
47 by striking the section and inserting in lieu thereof  
48 the following:

49 48.15 CHALLENGES OF VOTER REGISTRATIONS.

50 1. A person may challenge the registration to

1 vote of any other person, by filing an individual  
2 challenge in writing with the commissioner of the  
3 county in which the person challenged is registered.  
4 The written challenge need not be in detail, but must  
5 allege one or more reasons why, under law, the  
6 registration of the person challenged should not have  
7 been accepted or should be canceled.

8 2. A challenge of a person's registration filed  
9 less than seventy days prior to a regularly scheduled  
10 election need not be processed by the commissioner  
11 prior to that election unless the registration, change  
12 of name or change of address has been recorded within  
13 twenty days prior to the date of the challenge.

14 3. The commissioner shall immediately give five  
15 days' notice of a hearing, by certified mail, to the  
16 person whose registration is challenged and to the  
17 challenger. The notice shall set forth the reason  
18 for the challenge as stated by the challenger. The  
19 person challenged may either appear in person at the  
20 hearing, or respond in writing addressed to the  
21 commissioner and delivered by mail or otherwise prior  
22 to the time set for the hearing. However, if the  
23 person challenged notifies the commissioner prior  
24 to the date set for the hearing that the person wishes  
25 to appear in person but will be unable to do so on  
26 the date specified, the commissioner may reschedule  
27 the hearing. On the basis of the evidence presented  
28 by the challenger and the challenged elector, the  
29 commissioner shall either cancel the registration  
30 of the challenged elector or reject the challenge.  
31 Either party may appeal to the district court of the  
32 county in which the challenge is made, and the decision  
33 of the court shall be final.

34 Sec. 20. Section 48.31, subsection 1, Code 1981,  
35 is amended to read as follows:

36 1. The elector fails to vote once in the last  
37 preceding four consecutive calendar years after the  
38 elector's most recent registration or change of name,  
39 address or party affiliation, or after the elector  
40 most recently voted.

41 Sec. 21. Section 48.31, subsection 3, Code 1981,  
42 is amended by striking the subsection.

43 Sec. 22. Section 48.32, Code 1981, is amended  
44 by striking the section and inserting in lieu thereof  
45 the following:

46 48.32 REPORTS. On March 1 of each year and at  
47 other times deemed appropriate, the registrar shall  
48 report the number of persons registered in each  
49 political party in each county.

50 Sec. 23. Chapter 49, Code 1981, is amended by

1 inserting after section 49.13 the following new  
2 section:

3 NEW SECTION. SUBSTITUTE PRECINCT ELECTION  
4 OFFICIALS.

5 1. The commissioner may appoint substitute precinct  
6 election officials as alternates for election board  
7 members. A majority of the original election board  
8 members shall be present at the precinct polling place  
9 at all times; at partisan elections such majority  
10 shall include at least one precinct election official  
11 from each political party. If the chairperson leaves  
12 the polling place, he or she shall designate another  
13 member of the board to serve as chairperson until  
14 the chairperson returns. The responsibilities and  
15 duties of a precinct election official present at  
16 the time the polling place was opened on the day of  
17 an election may be assumed at any later time that  
18 day by a substitute appointed as an alternate. The  
19 substitute shall serve either for the balance of that  
20 election day or for any shorter period of time the  
21 commissioner may designate.

22 2. Substitute precinct election officials shall  
23 be appointed and shall serve in accordance with  
24 sections 49.12, 49.13, 49.15, and 49.16, and shall  
25 receive compensation as provided by sections 49.19,  
26 49.20, and 49.125. Upon arriving at the polling place  
27 and prior to performing any official duty, a substitute  
28 precinct election official shall take the oath required  
29 by section 49.75.

30 3. The commissioner shall not employ substitute  
31 precinct election officials in a partisan election  
32 unless:

33 a. The election board panel drawn up pursuant  
34 to section 49.15 contains the names of a sufficient  
35 number of political party designees to permit  
36 appointment of both the regular precinct election  
37 officials and any substitute precinct election  
38 officials from that panel; or

39 b. The commissioner has informed the county  
40 chairpersons of the political parties referred to  
41 in section 49.13, subsection 2, thirty days prior  
42 to the date of the election, of intent to appoint  
43 substitute precinct election officials and has allowed  
44 ten days thereafter for the respective county  
45 chairpersons to provide additional names of persons  
46 from whom the substitute precinct election officials  
47 shall be appointed. If a county chairperson fails  
48 to provide additional names after being so notified,  
49 the commissioner may appoint persons known to be  
50 members of the appropriate political party or parties.



1 upon oath that he or she cannot read the English  
2 language, or is, by reason of any physical disability  
3 other than intoxication, unable to cast a vote without  
4 assistance, shall, upon request, be assisted by said  
5 two officers, or alternatively by any other person  
6 the voter may select if the voter is blind or  
7 physically disabled in casting the vote. Said  
8 officers, or person selected by the blind or physically  
9 disabled voter, shall cast the vote of the voter  
10 requiring assistance, and shall thereafter give no  
11 information regarding the same. If any elector because  
12 of a handicap cannot enter the building where the  
13 polling place for the elector's precinct of residence  
14 is located, the two officers shall take a paper ballot  
15 to the vehicle occupied by the handicapped elector  
16 and allow the elector to cast the ballot in the  
17 vehicle. If a handicapped elector cannot cast a  
18 ballot on a voting machine the elector shall be allowed  
19 to cast a paper ballot, which shall be opened  
20 immediately after the closing of the polling place  
21 by the two precinct election officials designated  
22 under section 49.89, who shall register the votes  
23 cast thereon on a voting machine in the polling place  
24 before the votes cast there are tallied pursuant to  
25 section 52.21. To preserve so far as possible the  
26 confidentiality of each handicapped elector's ballot,  
27 the two officers shall proceed substantially in the  
28 same manner as provided in section 53.24. In precincts  
29 where all voters use paper ballots, those cast by  
30 handicapped voters shall be deposited in the regular  
31 ballot box and counted in the usual manner.

32 Sec. 29. Section 49.104, Code 1981, is amended  
33 by adding the following new subsection:

34 NEW SUBSECTION. Any persons expressing an interest  
35 in a ballot issue to be voted upon at an election  
36 except a general or primary election. Any such person  
37 shall file a notice of intent to serve as an observer  
38 with the commissioner prior to election day. If more  
39 than three such persons file a notice of intent with  
40 respect to ballot issues at any election, the  
41 commissioner shall appoint from those submitting a  
42 notice of intent three persons to serve as observers.  
43 The appointees, whenever possible, shall include both  
44 opponents and proponents of the ballot issues.

45 Sec. 30. Section 49.109, Code 1981, is amended  
46 to read as follows:

47 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any  
48 person entitled to vote at a ~~general~~ an election in  
49 this state who does not have three consecutive hours  
50 in the period between the time of the opening and

1 the time of the closing of the polls during which  
2 ~~he~~ the person is not required to be present at work  
3 for an employer, ~~shall-be~~ is entitled to such time  
4 off from ~~his~~ work time to vote as will in addition  
5 to ~~his~~ the person's nonworking time total three  
6 consecutive hours during the time the polls are open.  
7 Application by any employee for such absence shall  
8 be made individually and in writing prior to the date  
9 of the election, and the employer shall designate  
10 the period of time to be taken. ~~Such-voter-shall~~  
11 The employee is not be liable to any penalty nor shall  
12 any deduction be made from ~~his~~ the person's regular  
13 salary or wages on account of such absence.

14 Sec. 31. Chapter 50, Code 1981, is amended by  
15 adding the following new section:

16 NEW SECTION. GENERAL RECOUNT PROVISIONS.

17 1. The county board of canvassers shall order  
18 a recount of the votes cast for a particular office  
19 or nomination in one or more specified election  
20 precincts in that county if a written request therefor  
21 is made not later than five o'clock p.m. on the third  
22 day following the county board's canvass of the  
23 election in question. The request shall be filed  
24 with the commissioner of that county, or with the  
25 commissioner responsible for conducting the election  
26 if section 47.2, subsection 2 is applicable, and shall  
27 be signed by either of the following:

28 a. A candidate for that office or nomination whose  
29 name was printed on the ballot of the precinct or  
30 precincts where the recount is requested.

31 b. Any other person who receives votes for that  
32 particular office or nomination in the precinct or  
33 precincts where the recount is requested and who is  
34 legally qualified to seek and to hold the office in  
35 question.

36 This section does not apply to an election held  
37 by a city which is not the final election for the  
38 office in question.

39 2. The candidate requesting a recount under this  
40 section shall post a bond, unless the abstracts  
41 prepared pursuant to section 50.24, or section 43.49  
42 in the case of a primary election, indicate that the  
43 difference between the total number of votes cast  
44 for the apparent winner and the total number of votes  
45 cast for the candidate requesting the recount is less  
46 than the greater of fifty votes or one percent of  
47 the total number of votes cast for the office or  
48 nomination in question. Where votes cast for that  
49 office or nomination were canvassed in more than one  
50 county, the abstracts prepared by the county boards

1 in all of those counties shall be totaled for purposes  
2 of this subsection. If a bond is required, it shall  
3 be filed with the state commissioner for recounts  
4 involving a state office, including a seat in the  
5 general assembly, or a seat in the United States  
6 Congress, and with the commissioner responsible for  
7 conducting the election in all other cases, and shall  
8 be in the following amount:

9 a. For an office filled by the electors of the  
10 entire state, one thousand dollars.

11 b. For United States representative, five hundred  
12 dollars.

13 c. For senator in the general assembly, three  
14 hundred dollars.

15 d. For representative in the general assembly,  
16 one hundred fifty dollars.

17 e. For an office filled by the electors of an  
18 entire county having a population of fifty thousand  
19 or more, two hundred dollars.

20 f. For any elective office to which paragraphs  
21 a through e of this subsection are not applicable,  
22 one hundred dollars.

23 After all recount proceedings for a particular  
24 office are completed and the official canvass of votes  
25 cast for that office is corrected or completed pursuant  
26 to subsections 5 and 6, if necessary, any bond posted  
27 under this subsection shall be returned to the  
28 candidate who requested the recount if the apparent  
29 winner before the recount is not the winner as shown  
30 by the corrected or completed canvass. In all other  
31 cases, the bond shall be deposited in the general  
32 fund of the state if filed with the state commissioner  
33 or in the election fund of the county with whose  
34 commissioner it was filed.

35 3. The recount shall be conducted by a board which  
36 shall consist of:

37 a. A designee of the candidate requesting the  
38 recount, who shall be named in the written request  
39 when it is filed.

40 b. A designee of the apparent winning candidate,  
41 who shall be named by that candidate at or before  
42 the time the board is required to convene.

43 c. A person chosen jointly by the members  
44 designated under paragraphs a and b of this subsection.

45 The commissioner shall convene the persons  
46 designated under paragraphs a and b of this subsection  
47 not later than nine o'clock a.m. on the seventh day  
48 following the county board's canvass of the election  
49 in question. If those two members cannot agree on  
50 the third member by eight o'clock a.m. on the ninth

1 day following the canvass, they shall immediately  
2 so notify the chief judge of the judicial district  
3 in which the canvass is occurring, who shall appoint  
4 the third member not later than five o'clock p.m.  
5 on the eleventh day following the canvass.

6 4. When all members of the recount board have  
7 been selected, the board shall undertake and complete  
8 the required recount as expeditiously as reasonably  
9 possible. Any member of the recount board may at  
10 any time during the recount proceedings extend the  
11 recount of votes cast for the office or nomination  
12 in question to any other precinct or precincts in  
13 the same county, or from which the returns were  
14 reported to the commissioner responsible for conducting  
15 the election, without the necessity of posting  
16 additional bond. At the conclusion of the recount,  
17 the recount board shall make and file with the  
18 commissioner a written report of its findings, which  
19 shall be signed by at least two members of the recount  
20 board. The recount board shall complete the recount  
21 and file its report not later than the eighteenth  
22 day following the county board's canvass of the  
23 election in question.

24 5. If the recount board's report is that the  
25 abstracts prepared pursuant to the county board's  
26 canvass were incorrect as to the number of votes cast  
27 for the candidates for the office or nomination in  
28 question, in that county or district, the commissioner  
29 shall at once so notify the county board. The county  
30 board shall reconvene within three days after being  
31 so notified, and shall correct its previous  
32 proceedings.

33 6. The commissioner shall promptly notify the  
34 state commissioner of any recount of votes for an  
35 office to which section 50.30 or section 43.60 in  
36 the case of a primary election, is applicable. If  
37 necessary, the state canvass required by section  
38 50.38, or by section 43.63, as the case may be, shall  
39 be delayed with respect to the office or the nomination  
40 to which the recount pertains. The commissioner shall  
41 subsequently inform the state commissioner at the  
42 earliest possible time whether any change in the  
43 outcome of the election in that county or district  
44 resulted from the recount.

