

CHAPTER 170**ELECTIONS**

H.F. 636

AN ACT relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

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

Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

Only those public measures which are specifically authorized or required by state law to be put before the voters as a public measure shall be submitted to the voters at an official election. Only those offices which are specifically authorized or required by state law to be filled by the voters at an election shall be placed on the ballot at an official election.

This section does not prohibit the governing body of a city or county from adopting an ordinance providing for elections on matters under the jurisdiction of the governing body.

Sec. 2. Section 43.6, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 4. Section 43.79, Code 1997, is amended to read as follows:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

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

sor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 5. Section 43.88, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Nominations made to fill vacancies at a special election shall be certified to the proper official not less than ~~twenty~~ **twenty-five** days prior to the date set for the special election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the nomination shall be certified not less than fourteen days before the date of the special election.

Sec. 6. Section 43.116, Code 1997, is amended by adding the following new subsection: **NEW SUBSECTION. 3.** If a special election is held to fill a vacancy in an elective city office, nominations by political parties shall be made following the provisions of subsection 2.

Sec. 7. Section 44.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 8. Section 44.11, Code 1997, is amended to read as follows:

44.11 VACANCIES FILLED.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the city clerk.

Sec. 9. **NEW SECTION. 44.17 NONPARTY POLITICAL ORGANIZATIONS — NOMINATIONS BY PETITION.**

In lieu of holding a caucus or convention, a nonparty political organization may nominate by petition pursuant to chapter 45 not more than one candidate for any partisan office to be filled at the general election.

The nonparty political organization may also file with the appropriate commissioner a

list of the names and addresses of the organization's central committee members, and the chairperson and secretary of the organization. The organization may also place on file a description of the method that the organization will follow to fill any vacancies resulting from the death, withdrawal, or disqualification of any of its candidates that were nominated by petition. If this information is filed before the close of the filing period for the general election, substitutions may be made pursuant to section 44.11.

Sec. 10. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

If the deadline for a filing pertaining to an election falls on a day that the state or county commissioner's office is closed for business, the deadline shall be extended to the next day that the office of state commissioner or county commissioner is open for business to receive the filing. This section does not apply to the deadline for voter registration under section 48A.9, subsection 2.

Sec. 11. Section 47.5, subsection 1, Code 1997, is amended to read as follows:

1. ~~The Except for legal services and printing of ballots, the~~ commissioner shall take bids for goods and services which are needed in connection with registration of voters or preparation for or administration of elections and which will be performed or provided by persons who are not employees of the commissioner under the following circumstances:

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

~~c. Bids shall not be required for legal services or the printing of ballots.~~

Sec. 12. Section 47.5, subsection 2, Code 1997, is amended to read as follows:

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. ~~The commissioner shall also file a copy of the bid specifications in the office of the state commissioner for a period of not less than twenty days prior to such final date.~~ When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interest of the county.

Sec. 13. Section 47.6, subsection 1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 14. Section 48A.22, Code 1997, is amended to read as follows:

48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

The secretary of state shall encourage volunteer organizations to undertake voter registration drives by providing mail registration forms ~~at the cost of production.~~

Sec. 15. Section 48A.26, subsection 1, Code 1997, is amended to read as follows:

1. Within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by ~~first-class~~ nonforwardable mail.

Sec. 16. Section 48A.27, subsection 4, paragraph b, Code 1997, is amended to read as follows:

b. If the information provided by the vendor indicates that a registered voter has moved to another address within the county, the commissioner shall change the registration records to show the new residence address, and shall also mail a notice of that action to both the former and new addresses. The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage prepaid preaddressed return form by which the registered voter may verify or correct the address information.

Sec. 17. Section 48A.27, subsection 4, paragraph c, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county. To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service."

Sec. 18. Section 48A.27, subsection 4, paragraph d, Code 1997, is amended to read as follows:

d. If the information provided by the vendor indicates the registered voter has moved to another county within the state, the notice required by paragraph "c" shall include a statement that registration in the county of the person's current residence is required, ~~and shall provide a mail registration form for the person to use.~~

Sec. 19. Section 48A.28, subsection 2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by ~~first-class~~ forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted, registered again, or reported a change to an existing registration during the preceding four calendar years. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under

this subsection more frequently than once in a four-year period.