45 Sec. 32. Section 50.21, Code 1981, is amended  
46 to read as follows:

47 50.21 SPECIAL PRECINCT BOARD RECONVENED. The  
48 commissioner shall reconvene the election board of  
49 the special precinct established by section 53.20  
50 at noon on the third day following each election which

H. 3688  
Page Fifteen

1 is required by law to be canvassed on the Monday  
2 following the election. If the third day following  
3 such an election is a legal holiday the special  
4 precinct election board shall be convened at noon  
5 on the second day following the election, and if  
6 the canvass of the election is required at any earlier  
7 time earlier than the Monday following the election,  
8 the special precinct election board shall be reconvened  
9 at noon on the day following the election. If no  
10 challenged ballots were cast in the county pursuant  
11 to section 49.81 at any election, the special precinct  
12 election board need not be so reconvened. If the  
13 number of challenged ballots so cast at any election  
14 is not sufficient to require reconvening of the entire  
15 election board of the special precinct, the  
16 commissioner may reconvene only the number of members  
17 required, but in so doing shall observe the  
18 requirements of sections 49.12 and 49.13.

19 Sec. 33. Section 53.17, Code 1981, is amended  
20 to read as follows:

21 53.17 MAILING OR DELIVERING BALLOT. The sealed  
22 envelope containing the absentee ballot shall be  
23 enclosed in a carrier envelope which shall be securely  
24 sealed. The sealed carrier envelope shall be delivered  
25 by the qualified elector or his or her designee to  
26 the commissioner or a deputy in his or her office,  
27 or mailed, postage paid, to the office of the  
28 commissioner. The carrier envelope shall be received  
29 by the commissioner until ~~eight-o'clock-p.m.~~ the time  
30 the polls are closed on election day. The commissioner  
31 shall contact the post office serving the  
32 commissioner's office at the latest practicable hour  
33 on election day, and shall seek to arrange for any  
34 absentee ballots received in that post office but  
35 not yet delivered to the commissioner's office to  
36 be brought to the commissioner's office prior to the  
37 time the polls are closed.

38 Sec. 34. Section 53.22, subsection 1, paragraph  
39 c, Code 1981, is amended to read as follows:

40 c. The special precinct election officers shall  
41 both notarize each absent voter's affidavit as required  
42 by section 53.16; any such officer who is not a notary  
43 public shall be provided with a stamp containing that  
44 person's name and the words "special precinct election  
45 officer" and may notarize the absentee affidavits  
46 so delivered by signing them and applying the stamp.  
47 The special precinct election officers shall travel  
48 together in the same vehicle and both shall be present  
49 when an applicant casts his or her absentee ballot.  
50 If either or both of the special election officers

H-3688  
Page Sixteen

1 fails to appear at the time the duties set forth in  
2 this section are to be performed, the commissioner  
3 shall at once appoint some other person, giving  
4 preference to persons designated by the respective  
5 county chairpersons of the political parties described  
6 in section 49.13, to carry out the requirements of  
7 this section. The persons authorized by this  
8 subsection to deliver an absentee ballot to an  
9 applicant may assist the applicant in filling out  
10 the ballot as permitted by section 49.90. The voted  
11 absentee ballots shall be deposited in a sealed  
12 container which shall be returned to the commissioner  
13 on the same day. On election day the officers shall  
14 return the sealed container by the time the polls  
15 are closed.

16 Sec. 35. Section 54.5, Code 1981, is amended to  
17 read as follows:

18 54.5 PRESIDENTIAL NOMINEES. The names of the  
19 candidates for president and vice president,  
20 ~~respectively~~, of a political party as defined in the  
21 law relating to primary elections, shall, at least  
22 sixty-five days by five o'clock p.m. on the sixty-  
23 seventh day prior to the election, be certified to  
24 the state commissioner by the chairman chairperson  
25 and secretary of the state central committee of said  
26 the party.

27 Sec. 36. Section 57.1, subsection 2, paragraph  
28 c, Code 1981, is amended to read as follows:

29 c. That prior to the election the incumbent had  
30 been duly convicted of an infamous crime, and that  
31 the judgment had not been reversed, annulled or set  
32 aside, nor the incumbent pardoned or restored to the  
33 rights of citizenship by the governor under section  
34 248.12, at the time of the election.

35 Sec. 37. Sections 43.56, 43.57, and 43.58, Code  
36 1981, are repealed."

37 2. Amend the title, by striking lines 1 through  
38 7 and inserting in lieu thereof the words "An Act  
39 relating to elections."

H-3688 FILED BY COMMITTEE ON STATE GOVERNMENT  
APRIL 16, 1981 CRAWFORD, Chair

*Amended by 4075, 3735, 3748,  
3771, 3793, 3837, 4085, 4099  
Adopted 5/14/81 (p 1938)*

SENATE 26  
MAY 22, 1981

HOUSE AMENDMENT TO SENATE FILE 384

S-3838

1 Amend Senate File 384 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. By striking all after the enacting clause and  
4 inserting in lieu thereof the following:

5 "Section 1. Section 43.8, Code 1981, is amended  
6 to read as follows:

7 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The  
8 state commissioner shall, at state expense, furnish  
9 blank nomination papers, in the form provided in this  
10 chapter, to any qualified eligible elector who desires  
11 to petition for the nomination of any candidate, or  
12 to any person who intends to be a candidate, for any  
13 office for which nomination papers are required to  
14 be filed in ~~his~~ the state commissioner's office.

15 Sec. 2. Section 43.66, Code 1981, is amended to  
16 read as follows:

17 43.66 WRITE-IN CANDIDATES. The fact that the  
18 candidate who receives the highest number of votes  
19 cast for any party's nomination for an office to which  
20 section 43.52 or 43.65 is applicable is a person whose  
21 name was not printed on the official primary election  
22 ballot shall not affect the validity of the person's  
23 nomination as a candidate for that office in the  
24 general election. However, if there is no candidate  
25 on the official primary ballot of a political party  
26 for nomination to a particular office, a write-in  
27 candidate may obtain the party's nomination to that  
28 office in the primary if the candidate receives a  
29 number of votes equal to at least thirty-five percent  
30 of the total vote cast for all of that party's  
31 candidates for that office in the last preceding  
32 primary election for which the party had candidates  
33 on the ballot for that office. If there have been  
34 no candidates from a political party for a seat in  
35 the general assembly since the most recent  
36 redistricting of the general assembly, a write-in  
37 candidate shall be considered nominated who receives  
38 a number of votes equal to at least thirty-five percent  
39 of the total votes cast, at the last preceding primary  
40 election in the precincts which currently constitute  
41 the general assembly district, for all of that party's  
42 candidates for representative in the congress of the  
43 United States or who receives at least one hundred  
44 votes, whichever number is greater. When two or more  
45 nominees are required, the division procedure  
46 prescribed in section 43.52 shall be applied to  
47 establish the minimum number of write-in votes  
48 necessary for nomination. If the primary is  
49 inconclusive, the necessary nominations shall be made  
50 in accordance with section 43.78, subsection 1.

1 Sec. 3. Section 43.88, Code 1981, is amended by  
2 adding the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. Nominations certified  
4 to the proper official under this section shall be  
5 accompanied by an affidavit executed by the nominee  
6 in substantially the form required by section 43.67.

7 Sec. 4. Section 43.92, Code 1981, is amended to  
8 read as follows:

9 43.92 DATE OF CAUCUS PUBLISHED. The date, time,  
10 and place of each precinct caucus of a political party  
11 shall be published at least twice in at least one  
12 newspaper of general circulation in the precinct.  
13 ~~Such~~ The first publication shall be made not more  
14 than ~~thirty~~ fifteen days ~~and not~~ nor less than ~~five~~  
15 seven days before the date of the caucus and the  
16 second shall be made not more than seven days before  
17 and not later than the date of the caucus. Such  
18 publication shall also state in substance that each  
19 voter affiliated with the specified political party  
20 may attend the precinct caucus. Publication in a  
21 news item or advertisement in such newspaper shall  
22 constitute publication for the purposes of this  
23 section. The cost of such publication, if any, shall  
24 be paid by the political party.

25 Sec. 5. Section 44.3, subsection 1, paragraph  
26 e, Code 1981, is amended to read as follows:

27 e. In case of presidential electors candidates,  
28 the names and addresses of presidential electors shall  
29 be stated, and the names of the candidates for  
30 president and vice president shall be added to the  
31 name of the organization.

32 Sec. 6. Section 44.13, Code 1981, is amended to  
33 read as follows:

34 44.13 CERTIFICATES IN MATTER OF VACANCIES. The  
35 certificates of nominations made to supply such  
36 vacancies shall state, in addition to the facts and  
37 candidate's affidavit required in an original  
38 certificate, the name of the original nominee, the  
39 date of his death or declination of nomination, or  
40 the fact that the former nomination has been held  
41 insufficient or inoperative, and the measures taken  
42 in accordance with the above requirements for filling  
43 a vacancy, and shall be signed and sworn to by the  
44 presiding officer and secretary of the convention,  
45 or caucus, or by the chairman and secretary of the  
46 committee, as the case may be.

47 Sec. 7. Section 45.1, Code 1981, is amended to  
48 read as follows:

49 45.1 NOMINATIONS BY PETITION. Nominations for  
50 candidates for president and vice president and for

1 state offices may be made by nomination paper-~~er~~  
2 papers signed by not less than one thousand eligible  
3 electors of the state; for candidates for offices  
4 filled by the voters of a county, district or other  
5 division by such papers signed by eligible electors  
6 residing in the county, district or division equal  
7 in number to at least two percent of the total vote  
8 received by all candidates for president of the United  
9 States or governor, as the case may be, at the last  
10 preceding general election in ~~such~~ the county, district  
11 or division; and for township, city or ward, by such  
12 papers signed by not less than twenty-five eligible  
13 electors, residents of ~~such~~ the township, city or  
14 ward. In the case of candidates for president and  
15 vice president, the names and addresses of the  
16 candidates for presidential electors shall be printed  
17 on the face of or attached to each page of the  
18 nomination petition.

19 Sec. 8. Section 47.1, Code 1981, is amended to  
20 read as follows:

21 47.1 STATE COMMISSIONER OF ELECTIONS. The  
22 secretary of state is designated as the state  
23 commissioner of elections and shall supervise the  
24 activities of the county commissioners of elections.  
25 There is established within the office of the secretary  
26 of state a division of elections which shall be under  
27 the direction of the state commissioner of elections.  
28 The state commissioner of elections may appoint a  
29 person to be in charge of the division of elections  
30 who shall perform ~~such~~ the duties as ~~may be~~ assigned  
31 by the state commissioner of elections. The state  
32 commissioner of elections shall prescribe uniform  
33 election practices and procedures, shall prescribe  
34 the necessary forms required for the conduct of  
35 elections, shall assign a number to each proposed  
36 constitutional amendment and statewide public measure  
37 for identification purposes, and shall adopt rules,  
38 pursuant to chapter 17A, to carry out ~~the provisions~~  
39 of this section.

40 Sec. 9. Section 47.2, Code 1981, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. The commissioner shall assign  
43 each local public measure a letter for identification  
44 purposes. The public measure on the ballot shall  
45 be identified by the letter.

46 The county commissioner who is responsible under  
47 subsection 2 for conducting the elections held for  
48 a political subdivision which lies in more than one  
49 county shall assign the letter to the public measure.  
50 The county commissioners of elections of the other

1 counties in which the political subdivision is lo-  
2 cated shall not assign the same letter to a local  
3 public measure on the ballot in their counties during  
4 the same election.

5 Sec. 10. Section 47.7, subsection 1, Code 1981,  
6 is amended to read as follows:

7 1. The senior administrator of data processing  
8 services in the office of the state comptroller is  
9 designated the state registrar of voters, and shall  
10 regulate the preparation, preservation and maintenance  
11 of voter registration records, the preparation of  
12 precinct election registers for all elections  
13 administered by the commissioner of any county, and  
14 the preparation of other data on voter registration  
15 and participation in elections as shall be requested  
16 and purchased at actual cost of preparation and  
17 production by a political party or any resident of  
18 this state, ~~except as otherwise provided by section~~  
19 ~~48-5, subsection 2, paragraph "d"~~. The registrar shall  
20 maintain a log, which shall be a public record, showing  
21 all lists and reports which have been requested or  
22 generated or which are capable of being generated  
23 by existing programs of the data processing services  
24 in the office of the state comptroller.

25 Sec. 11. Section 48.5, subsection 2, paragraph  
26 d, Code 1981, is amended by striking the paragraph.

27 Sec. 12. Section 48.5, subsection 2, paragraphs  
28 a and e, Code 1981, are amended to read as follows:

29 a. Each list shall be produced in the order and  
30 form specified by the requestor, so long as that order  
31 and form are within the capacity of the record  
32 maintenance system used by the registrar; however,  
33 the available residential telephone number provided  
34 by the registrant shall be included if requested.

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

49 Sec. 13. Section 48.5, subsection 3, Code 1981,  
50 is amended to read as follows:

1       3. ~~Neither the~~ The duplicate registration records  
2 open to public inspection ~~nor~~ and any list obtained  
3 under subsection 2 shall be used ~~for any purpose of~~  
4 ~~any kind or nature, other than~~ only to request a  
5 registrant's vote or for any other bona fide political  
6 purpose or for a bona fide official purpose by an  
7 elected official. The commissioner or registrar shall  
8 keep a list of the name, address, telephone number,  
9 and social security number of each person who copies  
10 or obtains copies of the registration lists. Any  
11 person that uses such lists in violation of this  
12 section shall, upon conviction, be guilty of a serious  
13 misdemeanor.

14       Sec. 14. Section 48.6, Code 1981, is amended by  
15 adding the following new subsection:

16       NEW SUBSECTION. Residential telephone number at  
17 the option of the applicant.

18       Sec. 15. Section 48.6, subsection 6, Code 1981,  
19 is amended to read as follows:

20       6. Ward, precinct, school district, and such other  
21 districts in which the registrant resides which are  
22 empowered to call special elections. To assist in  
23 making this determination the commissioner may also  
24 request other information including but not limited  
25 to ~~telephone number~~, fire district number or township,  
26 range and section number of the location of the  
27 applicant's residence. The commissioner may if  
28 necessary obtain the needed information from other  
29 sources, but shall in no case decline to register  
30 an applicant because the applicant is unable to provide  
31 any of the information referred to in this subsection.

32       Sec. 16. Section 48.7, Code 1981, is amended by  
33 striking the section and inserting in lieu thereof  
34 the following:

35       48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

36       1. A qualified elector may record a legal change  
37 of name or a change of telephone number or address,  
38 for voter registration purposes, by one of the  
39 following methods:

40       a. The qualified elector may submit to the  
41 commissioner a written notice of the change of name,  
42 telephone number, or address, bearing the elector's  
43 signature. Upon receipt of the notice, the  
44 commissioner shall change the registration records  
45 accordingly and the change shall be reflected in the  
46 election registers prepared for the next election  
47 held ten or more days after receipt of the qualified  
48 elector's notice. If the notice received by the  
49 commissioner does not contain the information regarding  
50 name and address necessary to properly update the

1 registration records, the commissioner shall  
2 immediately send notice to the elector, by forwardable  
3 mail directed to the elector's last known address,  
4 that the elector's registration is defective. The  
5 commissioner's notice shall advise the elector of  
6 the corrections necessary.

7 b. A qualified elector may record a change of  
8 name, telephone number, or address on election day  
9 at the polling place for the precinct in which the  
10 elector currently resides, if the elector's name or  
11 former name appears on the election register of that  
12 polling place for the election being held that day.  
13 The precinct election officials shall furnish such  
14 a qualified elector a registration form of the type  
15 prescribed for use by electors registering under  
16 section 48.3. The elector shall complete the form  
17 and submit it to the precinct election officials,  
18 who shall return it to the commissioner with the  
19 election supplies. If the qualified elector's former  
20 address and new address are in different counties,  
21 the registration form completed by the qualified  
22 elector shall be forwarded to the commissioner of  
23 the elector's current county of residence by the  
24 commissioner conducting the election.

25 2. The commissioner shall record a change of  
26 address for a qualified elector, without the necessity  
27 of action by the elector, in any of the following  
28 circumstances in which the elector's mailing address  
29 is changed but the elector's place of residence has  
30 not actually changed:

31 a. Annexation of territory to a city. When a  
32 city annexes territory, the city clerk shall furnish  
33 the commissioner a detailed map of the annexed  
34 territory. The commissioner shall change the  
35 registration of persons residing in that territory  
36 to reflect the annexation and the city precinct to  
37 which each of those persons is assigned. If the  
38 commissioner cannot determine the names and addresses  
39 of the persons affected by the annexation, the  
40 commissioner shall send each person who may be involved  
41 a letter informing that person that his or her  
42 registration may be in error, and requesting that  
43 each person provide the commissioner the information  
44 necessary to correct the registration records.

45 b. Change of official street name or house or  
46 building number by a city. When the city changes  
47 the name of a street or the number of a house or other  
48 building in which an individual resides, the city  
49 clerk shall inform the commissioner of the change,  
50 and the commissioner shall change the registration

1 of each person affected.

2 c. Change of rural route designation of the  
3 residence of a qualified elector. The commissioner  
4 shall request each postmaster in the county to inform  
5 the commissioner of each change of rural route  
6 designation and the names of the persons affected,  
7 and shall change the registration of each such person  
8 as appropriate.

9 Sec. 17. Section 48.8, unnumbered paragraph 1,  
10 Code 1981, is amended to read as follows:

11 The county commissioner ~~of registration~~ shall  
12 prepare an election register for each county precinct  
13 between the time of the closing of registration and  
14 election day. The election register shall be a copy  
15 of the list of all qualified electors of the precinct  
16 and shall be in a form prescribed by the state  
17 commissioner of elections voter registration  
18 commission.

19 Sec. 18. Section 48.10, Code 1981, is amended  
20 by striking the section and inserting in lieu thereof  
21 the following:

22 48.10 DECEASED PERSONS--RECORD. The state  
23 registrar of vital statistics shall transmit or cause  
24 to be transmitted to the state registrar of voters,  
25 on or before the tenth day of each month, a certified  
26 list of all persons seventeen and one-half years of  
27 age and older in the state whose deaths have been  
28 reported to the records and statistics division of  
29 the department of health since the previous list of  
30 decedents was certified to the state registrar of  
31 voters. The list shall be submitted according to  
32 the specifications of the state registrar of voters,  
33 who shall determine whether each listed decedent was  
34 registered to vote in this state. If the decedent  
35 was registered in a county which uses its own data  
36 processing facilities for voter registration record-  
37 keeping, the registrar shall notify the commissioner  
38 in that county who shall cancel the decedent's  
39 registration. If the decedent was registered in a  
40 county for which voter registration record-keeping  
41 is performed under contract by the registrar, the  
42 registrar shall immediately cancel the registration  
43 and notify the commissioner of the county in which  
44 the decedent was registered to vote of the  
45 cancellation.

46 Sec. 19. Section 48.11, unnumbered paragraph 2,  
47 Code 1981, is amended to read as follows:

48 Registration shall close in a precinct at five  
49 o'clock p.m., ten days before an a general or primary  
50 election and eleven days before all other elections,

1 except as provided in section 48.3. The commissioner's  
2 office shall be open from eight o'clock a.m. until  
3 at least six o'clock p.m. on the day registration  
4 closes prior to each regularly scheduled election.

5 Sec. 20. Section 48.15, Code 1981, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

8 48.15 CHALLENGES OF VOTER REGISTRATIONS.

9 1. A person may challenge the registration to  
10 vote of any other person, by filing an individual  
11 challenge in writing with the commissioner of the  
12 county in which the person challenged is registered.  
13 The written challenge need not be in detail, but must  
14 allege one or more reasons why, under law, the  
15 registration of the person challenged should not have  
16 been accepted or should be canceled.

17 2. A challenge of a person's registration filed  
18 less than seventy days prior to a regularly scheduled  
19 election need not be processed by the commissioner  
20 prior to that election unless the registration, change  
21 of name or change of address has been recorded within  
22 twenty days prior to the date of the challenge.

23 3. The commissioner shall immediately give five  
24 days' notice of a hearing, by certified mail, to the  
25 person whose registration is challenged and to the  
26 challenger. The notice shall set forth the reason  
27 for the challenge as stated by the challenger. The  
28 person challenged may either appear in person at the  
29 hearing, or respond in writing addressed to the  
30 commissioner and delivered by mail or otherwise prior  
31 to the time set for the hearing. However, if the  
32 person challenged notifies the commissioner prior  
33 to the date set for the hearing that the person wishes  
34 to appear in person but will be unable to do so on  
35 the date specified, the commissioner may reschedule  
36 the hearing. On the basis of the evidence presented  
37 by the challenger and the challenged elector, the  
38 commissioner shall either cancel the registration  
39 of the challenged elector or reject the challenge.  
40 Either party may appeal to the district court of the  
41 county in which the challenge is made, and the decision  
42 of the court shall be final.

43 Sec. 21. Section 48.31, subsection 1, Code 1981,  
44 is amended to read as follows:

45 1. The elector fails to vote once in the last  
46 preceding four consecutive calendar years after the  
47 elector's most recent registration or change of name,  
48 address or party affiliation, or after the elector  
49 most recently voted. For the purpose of this  
50 subsection, registration includes the submission of

1 a registration form which makes no change in the  
2 elector's existing registration.

3 Sec. 22. Section 48.31, subsection 3, Code 1981,  
4 is amended by striking the subsection.

5 Sec. 23. Section 48.32, Code 1981, is amended  
6 by striking the section and inserting in lieu thereof  
7 the following:

8 48.32 REPORTS. On March 1 of each year and at  
9 other times deemed appropriate, the registrar shall  
10 report the number of persons registered in each  
11 political party in each county.

12 Sec. 24. Section 49.11, subsection 3, Code 1981,  
13 is amended to read as follows:

14 3. Notwithstanding the provisions of the first  
15 unnumbered paragraph of this section the commissioner  
16 may consolidate precincts for any election including  
17 a primary and general election ~~if one~~ under either  
18 of the following circumstances:

19 a. One of the precincts involved consists entirely  
20 of dormitories that are closed at the time the election  
21 is held.

22 b. The consolidated precincts, if established  
23 as a permanent precinct, would meet all requirements  
24 of section 49.3, and a combined total of no more than  
25 three hundred fifty voters voted in the consolidated  
26 precincts at the last preceding similar election.

27 Sec. 25. Chapter 49, Code 1981, is amended by  
28 inserting after section 49.13 the following new  
29 section:

30 NEW SECTION. SUBSTITUTE PRECINCT ELECTION  
31 OFFICIALS.

32 1. The commissioner may appoint substitute precinct  
33 election officials as alternates for election board  
34 members. A majority of the original election board  
35 members shall be present at the precinct polling place  
36 at all times; at partisan elections such majority  
37 shall include at least one precinct election official  
38 from each political party. If the chairperson leaves  
39 the polling place, he or she shall designate another  
40 member of the board to serve as chairperson until  
41 the chairperson returns. The responsibilities and  
42 duties of a precinct election official present at  
43 the time the polling place was opened on the day of  
44 an election may be assumed at any later time that  
45 day by a substitute appointed as an alternate. The  
46 substitute shall serve either for the balance of that  
47 election day or for any shorter period of time the  
48 commissioner may designate.

49 2. Substitute precinct election officials shall  
50 be appointed and shall serve in accordance with

1 sections 49.12, 49.13, 49.15, and 49.16, and shall  
2 receive compensation as provided by sections 49.19,  
3 49.20, and 49.125. Upon arriving at the polling place  
4 and prior to performing any official duty, a substitute  
5 precinct election official shall take the oath required  
6 by section 49.75.

7 3. The commissioner shall not employ substitute  
8 precinct election officials in a partisan election  
9 unless:

10 a. The election board panel drawn up pursuant  
11 to section 49.15 contains the names of a sufficient  
12 number of political party designees to permit  
13 appointment of both the regular precinct election  
14 officials and any substitute precinct election  
15 officials from that panel; or

16 b. The commissioner has informed the county  
17 chairpersons of the political parties referred to  
18 in section 49.13, subsection 2, thirty days prior  
19 to the date of the election, of intent to appoint  
20 substitute precinct election officials and has allowed  
21 ten days thereafter for the respective county  
22 chairpersons to provide additional names of persons  
23 from whom the substitute precinct election officials  
24 shall be appointed. If a county chairperson fails  
25 to provide additional names after being so notified,  
26 the commissioner may appoint persons known to be  
27 members of the appropriate political party or parties.

28 Sec. 26. Section 49.21, unnumbered paragraph 4,  
29 Code 1981, is amended to read as follows:

30 In the selection of polling places, ~~consideration~~  
31 preference shall also be given to the use of buildings  
32 accessible to elderly and physically disabled persons.

33 Sec. 27. Section 49.44, Code 1981, is amended  
34 to read as follows:

35 49.44 STATE COMMISSIONER TO PREPARE SUMMARY.

36 When a proposed constitutional amendment or other  
37 public measure to be decided by the voters of the  
38 entire state is to be voted upon, the state  
39 commissioner shall prepare a written summary of the  
40 amendment or measure including the number of the  
41 amendment or statewide public measure assigned by  
42 the state commissioner. The summary shall be printed  
43 immediately preceding the text of the proposed  
44 amendment or measure on the paper ballot referred  
45 to in section 49.43 and, in precincts where the  
46 amendment or measure will be voted on by machine,  
47 shall be placed in the voting machine inserts as  
48 required by section 52.25.

49 Sec. 28. Section 49.45, Code 1981, is amended  
50 to read as follows:

1 49.45 GENERAL FORM OF BALLOT. Ballots referred  
2 to in section 49.43 shall be substantially in the  
3 following form:

4  
5 "Shall the following amendment Yes \_\_\_\_\_  
6 to the Constitution (or public mea- No \_\_\_\_\_  
7 sure) be adopted?"

8  
9 (Here insert the summary, if it be for a  
10 constitutional amendment or state-wide public measure,  
11 and in full the proposed constitutional amendment  
12 or public measure. The number assigned by the state  
13 commissioner or the letter assigned by the county  
14 commissioner shall be included on the ballot.)

15 Sec. 29. Section 49.68, subsection 8, Code 1981,  
16 is amended by striking the subsection.

17 Sec. 30. Section 49.89, Code 1981, is amended  
18 to read as follows:

19 49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS.  
20 At, or before, the opening of the polls, the election  
21 board of each precinct shall select two members of  
22 the board, of different political parties in the case  
23 of any election in which candidates appear on the  
24 ballot under the heading of either of the political  
25 parties referred to in section 49.13, to assist voters  
26 who may be unable to cast their votes without  
27 assistance. Voters who are blind or physically  
28 disabled may have the assistance of any person they  
29 may select.