Sec. 20. Section 48A.28, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

For a commissioner who is not participating in the national change of address program, in February of each year the commissioner shall mail a confirmation notice to each registered voter in the county. The notice shall be sent by ~~first-class~~ forwardable mail. The notice shall include a preaddressed, postage paid return card for the use of the registered voter or the recipient of the notice. The card shall contain boxes for the recipient to check to indicate one of the following:

Sec. 21. Section 48A.29, subsection 1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county."

Sec. 22. Section 48A.29, subsection 3, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county."

Sec. 23. Section 49.13, subsection 4, Code 1997, is amended to read as follows:

4. The commissioner shall designate one member of each precinct election board as chairperson of that board, ~~and also of the~~. If a counting board authorized by chapter 51 if one is appointed, with the chairperson shall have authority over the mechanics of the work of both boards. At the discretion of the commissioner, two people who are members of different political parties may be appointed as co-chairpersons. The co-chairpersons shall have joint authority over the work of the precinct election board.

Sec. 24. Section 49.16, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 5. A person shall not serve on the precinct election board as a representative of a political party if the person has changed political party affiliation from that of the political party which selected the person to serve as a precinct election official. If a precinct election official records a change of political party, the official's name shall be removed from the list of precinct election officials for that political party. The chairperson of the political party shall be notified of the vacancy and may designate a replacement. If the chairperson of another political party later designates the person as a precinct election official, the person may serve, if qualified.

Sec. 25. Section 49.20, Code 1997, is amended to read as follows:

49.20 COMPENSATION OF MEMBERS.

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than three dollars and fifty cents per hour, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for any school district or a city of three thousand five hundred or less population, shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

Sec. 26. Section 49.25, subsection 3, Code 1997, is amended to read as follows:

3. The commissioner shall furnish to each precinct where voting is to be by paper ballot, special paper ballot, or ballot card, rather than by voting machine, the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall be approved by the board of examiners for voting machines and electronic voting systems and shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in sections 51.7 and 52.40, or to provide necessary service to a malfunctioning portable vote tallying device. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 27. Section 49.25, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 4. Secrecy folders or sleeves shall be provided for use at any precinct where ballots are used which cannot be folded to obscure the marks made by the voters.

Sec. 28. Section 49.26, Code 1997, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

1. In all elections regulated by this chapter, the voting shall be by ballots printed and distributed as provided by law, or by voting machines meeting the requirements of chapter 52.

2. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

3. In counties in which automatic tabulating equipment is available, the commissioner shall determine in advance of each election whether the ballots will be counted by the automatic tabulating equipment or by the precinct election officials. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

Sec. 29. Section 49.30, Code 1997, is amended to read as follows:

49.30 ALL CANDIDATES ON ONE BALLOT — EXCEPTIONS.

The names of all candidates, constitutional amendments, and public measures to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

~~1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.~~

1. Where special paper ballots are used, if it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.

2. At an election where voting machines are used, ~~and if~~ the following exceptions apply:

a. If it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court, and the township offices, or either, one and the nonpartisan offices listed in section 39.21. One of the paper ballots shall be furnished to each registered voter.

b. When a precinct has one or more offices or questions on the ballot in any election that may not be legally voted upon by all registered voters of the precinct, the commissioner shall use lockout devices operated by the precinct election officials to restrict each voter to the appropriate parts of the ballot. However, if the voting machine does not have a lockout device, the commissioner may use one or more separate voting machines for each group of voters in the precinct. If neither of the foregoing procedures is feasible, the commissioner shall prepare separate ballots for the candidates or questions which may not be legally voted upon by all registered voters of the precinct, and shall furnish a separate ballot box into which only those ballots shall be deposited.

~~3. Separate~~ Where paper ballots are used, separate paper ballots may shall be used for:

a. For the election of township officers in precincts including both incorporated and unincorporated areas or more than one township.

b. For public measures.

c. For judges.

Sec. 30. Section 49.31, subsection 1, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

1. All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name.

The commissioner shall determine the order of political parties and nonparty political organizations on the ballot. The sequence shall be the same for each office on the ballot and for each precinct in the county voting in the election.

Sec. 31. Section 49.31, subsection 4, Code 1997, is amended to read as follows:

~~4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the~~ The heading for that each office on the precinct ballot shall be immediately followed by a notation of stating, "Vote for no more than _____", and indicating the maximum number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom the elector desires to vote for any office or nomination on the ballot.