30 Sec. 31. Section 49.90, Code 1981, is amended  
31 to read as follows:

32 49.90 ASSISTING VOTER. Any voter who may declare  
33 upon oath that he or she cannot read the English  
34 language, or is, by reason of any physical disability  
35 other than intoxication, unable to cast a vote without  
36 assistance, shall, upon request, be assisted by said  
37 two officers, or alternatively by any other person  
38 the voter may select if the voter is blind or  
39 physically disabled in casting the vote. Said  
40 officers, or person selected by the blind or physically  
41 disabled voter, shall cast the vote of the voter  
42 requiring assistance, and shall thereafter give no  
43 information regarding the same. If any elector because  
44 of a handicap cannot enter the building where the  
45 polling place for the elector's precinct of residence  
46 is located, the two officers shall take a paper ballot  
47 to the vehicle occupied by the handicapped elector  
48 and allow the elector to cast the ballot in the  
49 vehicle. If a handicapped elector cannot cast a  
50 ballot on a voting machine the elector shall be allowed

1 to cast a paper ballot, which shall be opened  
2 immediately after the closing of the polling place  
3 by the two precinct election officials designated  
4 under section 49.89, who shall register the votes  
5 cast thereon on a voting machine in the polling place  
6 before the votes cast there are tallied pursuant to  
7 section 52.21. To preserve so far as possible the  
8 confidentiality of each handicapped elector's ballot,  
9 the two officers shall proceed substantially in the  
10 same manner as provided in section 53.24. In precincts  
11 where all voters use paper ballots, those cast by  
12 handicapped voters shall be deposited in the regular  
13 ballot box and counted in the usual manner.

14 Sec. 32. Section 49.104, Code 1981, is amended  
15 by adding the following new subsection:

16 NEW SUBSECTION. Any persons expressing an interest  
17 in a ballot issue to be voted upon at an election  
18 except a general or primary election. Any such person  
19 shall file a notice of intent to serve as an observer  
20 with the commissioner prior to election day. If more  
21 than three such persons file a notice of intent with  
22 respect to ballot issues at any election, the  
23 commissioner shall appoint from those submitting a  
24 notice of intent three persons to serve as observers.  
25 The appointees, whenever possible, shall include both  
26 opponents and proponents of the ballot issues.

27 Sec. 33. Section 49.109, Code 1981, is amended  
28 to read as follows:

29 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any  
30 person entitled to vote at a ~~general~~ an election in  
31 this state who does not have three consecutive hours  
32 in the period between the time of the opening and  
33 the time of the closing of the polls during which  
34 he the person is not required to be present at work  
35 for an employer, ~~shall-be~~ is entitled to such time  
36 off from ~~his~~ work time to vote as will in addition  
37 to ~~his~~ the person's nonworking time total three  
38 consecutive hours during the time the polls are open.  
39 Application by any employee for such absence shall  
40 be made individually and in writing prior to the date  
41 of the election, and the employer shall designate  
42 the period of time to be taken. ~~Such-voter-shall~~  
43 The employee is not be liable to any penalty nor shall  
44 any deduction be made from ~~his~~ the person's regular  
45 salary or wages on account of such absence.

46 Sec. 34. Chapter 50, Code 1981, is amended by  
47 adding the following new section:

48 NEW SECTION. GENERAL RECOUNT PROVISIONS.

49 1. The county board of canvassers shall order  
50 a recount of the votes cast for a particular office

1 or nomination in one or more specified election  
2 precincts in that county if a written request therefor  
3 is made not later than five o'clock p.m. on the third  
4 day following the county board's canvass of the  
5 election in question. The request shall be filed  
6 with the commissioner of that county, or with the  
7 commissioner responsible for conducting the election  
8 if section 47.2, subsection 2 is applicable, and shall  
9 be signed by either of the following:

10 a. A candidate for that office or nomination whose  
11 name was printed on the ballot of the precinct or  
12 precincts where the recount is requested.

13 b. Any other person who receives votes for that  
14 particular office or nomination in the precinct or  
15 precincts where the recount is requested and who is  
16 legally qualified to seek and to hold the office in  
17 question.

18 This section does not apply to an election held  
19 by a city which is not the final election for the  
20 office in question.

21 2. The candidate requesting a recount under this  
22 section shall post a bond, unless the abstracts  
23 prepared pursuant to section 50.24, or section 43.49  
24 in the case of a primary election, indicate that the  
25 difference between the total number of votes cast  
26 for the apparent winner and the total number of votes  
27 cast for the candidate requesting the recount is less  
28 than the greater of fifty votes or one percent of  
29 the total number of votes cast for the office or  
30 nomination in question. Where votes cast for that  
31 office or nomination were canvassed in more than one  
32 county, the abstracts prepared by the county boards  
33 in all of those counties shall be totaled for purposes  
34 of this subsection. If a bond is required, it shall  
35 be filed with the state commissioner for recounts  
36 involving a state office, including a seat in the  
37 general assembly, or a seat in the United States  
38 Congress, and with the commissioner responsible for  
39 conducting the election in all other cases, and shall  
40 be in the following amount:

41 a. For an office filled by the electors of the  
42 entire state, one thousand dollars.

43 b. For United States representative, five hundred  
44 dollars.

45 c. For senator in the general assembly, three  
46 hundred dollars.

47 d. For representative in the general assembly,  
48 one hundred fifty dollars.

49 e. For an office filled by the electors of an  
50 entire county having a population of fifty thousand

1 or more, two hundred dollars.

2 f. For any elective office to which paragraphs  
3 a through e of this subsection are not applicable,  
4 one hundred dollars.

5 After all recount proceedings for a particular  
6 office are completed and the official canvass of votes  
7 cast for that office is corrected or completed pursuant  
8 to subsections 5 and 6, if necessary, any bond posted  
9 under this subsection shall be returned to the  
10 candidate who requested the recount if the apparent  
11 winner before the recount is not the winner as shown  
12 by the corrected or completed canvass. In all other  
13 cases, the bond shall be deposited in the general  
14 fund of the state if filed with the state commissioner  
15 or in the election fund of the county with whose  
16 commissioner it was filed.

17 3. The recount shall be conducted by a board which  
18 shall consist of:

19 a. A designee of the candidate requesting the  
20 recount, who shall be named in the written request  
21 when it is filed.

22 b. A designee of the apparent winning candidate,  
23 who shall be named by that candidate at or before  
24 the time the board is required to convene.

25 c. A person chosen jointly by the members  
26 designated under paragraphs a and b of this subsection.

27 The commissioner shall convene the persons  
28 designated under paragraphs a and b of this subsection  
29 not later than nine o'clock a.m. on the seventh day  
30 following the county board's canvass of the election  
31 in question. If those two members cannot agree on  
32 the third member by eight o'clock a.m. on the ninth  
33 day following the canvass, they shall immediately  
34 so notify the chief judge of the judicial district  
35 in which the canvass is occurring, who shall appoint  
36 the third member not later than five o'clock p.m.  
37 on the eleventh day following the canvass.

38 4. When all members of the recount board have  
39 been selected, the board shall undertake and complete  
40 the required recount as expeditiously as reasonably  
41 possible. Any member of the recount board may at  
42 any time during the recount proceedings extend the  
43 recount of votes cast for the office or nomination  
44 in question to any other precinct or precincts in  
45 the same county, or from which the returns were  
46 reported to the commissioner responsible for conducting  
47 the election, without the necessity of posting  
48 additional bond. At the conclusion of the recount,  
49 the recount board shall make and file with the  
50 commissioner a written report of its findings, which

MAY 22, 1981

S-3838

PAGE 15

1 shall be signed by at least two members of the recount  
2 board. The recount board shall complete the recount  
3 and file its report not later than the eighteenth  
4 day following the county board's canvass of the  
5 election in question.

6 5. If the recount board's report is that the  
7 abstracts prepared pursuant to the county board's  
8 canvass were incorrect as to the number of votes cast  
9 for the candidates for the office or nomination in  
10 question, in that county or district, the commissioner  
11 shall at once so notify the county board. The county  
12 board shall reconvene within three days after being  
13 so notified, and shall correct its previous  
14 proceedings.

15 6. The commissioner shall promptly notify the  
16 state commissioner of any recount of votes for an  
17 office to which section 50.30 or section 43.60 in  
18 the case of a primary election, is applicable. If  
19 necessary, the state canvass required by section  
20 50.38, or by section 43.63, as the case may be, shall  
21 be delayed with respect to the office or the nomination  
22 to which the recount pertains. The commissioner shall  
23 subsequently inform the state commissioner at the  
24 earliest possible time whether any change in the  
25 outcome of the election in that county or district  
26 resulted from the recount.

27 Sec. 35. Section 50.21, Code 1981, is amended  
28 to read as follows:

29 50.21 SPECIAL PRECINCT BOARD RECONVENED. The  
30 commissioner shall reconvene the election board of  
31 the special precinct established by section 53.20  
32 at noon on the third day following each election which  
33 is required by law to be canvassed on the Monday  
34 following the election. If the third day following  
35 such an election is a legal holiday the special  
36 precinct election board shall be convened at noon  
37 on the second day following the election, and if the  
38 canvass of the election is required at any earlier  
39 time earlier than the Monday following the election,  
40 the special precinct election board shall be reconvened  
41 at noon on the day following the election. If no  
42 challenged ballots were cast in the county pursuant  
43 to section 49.81 at any election, the special precinct  
44 election board need not be so reconvened. If the  
45 number of challenged ballots so cast at any election  
46 is not sufficient to require reconvening of the entire  
47 election board of the special precinct, the  
48 commissioner may reconvene only the number of members  
49 required, but in so doing shall observe the  
50 requirements of sections 49.12 and 49.13.

1     Sec. 36. Section 53.17, Code 1981, is amended  
2 to read as follows:  
3     53.17 MAILING OR DELIVERING BALLOT. The sealed  
4 envelope containing the absentee ballot shall be  
5 enclosed in a carrier envelope which shall be securely  
6 sealed. The sealed carrier envelope shall be delivered  
7 by the qualified elector or his or her designee to  
8 the commissioner or a deputy in his or her office,  
9 or mailed, postage paid, to the office of the  
10 commissioner. The carrier envelope shall be received  
11 by the commissioner until ~~eight-o'clock-p-m-~~ the time  
12 the polls are closed on election day. The commissioner  
13 shall contact the post office serving the  
14 commissioner's office at the latest practicable hour  
15 on election day, and shall seek to arrange for any  
16 absentee ballots received in that post office but  
17 not yet delivered to the commissioner's office to  
18 be brought to the commissioner's office prior to the  
19 time the polls are closed.

20     Sec. 37. Section 53.22, subsection 1, paragraph  
21 c, Code 1981, is amended to read as follows:  
22     c. The special precinct election officers shall  
23 both notarize each absent voter's affidavit as required  
24 by section 53.16; any such officer who is not a notary  
25 public shall be provided with a stamp containing that  
26 person's name and the words "special precinct election  
27 officer" and may notarize the absentee affidavits  
28 so delivered by signing them and applying the stamp.  
29 The special precinct election officers shall travel  
30 together in the same vehicle and both shall be present  
31 when an applicant casts his or her absentee ballot.  
32 If either or both of the special election officers  
33 fails to appear at the time the duties set forth in  
34 this section are to be performed, the commissioner  
35 shall at once appoint some other person, giving  
36 preference to persons designated by the respective  
37 county chairpersons of the political parties described  
38 in section 49.13, to carry out the requirements of  
39 this section. The persons authorized by this  
40 subsection to deliver an absentee ballot to an  
41 applicant may assist the applicant in filling out  
42 the ballot as permitted by section 49.90. The voted  
43 absentee ballots shall be deposited in a sealed  
44 container which shall be returned to the commissioner  
45 on the same day. On election day the officers shall  
46 return the sealed container by the time the polls  
47 are closed.

48     Sec. 38. Section 54.5, Code 1981, is amended to  
49 read as follows:  
50     54.5 PRESIDENTIAL NOMINEES. The names of the

1 candidates for president and vice president,  
2 ~~respectively~~, of a political party as defined in the  
3 law relating to primary elections, shall, at least  
4 sixty-five days by five o'clock p.m. on the sixty-  
5 seventh day prior to the election, be certified to  
6 the state commissioner by the ~~chairman~~ chairperson  
7 and secretary of the state central committee of said  
8 the party.

9 Sec. 39. Section 57.1, subsection 2, paragraph  
10 c, Code 1981, is amended to read as follows:

11 c. That prior to the election the incumbent had  
12 been duly convicted of an infamous crime, and that  
13 the judgment had not been reversed, annulled or set  
14 aside, nor the incumbent pardoned or restored to the  
15 rights of citizenship by the governor under section  
16 248.12, at the time of the election.

17 Sec. 40. Section 57.6, Code 1981, is amended to  
18 read as follows:

19 57.6 OTHER CONTESTS. All the provisions of the  
20 chapter in relation to contested elections of county  
21 officers shall be applicable, as near as may be, to  
22 contested elections for other offices, and for public  
23 measures except as herein otherwise provided, and  
24 in all cases process and papers may be issued to and  
25 served in the manner provided by the rules of civil  
26 procedure for service of an original notice by the  
27 sheriff of any county.

28 Sec. 41. Section 58.2, Code 1981, is amended to  
29 read as follows:

30 58.2 NOTICE TO INCUMBENT. As soon as the presiding  
31 officers have received the notice and specifications,  
32 they shall make out a notice, directed to the  
33 incumbent, including a copy of the specifications,  
34 which shall be served in the manner provided by the  
35 rules of civil procedure for service of an original  
36 notice by the sergeant at arms.

37 Sec. 42. Section 59.1, Code 1981, is amended to  
38 read as follows:

39 59.1 STATEMENT SERVED. The contestant for a seat  
40 in either branch of the general assembly shall, prior  
41 to twenty days before the first day of the next  
42 session, serve on the incumbent in the manner provided  
43 by the rules of civil procedure for service of an  
44 original notice a statement of notice of contest which  
45 shall allege a fact or facts, believed true by the  
46 contestant which, if true, would alter the outcome  
47 of the election.

48 Sec. 43. Section 60.4, Code 1981, is amended to  
49 read as follows:

50 60.4 STATEMENT. The contestant shall file the

1 statement provided for in chapter 62 in the office  
2 of the secretary of state within ten days from the  
3 day on which the returns are canvassed by the state  
4 board of canvassers, and, within the same time, serve  
5 a copy of the same, with a notice of the contest,  
6 on the incumbent in the manner provided by the rules  
7 of civil procedure for service of an original notice.

8 Sec. 44. Section 61.10, Code 1981, is amended  
9 to read as follows:

10 61.10 NOTICE TO INCUMBENT--TRIAL. Upon the  
11 organization of said court of contest, the court shall  
12 cause a notice of said contest to be served on the  
13 incumbent, together with a copy of the statement of  
14 contest filed by the contestant in the manner provided  
15 by the rules of civil procedure for service of an  
16 original notice. No trial shall be held sooner than  
17 twenty days following said notice, except by consent  
18 of all parties.

19 Sec. 45. Section 69.12, unnumbered paragraph 1,  
20 Code 1981, is amended to read as follows:

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

32 Sec. 46. Section 372.13, subsection 2, Code 1981,  
33 is amended by striking the subsection and inserting  
34 in lieu thereof the following:

35 2. A vacancy in an elective city office during  
36 a term of office shall be filled, at the council's  
37 option, by one of the two following procedures:

38 a. By appointment by the remaining members of  
39 the council, except that if the remaining members  
40 do not constitute a quorum of the full membership,  
41 paragraph b shall be followed. The appointment shall  
42 be for the period until the next pending election  
43 as defined in section 69.12, and shall be made within  
44 forty days after the vacancy occurs. If the council  
45 chooses to proceed under this paragraph, it shall  
46 publish notice in the manner prescribed by section  
47 362.3, stating that the council intends to fill the  
48 vacancy by appointment but that the electors of the  
49 city or ward, as the case may be, have the right to  
50 file a petition requiring that the vacancy be filled

1 by a special election. The council may publish no-  
2 tice in advance if an elected official submits a  
3 resignation to take effect at a future date. The  
4 council may make an appointment to fill the vacancy  
5 after the notice is published or after the vacancy  
6 occurs, whichever is later. However, if within  
7 fourteen days after publication of the notice or  
8 within fourteen days after the appointment is made,  
9 whichever is later, there is filed with the city clerk  
10 a petition which requests a special election to fill  
11 the vacancy and which is signed by eligible electors  
12 who are, or would be if registered, entitled to vote  
13 to fill the office in question, equal in number to  
14 two percent of those who voted for candidates for  
15 the office at the last preceding regular election  
16 at which the office was on the ballot, but not less  
17 than ten persons, an appointment to fill the vacancy  
18 is temporary and the council shall call a special  
19 election to fill the vacancy permanently, under  
20 paragraph b.

21 b. By a special election held to fill the office  
22 for the remaining balance of the unexpired term.  
23 If the council opts for a special election or a valid  
24 petition is filed under paragraph a, the special  
25 election may be held concurrently with any pending  
26 election as provided by section 69.12 if by so doing  
27 the vacancy will be filled not more than ninety days  
28 after it occurs. Otherwise, a special election to  
29 fill the office shall be called at the earliest  
30 practicable date. If there are concurrent vacancies  
31 on the council and the remaining council members do  
32 not constitute a quorum of the full membership, a  
33 special election shall be called at the earliest  
34 practicable date. A special election held under this  
35 subsection is subject to neither a primary election  
36 nor runoff, even if such an election is required when  
37 the office in question is filled at a regular city  
38 election, and the candidate receiving a plurality  
39 of the vote is elected.

40 Sec. 47. Section 420.41, subsection 1, paragraph  
41 d, Code 1981, is amended to read as follows:

42 d. In respect of the election or appointment of  
43 a clerk, treasurer, police magistrate and marshal  
44 or in respect of the authority, functions, duties  
45 or compensation of any ~~thereof~~ of these except that  
46 section 372.13, subsection 2, applies in respect to  
47 a vacancy in any of these elective offices and to  
48 a vacancy in any other city elective office.

49 Sec. 48. Sections 43.56, 43.57, and 43.58, Code  
50 1981, are repealed.

1     Sec. 49. The Code editor shall prepare a  
2 compilation of the election laws of this state as  
3 soon as reasonably possible after the effective date  
4 of this section. The superintendent of printing shall  
5 cause not less than five thousand copies of the  
6 compilation to be printed, and an additional five  
7 thousand to be printed if the initial supply of five  
8 thousand runs out. The cost of preparing and printing  
9 the compilation shall be paid from the appropriation  
10 provided by section 14.22.

11     Sec. 50. The compilation of election laws printed  
12 pursuant to section 49 of this Act shall be distributed  
13 by the superintendent of printing. Each county shall  
14 be provided with a sufficient number of copies to  
15 enable the county commissioner of elections to  
16 distribute one copy to each political party county  
17 central committee chairperson, the secretary of each  
18 school board for which the commissioner conducts an  
19 election, each city clerk, each public library and  
20 each secondary school library. These persons and  
21 libraries shall be informed in some suitable manner  
22 that they may obtain a copy of the compilation free  
23 of charge from the county commissioner's office.  
24 All copies remaining after the foregoing requirements  
25 have been satisfied shall be distributed free of  
26 charge in reasonable quantities to persons requesting  
27 them."

28     2. Amend the title, by striking lines 1 through  
29 7 and inserting in lieu thereof the words "An Act  
30 relating to elections,".

S-3838 FILED  
MAY 21, 1981

RECEIVED FROM THE HOUSE

*Senate concurred 5/21/81 (p. 1316)*

SENATE FILE 384

H-4192

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate as  
3 follows:

4 1. Page 1, by inserting after line 50, the  
5 following:

6 Sec. \_\_\_\_ . Section 43.78, subsection 4, Code 1981,  
7 is amended to read as follows:

8 4. Political party candidates for a vacant office  
9 ~~seat in the United States house of representatives or~~  
10 ~~the general assembly~~ which is to be filled at a special  
11 election called pursuant to section 69.14 shall be nomi-  
12 nated in the manner provided by subsection 1 of this  
13 section for filling a vacancy on the general election  
14 ballot for the same office. The name of any candidate  
15 so nominated shall be submitted in writing to the  
16 state commissioner, as required by section 43.88, at the  
17 earliest practicable time.

18 2. Page 16, by inserting after line 34 the follow-  
19 ing:

20 Sec. \_\_\_\_ . Section 69.14, Code 1981, is amended to  
21 read as follows:

22 69.14 SPECIAL ELECTION TO FILL VACANCIES. A special  
23 election to fill a vacancy shall be held for a senator  
24 or representative in Congress, or senator or represen-  
25 tative in the general assembly, when the body in which  
26 such vacancy exists is in session, or will convene  
27 prior to the next general election, and to fill a  
28 vacancy in the offices of lieutenant governor,  
29 secretary of state, auditor of state, treasurer of  
30 state, secretary of agriculture, or attorney general,  
31 if more than 180 days remain in the term of said officers,  
32 and the governor shall order, not later than five days  
33 from the date the vacancy exists, a special election, giving  
34 not less than forty days' notice of such election. In  
35 the event the special election is to fill a vacancy in  
36 the general assembly while it is in session or within  
37 forty-five days of the convening of any session, the  
38 time limit herein provided shall not apply and the  
39 governor shall order such special election at the  
40 earliest practical time, giving at least ten days'  
41 notice thereof. Any special election called under this  
42 section must be held on a Tuesday.

43 3. Page 16, by striking line 35, and inserting  
44 in lieu thereof the following:

45 "Sec. \_\_\_\_ . Sections 43.56, 43.57, 43.58, and 69.13,  
Code"

H-4192 FILED  
MAY 14, 1981

BY RAPP of Black Hawk  
HALVORSON of Webster

*Look 5/14/81 (J. 19.29)*

1 Amend the Senate amendment H-3688 to Senate File  
 2 384, as amended, passed and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 16, by inserting after line 15 the following:  
 5 "Sec. \_\_\_\_ . Section 54.2, Code 1981, is amended  
 6 by adding the following new paragraph:  
 7 NEW PARAGRAPH. A political party, or group of  
 8 petitioners, shall be entitled to presidential electors  
 9 as follows:  
 10 a. One elector for every 12.5 percent of the vote  
 11 received.  
 12 b. If eight electors have not been allotted, one  
 13 elector to the party, or group of petitioners, with the  
 14 greatest percentage in excess of any amount used in the  
 15 determination of electors in paragraph a.  
 16 c. If eight electors still have not been allotted,  
 17 one elector to the party, or group of petitioners, with  
 18 the next greatest percentage in excess of any amount  
 19 used in the determination of electors in paragraph a.  
 20 This paragraph c shall be repeated until eight electors  
 21 have been allotted.  
 22 d. Whenever two or more parties, or groups of  
 23 petitioners, have the same excess percentage, any  
 24 allotted elector shall go to the party who received  
 25 the highest number of votes. The party, or group of  
 26 petitioners, not receiving an elector under this provision  
 27 shall be eligible for any electors not yet allotted."

( H-4089 FILED MAY 12, 1981 BY RITSEMA of Sioux

*Adopted 5/14/81 (p. 1933)*

## SENATE FILE 384

H-4099

1 Amend the committee amendment H-3688 to Senate  
 2 File 384, as amended, passed and reprinted by the  
 3 Senate, as follows:  
 4 1. Page 8, by inserting after line 49 the  
 5 following:  
 6 "Sec. 23. Section 49.11, subsection 3, Code 1981,  
 7 is amended to read as follows:  
 8 3. Notwithstanding the provisions of the first  
 9 unnumbered paragraph of this section the commissioner  
 10 may consolidate precincts for any election including  
 11 a primary and general election ~~if one~~ under either  
 12 of the following circumstances:  
 13 a. One of the precincts involved consists entirely  
 14 of dormitories that are closed at the time the election  
 15 is held.  
 16 b. The consolidated precincts, if established  
 17 as a permanent precinct, would meet all requirements  
 18 of section 49.3, and a combined total of no more than  
 19 three hundred fifty voters voted in the consolidated  
 20 precincts at the last preceding similar election."  
 21 2. By renumbering the sections to conform with  
 22 this amendment.

H-4099 FILED MAY 12, 1981

BY MAULSBY of Calhoun

*Adopted 5/14/81 (p. 1932)*

SENATE FILE 384

H-4085

1 Amend the committee amendment H-3688 to Senate  
2 File 384 as amended, passed and reprinted by the  
3 Senate as follows:

4 1. Page 16, by inserting after line 34 the  
5 following:

6 "Sec. 37. Section 69.12, unnumbered paragraph  
7 1, Code 1981, is amended to read as follows:

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

19 Sec. 38. Section 372.13, subsection 2, Code 1981,  
20 is amended by striking the subsection and inserting  
21 in lieu thereof the following:

22 2. A vacancy in an elective city office during  
23 a term of office shall be filled, at the council's  
24 option, by one of the two following procedures:

25 a. By appointment by the remaining members of  
26 the council, except that if the remaining members  
27 do not constitute a quorum of the full membership,  
28 paragraph b shall be followed. The appointment shall  
29 be for the period until the next pending election  
30 as defined in section 69.12, and shall be made within  
31 forty days after the vacancy occurs. If the council  
32 chooses to proceed under this paragraph, it shall  
33 publish notice in the manner prescribed by section  
34 362.3, stating that the council intends to fill the  
35 vacancy by appointment but that the electors of the  
36 city or ward, as the case may be, have the right to  
37 file a petition requiring that the vacancy be filled  
38 by a special election. The council may publish no-  
39 tice in advance if an elected official submits a  
40 resignation to take effect at a future date. The  
41 council may make an appointment to fill the vacancy  
42 after the notice is published or after the vacancy  
43 occurs, whichever is later. However, if within  
44 fourteen days after publication of the notice or  
45 within fourteen days after the appointment is made,  
46 whichever is later, there is filed with the city clerk  
47 a petition which requests a special election to fill  
48 the vacancy and which is signed by eligible electors  
49 who are, or would be if registered, entitled to vote  
50 to fill the office in question, equal in number to

1 two percent of those who voted for candidates for  
2 the office at the last preceding regular election  
3 at which the office was on the ballot, but not less  
4 than ten persons, an appointment to fill the vacancy  
5 is temporary and the council shall call a special  
6 election to fill the vacancy permanently, under  
7 paragraph b.

8 b. By a special election held to fill the office  
9 for the remaining balance of the unexpired term.  
10 If the council opts for a special election or a valid  
11 petition is filed under paragraph a, the special  
12 election may be held concurrently with any pending  
13 election as provided by section 69.12 if by so doing  
14 the vacancy will be filled not more than ninety days  
15 after it occurs. Otherwise, a special election to  
16 fill the office shall be called at the earliest  
17 practicable date. If there are concurrent vacancies  
18 on the council and the remaining council members do  
19 not constitute a quorum of the full membership, a  
20 special election shall be called at the earliest  
21 practicable date. A special election held under this  
22 subsection is subject to neither a primary election  
23 nor runoff, even if such an election is required when  
24 the office in question is filled at a regular city  
25 election, and the candidate receiving a plurality  
26 of the vote is elected.