Sec. 32. Section 49.31, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. At the end of the list of candidates for each office listed on the ballot one or more blank lines and voting positions shall be printed to allow the elector to write in the name of any person for whom the elector desires to vote for any office or nomination on the ballot. The number of write-in lines shall equal the number of votes that can be cast for that office.

Sec. 33. Section 49.33, Code 1997, is amended to read as follows:

49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED OFFICES.

~~Upon the left hand margin of each separate column of the ballot, immediately~~ **Immediately** opposite the names of the ~~each pair of~~ candidates for president and vice president, a single square, ~~the sides of which shall not be less than one fourth of an inch in length,~~ **voting target** shall be printed ~~in front of~~ **next to** the bracket enclosing the names of the candidates for president and vice president, ~~and a separate square of the same size.~~ **A single voting target** shall be printed ~~in front of~~ **next to** the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for a team of candidates shall be counted and certified ~~to~~ by the election board as a team. Write-in votes ~~may~~ **shall also** be tabulated ~~for each office separately as a single vote for a pair of candidates.~~

Sec. 34. Section 49.35, Code 1997, is amended to read as follows:

49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE BALLOT.

Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. ~~Each~~ **Where lever voting machines are used, each** ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section 49.37 by the authorities charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

Sec. 35. Section 49.37, subsection 1, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

1. For general elections, and for other elections in which more than one partisan office will be filled, the first section of the ballot shall be for straight party voting. Each political party or organization which has nominated candidates for more than one office shall be listed. Instructions to the voter for straight party or organization voting shall be in substantially the following form: "To vote for all candidates from a single party or organization, mark the voting target next to the party or organization name. Not all parties or organizations have nominated candidates for all offices. Marking a straight party or organization vote does not include votes for nonpartisan offices, judges, or questions." Political parties and nonparty political organizations which have nominated candidates for only one office shall be listed below the other political organizations under the heading "Other Political Organizations. The following organizations have nominated candidates for only one office:".

Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

Sec. 36. Section 49.37, subsections 2 and 3, Code 1997, are amended to read as follows:

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section 43.73, in that the names of the respective candidates ~~on~~ **for** each political party ticket shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization tickets ~~candidates~~.

3. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices and township offices in the same sequence in which they appear in sections 39.17 and 39.22. Nonpartisan offices shall be listed ~~below or to the right of~~ **after** partisan offices.

Sec. 37. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

The ballot for the general election shall be arranged in substantially the following form:

PARTISAN OFFICES
STRAIGHT PARTY VOTING

To vote for all candidates from a single party mark the voting target next to the party name. Not all parties have nominated candidates for all offices. Marking a straight party vote does not include votes for nonpartisan offices, judges, or questions.

- POLITICAL PARTY NAME
- POLITICAL PARTY NAME
- POLITICAL ORGANIZATION NAME
- POLITICAL ORGANIZATION NAME

OTHER POLITICAL ORGANIZATIONS

The following political organizations have nominated candidates for only one office.

- POLITICAL ORGANIZATION NAME
- POLITICAL ORGANIZATION NAME

FEDERAL OFFICES

For President and Vice President Vote for no more than one team.

- CANDIDATE NAME, of State
- CANDIDATE NAME, of State
 - Political Party
- CANDIDATE NAME, of State
- CANDIDATE NAME, of State
 - Political Party
- CANDIDATE NAME, of State
- CANDIDATE NAME, of State
 - Political Organization Name
- CANDIDATE NAME, of State
- CANDIDATE NAME, of State
 - Political Organization Name
- CANDIDATE NAME, of State
- CANDIDATE NAME, of State
 - Nominated by Petition

Write-in for President, if any.

Write-in for Vice President, if any.

For U.S. Senator
Vote for no more than one.

- CANDIDATE NAME
 - Political Party
- CANDIDATE NAME
 - Political Party
- CANDIDATE NAME
 - Political Organization
- CANDIDATE NAME
 - Political Organization
- CANDIDATE NAME
 - Nominated by Petition

Write-in vote, if any.

For U.S. Representative
First District
Vote for no more than one.

CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Nominated by Petition

Write-in vote, if any.

STATE OFFICES
For State Senator, District 2
Vote for no more than one.

CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Nominated by Petition

Write-in vote, if any.

Sec. 38. Section 49.43, Code 1997, is amended by adding the following new unnumbered paragraph before unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. If possible, all public measures and constitutional amendments to be voted upon by an elector shall be included on a single special paper ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30, subsection 1.