27 Sec. 39. Section 420.41, subsection 1, paragraph  
28 d, Code 1981, is amended to read as follows:

29 d. In respect of the election or appointment of  
30 a clerk, treasurer, police magistrate and marshal  
31 or in respect of the authority, functions, duties  
32 or compensation of any ~~thereof~~ of these except that  
33 section 372.13, subsection 2, applies in respect to  
34 a vacancy in any of these elective offices and to  
35 a vacancy in any other city elective office."

36 2. By renumbering the sections to conform with  
37 this amendment.

BY POFFENBERGER of Dallas	McKEAN of Jones
KREWSON of Polk	CLARK of Lee
HANSON of Delaware	RENAUD of Polk
HALL of Linn	SPEAR of Lee

H-4085 FILED  
MAY 11, 1981

*11. Dept. 2 5/14/81 (p. 1937)*

SENATE FILE 384

H-4066

- 1 Amend committee amendment H-3688 to Senate File
- 2 384 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. By striking page 4, line 49 through page
- 5 5, line 13.

H-4066 FILED MAY 11, 1981

BY ANDERSON of Jasper

*Done 5/12/81 (p. 1809)*

SENATE FILE 384

H-4075

- 1 Amend the amendment H-3688 to Senate File 384 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 4, line 33, by striking the word
- 5 "numbers" and inserting in lieu thereof the
- 6 following: "number provided by the registrant".

H-4075 FILED

BY SCHROEDER of Pottawattamie

MAY 11, 1981

BRANDT of Black Hawk

*Adopted 5/12/81 (p. 1805)*

SENATE FILE 384

H-4080

- 1 Amend the committee amendment H-3688 to Senate
- 2 File 384 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 10, by inserting after line 34 the
- 5 following:
- 6 "Sec. \_\_\_\_ . Section 49.73, subsection 2, Code
- 7 1981, is amended to read as follows:
- 8 2. The commissioner shall not shorten voting hours
- 9 for any election if there is filed in the
- 10 commissioner's office, at least twenty-five days
- 11 before the election, a petition signed by at least
- 12 fifty eligible electors of the school district or
- 13 city, as the case may be, requesting that the polls
- 14 be opened not later than seven o'clock a.m. All
- 15 polling places where the candidates of or any public
- 16 question submitted by any one political subdivision
- 17 are being voted upon shall be opened at the same hour,
- 18 except that this requirement shall not apply to merged
- 19 areas established under chapter 280A. The hours at
- 20 which the respective precinct polling places are to
- 21 open shall not be changed after publication of the
- 22 notice required by section 49.53. The polling places
- 23 shall be closed at ~~nine o'clock p.m. for state primary~~
- 24 ~~and general elections and other partisan elections,~~
- 25 ~~and for any other election held concurrently therewith,~~
- 26 ~~and at eight o'clock p.m. for all other elections."~~
- 27 2. By renumbering the sections to conform with
- 28 this amendment.

H-4080 FILED MAY 11, 1981

BY WOODS of Polk

*W/R 5/14/81 (p. 1932)*

SENATE FILE 384

H-3863

1 Amend the committee amendment H-3688 to Senate  
2 File 384 as amended, passed and reprinted by the  
3 Senate, as follows:

4 1. Page 4, by inserting after line 24 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 48.2, Code 1981, is amended  
7 to read as follows:

8 48.2 WHO MAY REGISTER. Any person who is an  
9 eligible elector may register to vote by personally  
10 submitting a completed voter registration form to  
11 the commissioner of registration or a deputy  
12 commissioner of registration in the elector's county  
13 of residence. Any person who is an eligible elector  
14 in all respects except age may, at any time during  
15 the six months next preceding his or her eighteenth  
16 birthday, register to vote in the county of his or  
17 her residence. When a person less than eighteen years  
18 of age registers, the commissioner shall maintain  
19 a record of the registration, so as to clearly indicate  
20 that it will not take effect until the registrant's  
21 eighteenth birthday and that the person is registered  
22 and qualifies to vote in any election held on or after  
23 that date.

24 Sec. \_\_\_\_\_. Section 48.3, Code 1981, is amended  
25 to read as follows:

26 48.3 REGISTRATION BY MAIL. As an alternative  
27 to the method of registration prescribed by section  
28 48.2, any person entitled to register under that  
29 section may submit a completed voter registration  
30 form to the commissioner of registration in the  
31 person's county of residence by postage paid United  
32 States mail. A registration form or the envelope  
33 containing one or more registration forms for the  
34 use of individual registrants who are related to each  
35 other within the first degree of consanguinity or  
36 affinity and who reside at the same address shall  
37 be postmarked by the ~~twenty-fifth~~ twenty-third day  
38 prior to an election or the registration will not  
39 take effect for that election. A completed  
40 registration form may be delivered to the commissioner  
41 by another person. The delivery must be made by the  
42 twenty-fifth day prior to the election. The  
43 commissioner shall note on each form delivered by  
44 a person who is not the registrant the day and time  
45 of delivery. A separate registration form shall be  
46 signed by each individual registrant. Within five  
47 working days after receiving a registration by mail  
48 or delivery, the commissioner shall send the registrant  
49 a receipt of the registration by first class mail  
50 marked "do not forward". If the receipt is returned

H-3863  
Page 2

1 by the postal service the commissioner shall treat  
2 the registration as prescribed by section 48.31,  
3 subsection 7. An improperly addressed or delivered  
4 registration form shall be forwarded to the appropriate  
5 county commissioner of registration within two working  
6 days after it is received by any other official."  
7 2. By renumbering the sections to conform with  
8 this amendment.

H-3863 FILED APRIL 28, 1981 BY DAVITT of Warren  
*Pass 5/12/81 (p. 1807)*

SENATE FILE 384

H-3837

1 Amend amendment H-3688 to Senate File 384 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 8, line 40, by inserting after the word  
5 "voted." the words "For the purpose of this subsection,  
6 registration includes the submission of a registration  
7 form which makes no change in the elector's existing  
8 registration."

H-3837 FILED APRIL 27, 1981 BY SPEAR of Lee  
*Adopted 5/14/81 (p. 1921).*

H-3793

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 6, by striking lines 14 through 16 and  
5 inserting in lieu thereof the following: "a qualified  
6 elector a registration form of the type prescribed  
7 for use by electors registering under section 48.3.  
8 The elector shall complete the form".

9 2. Page 7, by inserting after line 45 the  
10 following:

11 "Sec. \_\_\_\_ . Section 48.11, unnumbered paragraph  
12 2, Code 1981, is amended to read as follows:

13 Registration shall close in a precinct at five  
14 o'clock p.m., ten days before an a general or primary  
15 election and eleven days before all other elections,  
16 except as provided in section 48.3. The commissioner's  
17 office shall be open from eight o'clock a.m. until  
18 at least six o'clock p.m. on the day registration  
19 closes prior to each regularly scheduled election."

20 3. By renumbering the sections to conform with  
21 this amendment.

H-3793 FILED APRIL 23, 1981

*Adopted 5/14/81* BY CRAWFORD of Story HALVORSON of Webster  
*(p. 1931)* SWEARINGEN of Keokuk DIEMER of Black Hawk  
HANSON of Delaware CARPENTER of Polk  
ANDERSON of Jasper

## SENATE FILE 384

H-3794

1 Amend amendment H-3688 to Senate File 384, as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 3, line 18, by inserting after the word  
4 "petition." the following: "In the case of candidates  
5 for president and vice president, the eligible electors  
6 signing the nomination papers must reside in at least  
7 ten counties, with not more than one-half of the  
8 petitioning electors residing in one county."

H-3794 FILED APRIL 23, 1981 BY RENKEN of Grundy  
*Last 5/12/81 (p. 1804)* HANSON of Delaware

## SENATE FILE 384

H-3795

1 Amend amendment H-3688 to Senate File 384 as  
2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 4, line 34, by adding after the word  
4 "requested" the following: "only if filed on the original  
5 registration".

H-3795 FILED APRIL 23, 1981 BY SCHROEDER of Pottawattamie  
*#15 5/12/81 (p. 1805)*

SENATE FILE 384

8771

1 Amend the amendment H-3688 to Senate File 384 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 16, by inserting after line 34 the  
4 following:

5 "Sec. 37. Section 57.6, Code 1981, is amended  
6 to read as follows:

7 57.6 OTHER CONTESTS. All the provisions of the  
8 chapter in relation to contested elections of county  
9 officers shall be applicable, as near as may be, to  
10 contested elections for other offices, and for public  
11 measures except as herein otherwise provided, and  
12 in all cases process and papers may be issued to and  
13 served in the manner provided by the rules of civil  
14 procedure for service of an original notice by the  
15 sheriff of any county.

16 Sec. 38. Section 58.2, Code 1981, is amended to  
17 read as follows:

18 58.2 NOTICE TO INCUMBENT. As soon as the presiding  
19 officers have received the notice and specifications,  
20 they shall make out a notice, directed to the  
21 incumbent, including a copy of the specifications,  
22 which shall be served in the manner provided by the  
23 rules of civil procedure for service of an original  
24 notice by the sergeant at arms.

25 Sec. 39. Section 59.1, Code 1981, is amended to  
26 read as follows:

27 59.1 STATEMENT SERVED. The contestant for a seat  
28 in either branch of the general assembly shall, prior  
29 to twenty days before the first day of the next  
30 session, serve on the incumbent in the manner provided  
31 by the rules of civil procedure for service of an  
32 original notice a statement of notice of contest which  
33 shall allege a fact or facts, believed true by the  
34 contestant which, if true, would alter the outcome  
35 of the election.

36 Sec. 40. Section 60.4, Code 1981, is amended to  
37 read as follows:

38 60.4 STATEMENT. The contestant shall file the  
39 statement provided for in chapter 62 in the office  
40 of the secretary of state within ten days from the  
41 day on which the returns are canvassed by the state  
42 board of canvassers, and, within the same time, serve  
43 a copy of the same, with a notice of the contest,  
44 on the incumbent in the manner provided by the rules  
45 of civil procedure for service of an original notice.

46 Sec. 41. Section 61.10, Code 1981, is amended  
47 to read as follows:

48 61.10 NOTICE TO INCUMBENT--TRIAL. Upon the  
49 organization of said court of contest, the court shall  
50 cause a notice of said contest to be served on the

H-3771  
Page 2

1 incumbent, together with a copy of the statement of  
2 contest filed by the contestant in the manner provided  
3 by the rules of civil procedure for service of an  
4 original notice. No trial shall be held sooner than  
5 twenty days following said notice, except by consent  
6 of all parties."  
7 2. By renumbering the sections to conform with  
8 this amendment.

H-3771 FILED APRIL 23, 1981 BY SCHROEDER of Pottawattamie  
*Adopted 5/14/81 (p 1935)*

SENATE FILE 384

H-3748

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 16, by striking line 36 and inserting  
5 in lieu thereof the following: "1981, are repealed.  
6 Sec. 38. The Code editor shall prepare a  
7 compilation of the election laws of this state as  
8 soon as reasonably possible after the effective date  
9 of this section. The superintendent of printing shall  
10 cause not less than five thousand copies of the  
11 compilation to be printed, and an additional five  
12 thousand to be printed if the initial supply of five  
13 thousand runs out. The cost of preparing and printing  
14 the compilation shall be paid from the appropriation  
15 provided by section 14.22.  
16 Sec. 39. The compilation of election laws printed  
17 pursuant to section 38 of this Act shall be distributed  
18 by the superintendent of printing. Each county shall  
19 be provided with a sufficient number of copies to  
20 enable the county commissioner of elections to  
21 distribute one copy to each political party county  
22 central committee chairperson, the secretary of each  
23 school board for which the commissioner conducts an  
24 election, each city clerk, each public library and  
25 each secondary school library. These persons and  
26 libraries shall be informed in some suitable manner  
27 that they may obtain a copy of the compilation free  
28 of charge from the county commissioner's office.  
29 All copies remaining after the foregoing requirements  
30 have been satisfied shall be distributed free of  
31 charge in reasonable quantities to persons requesting  
32 them."

H-3748 FILED APRIL 22, 1981 BY ANDERSON of Jasper  
*Adopted 5/14/81 (p. 1938)*

SENATE FILE 384

H-3761

1 Amend the Committee on State Government amend-  
2 ment H-3688 to Senate File 384 as amended, passed  
3 and reprinted by the Senate as follows:  
4 1. Page 5, line 10, by inserting after the  
5 word "lists." the following: "A member of the  
6 United States congress shall not use the franking  
7 privilege to send a mailing for an official purpose  
8 using the registration lists during an even-numbered  
9 year or during a year in which a special election is  
10 held in this state to fill a vacancy in the office  
11 of representative in the United States congress."

H-3761 FILED APRIL 22, 1981 BY ARNOULD of Scott  
*4/22 5/14/81 (p. 1949)*

SENATE FILE 384

H-3770

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking line 5 and inserting in  
5 lieu thereof the following:  
6 "Section 1. Chapter 43, Code 1981, is amended  
7 by adding the following new section:  
8 NEW SECTION. A person who has filed nomination  
9 papers and been placed on the ballot as a candidate  
10 in a primary election under this chapter shall not  
11 be eligible for nomination as a candidate for the  
12 same office to be filled at the following general  
13 election by another party, by a nonparty political  
14 organization or by petition.  
15 Sec. 2. Section 43.8, Code 1981, is amended".  
16 2. By renumbering the sections to conform with  
17 this amendment.

H-3770 FILED APRIL 22, 1981

*Last 5/12/81 (1804)* BY HALVORSON of Webster RUNNING of Linn  
HALVORSON of Clayton PAVICH of Pottawattamie  
BRANSTAD of Winnebago JAY of Appanoose  
MAULSBY of Calhoun JOHNSON of Linn  
GROTH of Buena Vista SMITH of Scott  
DIELEMAN of Marion TYRRELL of Iowa

SENATE FILE 384

H-3762

1 Amend the Committee on State Government amend-  
2 ment H-3688 to Senate File 384 as amended, passed  
3 and reprinted by the Senate as follows:  
4 1. Page 5, line 10, by inserting after the  
5 word "lists." the following: "Anytime a member of  
6 the United States congress uses a registration list  
7 and employs the franking privilege to send a mailing  
8 for an official purpose the member shall mail to all  
9 the addresses on any registration list."

H-3762 FILED APRIL 22, 1981 BY ARNOULD of Scott

*Last 5/14/81 (p. 1930)*

H-3734

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 4, by inserting after line 24 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 48.3, Code 1981, is amended  
7 to read as follows:

8 48.3 REGISTRATION BY MAIL. As an alternative  
9 to the method of registration prescribed by section  
10 48.2, any person entitled to register under that  
11 section may submit a completed voter registration  
12 form to the commissioner of registration in the  
13 person's county of residence by postage paid United  
14 States mail. A registration form or the envelope  
15 containing one or more registration forms for the  
16 use of individual registrants who are related to each  
17 other within the first degree of consanguinity or  
18 affinity and who reside at the same address shall  
19 be postmarked by the ~~twenty-fifth~~ twenty-third day  
20 prior to an election or the registration will not  
21 take effect for that election. A separate registration  
22 form shall be signed by each individual registrant.  
23 Within five working days after receiving a registration  
24 by mail, the commissioner shall send the registrant  
25 a receipt of the registration by first class mail  
26 marked "do not forward". If the receipt is returned  
27 by the postal service the commissioner shall treat  
28 the registration as prescribed by section 48.31,  
29 subsection 7. An improperly addressed or delivered  
30 registration form shall be forwarded to the appropriate  
31 county commissioner of registration within two working  
32 days after it is received by any other official."

33 2. By renumbering the sections to conform with  
34 this amendment.

H-3734 FILED APRIL 21, 1981 BY SPEAR of Lee

*Law 5/12/81 (p. 1802)*

SENATE FILE 384

H-3735

1 Amend committee amendment H-3688 to Senate File  
2 384 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 9, by inserting after line 50 the  
5 following:

6 "Sec. \_\_\_\_\_. Section 49.21, unnumbered paragraph  
7 4, Code 1981, is amended to read as follows:

8 In the selection of polling places, ~~consideration~~  
9 preference shall also be given to the use of buildings  
10 accessible to elderly and physically disabled persons."

11 2. By renumbering the sections to conform with  
12 this amendment.

H-3735 FILED APRIL 21, 1981 BY TRUCANO of Polk

*Adopted 5/14/81 (p. 1932)*

1 Amend the committee amendment H-3688 to Senate  
2 File 384 as amended, passed and reprinted by the  
3 Senate, as follows:

4 1. Page 4, by inserting after line 24 the  
5 following:

6 "Sec. \_\_\_\_ Section 48.2, Code 1981, is amended  
7 to read as follows:

8 48.2 WHO MAY REGISTER. Any person who is an  
9 eligible elector may register to vote by personally  
10 submitting a completed voter registration form to  
11 the commissioner of registration or a deputy  
12 commissioner of registration in the elector's county  
13 of residence. Any person who is an eligible elector  
14 in all respects except age may, at any time during  
15 the six months next preceding his or her eighteenth  
16 birthday, register to vote in the county of his or  
17 her residence. When a person less than eighteen years  
18 of age registers, the commissioner shall maintain  
19 a record of the registration, so as to clearly indicate  
20 that it will not take effect until the registrant's  
21 eighteenth birthday and that the person is registered  
22 and qualifies to vote in any election held on or after  
23 that date.

24 Sec. \_\_\_\_ Section 48.3, Code 1981, is amended  
25 to read as follows:

26 48.3 REGISTRATION BY MAIL. As an alternative  
27 to the method of registration prescribed by section  
28 48.2, any person entitled to register under that  
29 section may submit a completed voter registration  
30 form to the commissioner of registration in the  
31 person's county of residence by postage paid United  
32 States mail. A registration form or the envelope  
33 containing one or more registration forms for the  
34 use of individual registrants who are related to each  
35 other within the first degree of consanguinity or  
36 affinity and who reside at the same address shall  
37 be postmarked by the twenty-fifth day prior to an  
38 election or the registration will not take effect  
39 for that election. A completed registration form  
40 may be delivered to the commissioner by another person.  
41 The delivery must be made by the twenty-fifth day  
42 prior to the election. The commissioner shall note  
43 on each form delivered by a person who is not the  
44 registrant the day and time of delivery. A separate  
45 registration form shall be signed by each individual  
46 registrant. Within five working days after receiving  
47 a registration by mail or delivery, the commissioner  
48 shall send the registrant a receipt of the registration  
49 by first class mail marked "do not forward". If the  
50 receipt is returned by the postal service the

Page Two

1 commissioner shall treat the registration as prescribed  
2 by section 48.31, subsection 7. An improperly  
3 addressed or delivered registration form shall be  
4 forwarded to the appropriate county commissioner of  
5 registration within two working days after it is  
6 received by any other official."

7 2. By renumbering the sections to conform with  
8 this amendment.

*Lost 5/14/81 (8 1921*

Sec. 2. Section 43.66, Code 1981, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. If there have been no candidates from a political party for a seat in the general assembly since the most recent redistricting of the general assembly, a write-in candidate shall be considered nominated who receives a number of votes equal to at least thirty-five percent of the total votes cast, at the last preceding primary election in the precincts which currently constitute the general assembly district, for all of that party's candidates for representative in the congress of the United States or who receives at least one hundred votes, whichever number is greater. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section 43.78, subsection 1.

Sec. 3. Section 43.88, Code 1981, is amended by adding the following new unnumbered paragraph:

SENATE FILE 384

AN ACT

RELATING TO ELECTIONS.

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

Section 1. Section 43.8, Code 1981, is amended to read as follows:

43.8 STATE COMMISSIONER TO FURNISH BLANKS. The state commissioner shall, at state expense, furnish blank nomination papers, in the form provided in this chapter, to any qualified eligible elector who desires to petition for the nomination of any candidate, or to any person who intends to be a candidate, for any office for which nomination papers are required to be filed in his the state commissioner's office.

NEW UNNUMBERED PARAGRAPH. Nominations certified to the proper official under this section shall be accompanied by an affidavit executed by the nominee in substantially the form required by section 43.67.

Sec. 4. Section 43.92, Code 1981, is amended to read as follows:

43.92 DATE OF CAUCUS PUBLISHED. The date, time, and place of each precinct caucus of a political party shall be published at least twice in at least one newspaper of general circulation in the precinct. ~~Such~~ The first publication shall be made not more than ~~thirty fifteen~~ thirty fifteen days ~~and not nor~~ less than ~~five~~ seven days before the date of the caucus and the second shall be made not more than seven days before and not later than the date of the caucus. Such publication shall also state in substance that each voter affiliated with the specified political party may attend the precinct caucus. Publication in a news item or advertisement in such newspaper shall constitute publication for the purposes of this section. The cost of such publication, if any, shall be paid by the political party.

Sec. 5. Section 44.3, subsection 1, paragraph c, Code 1981, is amended to read as follows:

e. In case of presidential ~~electors~~ candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.

Sec. 6. Section 44.13, Code 1981, is amended to read as follows:

44.13 CERTIFICATES IN MATTER OF VACANCIES. The certificates of nominations made to supply such vacancies shall state, in addition to the facts and candidate's affidavit required in an original certificate, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in

accordance with the above requirements for filling a vacancy, and shall be signed and sworn to by the presiding officer and secretary of the convention, or caucus, or by the chairman and secretary of the committee, as the case may be.

Sec. 7. Section 45.1, Code 1981, is amended to read as follows:

45.1 NOMINATIONS BY PETITION. Nominations for candidates for president and vice president and for state offices may be made by nomination ~~paper-or~~ papers signed by not less than one thousand eligible electors of the state; for candidates for offices filled by the voters of a county, district or other division by ~~such~~ papers signed by eligible electors residing in the county, district or division equal in number to at least two percent of the total vote received by all candidates for president of the United States or governor, as the case may be, at the last preceding general election in ~~such~~ the county, district or division; and for township, city or ward, by ~~such~~ papers signed by not less than twenty-five eligible electors, residents of ~~such~~ the township, city or ward. In the case of candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

Sec. 8. Section 47.1, Code 1981, is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform ~~such~~ the duties ~~as may be~~ assigned by the state commissioner of elections. The state commissioner of elections shall

prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to chapter 17A, to carry out ~~the provisions of~~ this section.

Sec. 9. Section 47.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The commissioner shall assign each local public measure a letter for identification purposes. The public measure on the ballot shall be identified by the letter.

The county commissioner who is responsible under subsection 2 for conducting the elections held for a political subdivision which lies in more than one county shall assign the letter to the public measure. The county commissioners of elections of the other counties in which the political subdivision is located shall not assign the same letter to a local public measure on the ballot in their counties during the same election.

Sec. 10. Section 47.7, subsection 1, Code 1981, is amended to read as follows:

1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall regulate the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state, ~~except as otherwise provided by section 48.5, subsection 2, paragraph "d"~~. The registrar shall maintain a log, which shall be a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing

programs of the data processing services in the office of the state comptroller.

Sec. 11. Section 48.5, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph.

Sec. 12. Section 48.5, subsection 2, paragraphs a and e, Code 1981, are amended to read as follows:

a. Each list shall be produced in the order and form specified by the requestor, so long as that order and form are within the capacity of the record maintenance system used by the registrar; however, the available residential telephone number provided by the registrant shall be included if requested.

e. A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requester under this paragraph shall receive the updating data at the same time, which shall be determined by the registrar, but in an order and form specified by the requester. ~~Each requester, except those who obtained the initial list of qualified electors under paragraph "d" of this subsection,~~ shall pay the cost of duplicating the updating data before receiving a copy thereof.

Sec. 13. Section 48.5, subsection 3, Code 1981, is amended to read as follows:

3. ~~Neither the~~ The duplicate registration records open to public inspection ~~nor and~~ any list obtained under subsection 2 shall be used ~~for any purpose of any kind or nature, other than only~~ to request a registrant's vote or for any other bona fide political purpose or for a bona fide official purpose by an elected official. The commissioner or registrar shall keep a list of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists

in violation of this section shall, upon conviction, be guilty of a serious misdemeanor.

Sec. 14. Section 48.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Residential telephone number at the option of the applicant.

Sec. 15. Section 48.6, subsection 6, Code 1981, is amended to read as follows:

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to ~~telephone-number~~, fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

Sec. 16. Section 48.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

1. A qualified elector may record a legal change of name or a change of telephone number or address, for voter registration purposes, by one of the following methods:

a. The qualified elector may submit to the commissioner a written notice of the change of name, telephone number, or address, bearing the elector's signature. Upon receipt of the notice, the commissioner shall change the registration records accordingly and the change shall be reflected in the election registers prepared for the next election held ten or more days after receipt of the qualified elector's notice. If the notice received by the commissioner does not contain the information regarding name and address necessary to properly update the registration records, the commissioner

shall immediately send notice to the elector, by forwardable mail directed to the elector's last known address, that the elector's registration is defective. The commissioner's notice shall advise the elector of the corrections necessary.

b. A qualified elector may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of that polling place for the election being held that day. The precinct election officials shall furnish such a qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

2. The commissioner shall record a change of address for a qualified elector, without the necessity of action by the elector, in any of the following circumstances in which the elector's mailing address is changed but the elector's place of residence has not actually changed:

a. Annexation of territory to a city. When a city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing that person that his or her registration may be in error, and requesting that each

person provide the commissioner the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city. When the city changes the name of a street or the number of a house or other building in which an individual resides, the city clerk shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Change of rural route designation of the residence of a qualified elector. The commissioner shall request each postmaster in the county to inform the commissioner of each change of rural route designation and the names of the persons affected, and shall change the registration of each such person as appropriate.

Sec. 17. Section 48.8, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The ~~county~~ commissioner ~~of registration~~ shall prepare an election register for each county precinct between the time of the closing of registration and election day. The election register shall be a copy of the list of all qualified electors of the precinct and shall be in a form prescribed by the state ~~commissioner of elections~~ voter registration commission.

Sec. 18. Section 48.10, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.10 DECEASED PERSONS--RECORD. The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, on or before the tenth day of each month, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the records and statistics division of the department of health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters, who shall determine whether each listed decedent was registered to vote in this state.

If the decedent was registered in a county which uses its own data processing facilities for voter registration record-keeping, the registrar shall notify the commissioner in that county who shall cancel the decedent's registration. If the decedent was registered in a county for which voter registration record-keeping is performed under contract by the registrar, the registrar shall immediately cancel the registration and notify the commissioner of the county in which the decedent was registered to vote of the cancellation.

Sec. 19. Section 48.11, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before an general or primary election and eleven days before all other elections, except as provided in section 48.3. The commissioner's office shall be open from eight o'clock a.m. until at least six o'clock p.m. on the day registration closes prior to each regularly scheduled election.

Sec. 20. Section 48.15, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

#### 48.15 CHALLENGES OF VOTER REGISTRATIONS.

1. A person may challenge the registration to vote of any other person, by filing an individual challenge in writing with the commissioner of the county in which the person challenged is registered. The written challenge need not be in detail, but must allege one or more reasons why, under law, the registration of the person challenged should not have been accepted or should be canceled.

2. A challenge of a person's registration filed less than seventy days prior to a regularly scheduled election need not be processed by the commissioner prior to that election unless the registration, change of name or change of address has been recorded within twenty days prior to the date of the challenge.

3. The commissioner shall immediately give five days' notice of a hearing, by certified mail, to the person whose registration is challenged and to the challenger. The notice shall set forth the reason for the challenge as stated by the challenger. The person challenged may either appear in person at the hearing, or respond in writing addressed to the commissioner and delivered by mail or otherwise prior to the time set for the hearing. However, if the person challenged notifies the commissioner prior to the date set for the hearing that the person wishes to appear in person but will be unable to do so on the date specified, the commissioner may reschedule the hearing. On the basis of the evidence presented by the challenger and the challenged elector, the commissioner shall either cancel the registration of the challenged elector or reject the challenge. Either party may appeal to the district court of the county in which the challenge is made, and the decision of the court shall be final.

Sec. 21. Section 48.31, subsection 1, Code 1981, is amended to read as follows:

1. The elector fails to vote once in the last preceding four consecutive calendar years after the elector's most recent registration or change of name, address or party affiliation, or after the elector most recently voted. For the purpose of this subsection, registration includes the submission of a registration form which makes no change in the elector's existing registration.

Sec. 22. Section 48.31, subsection 3, Code 1981, is amended by striking the subsection.

Sec. 23. Section 48.32, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

48.32 REPORTS. On March 1 of each year and at other times deemed appropriate, the registrar shall report the number of persons registered in each political party in each county.

Sec. 24. Section 49.11, subsection 3, Code 1981, is amended to read as follows:

3. Notwithstanding the provisions of the first unnumbered paragraph of this section the commissioner may consolidate precincts for any election including a primary and general election ~~if one~~ under either of the following circumstances:

- a. One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.
- b. The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total, of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

Sec. 25. Chapter 49, Code 1981, is amended by inserting after section 49.13 the following new section:

NEW SECTION. SUBSTITUTE PRECINCT ELECTION OFFICIALS.

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. A majority of the original election board members shall be present at the precinct polling place at all times; at partisan elections such majority shall include at least one precinct election official from each political party. If the chairperson leaves the polling place, he or she shall designate another member of the board to serve as chairperson until the chairperson returns. The responsibilities and duties of a precinct election official present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate.

2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections 49.19, 49.20, and 49.25. Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

3. The commissioner shall not employ substitute precinct election officials in a partisan election unless:

a. The election board panel drawn up pursuant to section 49.15 contains the names of a sufficient number of political party designees to permit appointment of both the regular precinct election officials and any substitute precinct election officials from that panel; or

b. The commissioner has informed the county chairpersons of the political parties referred to in section 49.13, subsection 2, thirty days prior to the date of the election, of intent to appoint substitute precinct election officials and has allowed ten days thereafter for the respective county chairpersons to provide additional names of persons from whom the substitute precinct election officials shall be appointed. If a county chairperson fails to provide additional names after being so notified, the commissioner may appoint persons known to be members of the appropriate political party or parties.

Sec. 26. Section 49.21, unnumbered paragraph 4, Code 1981, is amended to read as follows:

In the selection of polling places, ~~consideration preference~~ shall also be given to the use of buildings accessible to elderly and physically disabled persons.

Sec. 27. Section 49.44, Code 1981, is amended to read as follows:

49.44 STATE COMMISSIONER TO PREPARE SUMMARY. When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot referred to in section 49.43 and, in precincts where the amendment or measure will be voted on by machine,

shall be placed in the voting machine inserts as required by section 52.25.

Sec. 28. Section 49.45, Code 1981, is amended to read as follows:

49.45 GENERAL FORM OF BALLOT. Ballots referred to in section 49.43 shall be substantially in the following form:

"Shall the following amendment	Yes <input type="checkbox"/>
to the Constitution (or public mea-	No <input type="checkbox"/>
sure) be adopted?"	

(Here insert the summary, if it be for a constitutional amendment or state-wide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot.)

Sec. 29. Section 49.68, subsection 8, Code 1981, is amended by striking the subsection.

Sec. 30. Section 49.89, Code 1981, is amended to read as follows:

49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any election in which candidates appear on the ballot under the heading of either of the political parties referred to in section 49.13, to assist voters who may be unable to cast their votes without assistance. Voters who are blind or physically disabled may have the assistance of any person they may select.

Sec. 31. Section 49.90, Code 1981, is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that he or she cannot read the English language, or is, by reason of any physical disability other than intoxication,

unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or alternatively by any other person the voter may select if the voter is blind or physically disabled in casting the vote. Said officers, or person selected by the blind or physically disabled voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by handicapped voters shall be deposited in the regular ballot box and counted in the usual manner.

Sec. 32. Section 49.104, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to election day. If more than three such persons file a notice of intent with respect to ballot issues at any election, the commissioner shall appoint from those submitting a notice of intent three persons to serve as observers. The appointees,

whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 33. Section 49.109, Code 1981, is amended to read as follows:

49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any person entitled to vote at a ~~general~~ an election in this state who does not have three consecutive hours in the period between the time of the opening and the time of the closing of the polls during which ~~he~~ the person is not required to be present at work for an employer, ~~shall-he~~ is entitled to such time off from ~~his~~ work time to vote as will in addition to ~~his~~ the person's nonworking time total three consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. ~~Such voter shall~~ The employee is not be liable to any penalty nor shall any deduction be made from ~~his~~ the person's regular salary or wages on account of such absence.

Sec. 34. Chapter 50, Code 1981, is amended by adding the following new section:

NEW SECTION. GENERAL RECOUNT PROVISIONS.

1. The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request therefor is made not later than five o'clock p.m. on the third day following the county board's canvass of the election in question. The request shall be filed with the commissioner of that county, or with the commissioner responsible for conducting the election if section 47.2, subsection 2 is applicable, and shall be signed by either of the following:

a. A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

b. Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

This section does not apply to an election held by a city which is not the final election for the office in question.

2. The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

- a. For an office filled by the electors of the entire state, one thousand dollars.
- b. For United States representative, five hundred dollars.
- c. For senator in the general assembly, three hundred dollars.
- d. For representative in the general assembly, one hundred fifty dollars.
- e. For an office filled by the electors of an entire county having a population of fifty thousand or more, two hundred dollars.
- f. For any elective office to which paragraphs a through e of this subsection are not applicable, one hundred dollars.

After all recount proceedings for a particular office are completed and the official canvass of votes cast for that office is corrected or completed pursuant to subsections 5 and 6, if necessary, any bond posted under this subsection shall be returned to the candidate who requested the recount if the apparent winner before the recount is not the winner as shown by the corrected or completed canvass. In all other cases, the bond shall be deposited in the general fund of the state if filed with the state commissioner or in the election fund of the county with whose commissioner it was filed.

3. The recount shall be conducted by a board which shall consist of:

- a. A designee of the candidate requesting the recount, who shall be named in the written request when it is filed.
- b. A designee of the apparent winning candidate, who shall be named by that candidate at or before the time the board is required to convene.
- c. A person chosen jointly by the members designated under paragraphs a and b of this subsection.

The commissioner shall convene the persons designated under paragraphs a and b of this subsection not later than nine o'clock a.m. on the seventh day following the county board's canvass of the election in question. If those two members cannot agree on the third member by eight o'clock a.m. on the ninth day following the canvass, they shall immediately so notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than five o'clock p.m. on the eleventh day following the canvass.

4. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office

or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

5. If the recount board's report is that the abstracts prepared pursuant to the county board's canvass were incorrect as to the number of votes cast for the candidates for the office or nomination in question, in that county or district, the commissioner shall at once so notify the county board. The county board shall reconvene within three days after being so notified, and shall correct its previous proceedings.

6. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which section 50.30 or section 43.60 in the case of a primary election, is applicable. If necessary, the state canvass required by section 50.38, or by section 43.63, as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

Sec. 35. Section 50.21, Code 1981, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the election board of the special precinct established by section 53.20 at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the third day following

such an election is a legal holiday the special precinct election board shall be convened at noon on the second day following the election, and if the canvass of the election is required at any earlier time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections 49.12 and 49.13.

Sec. 36. Section 53.17, Code 1981, is amended to read as follows:

53.17 MAILING OR DELIVERING BALLOT. The sealed envelope containing the absentee ballot shall be enclosed in a carrier envelope which shall be securely sealed. The sealed carrier envelope shall be delivered by the qualified elector or his or her designee to the commissioner or a deputy in his or her office, or mailed, postage paid, to the office of the commissioner. The carrier envelope shall be received by the commissioner until ~~eight-o-clock-p.m.~~ the time the polls are closed on election day. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour on election day, and shall seek to arrange for any absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the time the polls are closed.

Sec. 37. Section 53.22, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. The special precinct election officers shall both notarize each absent voter's affidavit as required by section

53.16; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section 49.90. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day. On election day the officers shall return the sealed container by the time the polls are closed.

Sec. 38. Section 54.5, Code 1981, is amended to read as follows:

54.5 PRESIDENTIAL NOMINEES. The names of the candidates for president and vice president, ~~respectively~~ of a political party as defined in the law relating to primary elections, shall, ~~at least sixty-five days~~ by five o'clock p.m. on the sixty-seventh day prior to the election, be certified to the state commissioner by the ~~chairman~~ chairperson and secretary of the state central committee of ~~said~~ the party.

Sec. 39. Section 57.1, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. That prior to the election the incumbent had been duly convicted of an infamous crime, and that the judgment had not been reversed, annulled or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under section 248.12, at the time of the election.

Sec. 40. Section 57.6, Code 1981, is amended to read as follows:

57.6 OTHER CONTESTS. All the provisions of the chapter in relation to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 41. Section 58.2, Code 1981, is amended to read as follows:

58.2 NOTICE TO INCUMBENT. As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

Sec. 42. Section 59.1, Code 1981, is amended to read as follows:

59.1 STATEMENT SERVED. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 43. Section 60.4, Code 1981, is amended to read as follows:

60.4 STATEMENT. The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of

the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

Sec. 44. Section 61.10, Code 1981, is amended to read as follows:

61.10 NOTICE TO INCUMBENT--TRIAL. Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties.

Sec. 45. Section 69.12, unnumbered paragraph 1, Code 1981, is amended to read as follows:

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

Sec. 46. Section 372.13, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

a. By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph b shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within

forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, whichever is later, there is filed with the city clerk a petition which requests a special election to fill the vacancy and which is signed by eligible electors who are, or would be if registered, entitled to vote to fill the office in question, equal in number to two percent of those who voted for candidates for the office at the last preceding regular election at which the office was on the ballot, but not less than ten persons, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph b.

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph a, the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. A special election held under

this subsection is subject to neither a primary election nor runoff, even if such an election is required when the office in question is filled at a regular city election, and the candidate receiving a plurality of the vote is elected.

Sec. 47. Section 420.41, subsection 1, paragraph d, Code 1981, is amended to read as follows:

d. In respect of the election or appointment of a clerk, treasurer, police magistrate and marshal or in respect of the authority, functions, duties or compensation of any thereof of these except that section 372.13, subsection 2, applies in respect to a vacancy in any of these elective offices and to a vacancy in any other city elective office.

Sec. 48. Sections 43.56, 43.57, and 43.58, Code 1981, are repealed.

Sec. 49. The Code editor shall prepare a compilation of the election laws of this state as soon as reasonably possible after the effective date of this section. The superintendent of printing shall cause not less than five thousand copies of the compilation to be printed, and an additional five thousand to be printed if the initial supply of five thousand runs out. The cost of preparing and printing the compilation shall be paid from the appropriation provided by section 14.22.

Sec. 50. The compilation of election laws printed pursuant to section 49 of this Act shall be distributed by the superintendent of printing. Each county shall be provided with a sufficient number of copies to enable the county commissioner of elections to distribute one copy to each political party county central committee chairperson, the secretary of each school board for which the commissioner conducts an election, each city clerk, each public library and each secondary school library. These persons and libraries shall be informed in some suitable manner that they may obtain a copy of the compilation free of charge from the county commissioner's office. All copies remaining after the

foregoing requirements have been satisfied shall be distributed free of charge in reasonable quantities to persons requesting them.

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

\_\_\_\_\_  
DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 384, Sixty-ninth General Assembly.

\_\_\_\_\_  
LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved June 15, 1981

\_\_\_\_\_  
ROBERT D. RAY  
Governor