Sec. 39. Section 49.43, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Constitutional amendments and other public measures may be summarized by the commissioner as provided in ~~section~~ **sections 49.44 and 52.25.**

Sec. 40. Section 49.44, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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 state-wide 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 **or special paper ballot** referred to in section 49.43 ~~and, in~~. **If the complete text of the public measure will not fit on the special paper ballot it shall be posted inside the voting booth. A copy of the full text shall be included with any absentee ballots.**

PARAGRAPH DIVIDED. In precincts where the amendment or measure will be voted on by machine, the summary shall be placed in the voting machine inserts as required by section 52.25.

Sec. 41. Section 49.45, Code 1997, 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
to the Constitution (or public meas- No
ure) be adopted?

Yes

No

(Here insert the summary, if it ~~be~~ is for a constitutional amendment or statewide 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 centered above the question, "Shall the following amendment to the Constitution [or public measure] be adopted?")

Sec. 42. Section 49.46, Code 1997, is amended to read as follows:

49.46 MARKING BALLOTS ON PUBLIC MEASURES.

The elector shall designate a vote by ~~a cross~~ making the appropriate mark, thus, in the voting target. On paper ballots an "X", or a check mark, thus, "✓", may be placed in the proper square target.

Sec. 43. Section 49.47, Code 1997, is amended to read as follows:

49.47 NOTICE ON BALLOTS.

At the top of paper ballots ~~on such~~ for public measures shall be printed the following:

[Notice to voters. ~~For an affirmative vote upon~~ To vote to approve any question ~~submitted upon~~ on this ballot, make a cross (X) mark or check (✓) in the square target after the word "Yes". ~~For a negative~~ To vote against a question make a similar mark in the square target following the word "No".] This notice shall be adapted to describe the proper mark where it is appropriate.

Sec. 44. Section 49.57, Code 1997, is amended to read as follows:

49.57 METHOD AND STYLE OF PRINTING BALLOTS.

Ballots shall be prepared as follows:

1. They shall be on ~~plain white~~ paper uniform in color, through which the printing or writing cannot be read.

2. ~~The~~ In the area of the general election ballot for straight-party voting, the party name names shall be printed in capital letters of uniform size, in not less than ~~one-fourth of an inch in height~~ twelve point type. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type.

3. The names of candidates shall be printed in capital letters, of uniform size throughout the ballot, in not less than ~~one-eighth, nor more than one-fourth of an inch in height~~ ten point type.

4. ~~A~~ On ballots that will be counted by electronic tabulating equipment, ballots shall include a voting target next to the name of each candidate. The position, shape, and size of the targets shall be appropriate for the equipment to be used in counting the votes. Where paper ballots are used, a square, the sides of which shall not be less than one-fourth of an inch in length, shall may be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.

5. ~~On the outside~~ A portion of the ballot, ~~so as to appear when folded which can be shown to the precinct officials without revealing any of the marks made by the voter, shall be printed~~ include the words "Official ballot", a designation of the ballot rotation, if any, the

date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

6. The office title of any office which appears on the ballot to fill a vacancy before the end of the usual term of the office shall include the words "To Fill Vacancy".

Sec. 45. Section 49.58, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 46. Section 49.92, Code 1997, is amended to read as follows:

49.92 VOTING MARK.

The instructions appearing on the ballot shall describe the appropriate mark to be used by the voter. The mark shall be consistent with the requirements of the voting system in use in the precinct. The voting mark ~~shall used on paper ballots~~ may be a cross or check which shall be placed ~~in the circle at the head of a ticket, or in the squares~~ voting targets opposite the names of candidates. The fact that the voting mark is made by an instrument other than a black lead pencil shall not affect the validity of the ballot unless it appears that the color or nature of the mark is intended to identify the ballot contrary to the intent of section 49.107, subsection 7.

Sec. 47. Section 49.93, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

49.93 NUMBER OF VOTES FOR EACH OFFICE.

For an office to which one person is to be elected, a voter shall not vote for more than one candidate. If two or more persons are to be elected to an office, the voter shall vote for no more than the number of persons to be elected. If a person votes for more than the permitted number of candidates, the vote for that office shall not count. Valid votes cast on the rest of the ballot shall be counted.

Sec. 48. Section 49.94, Code 1997, is amended to read as follows:

49.94 HOW TO MARK A STRAIGHT TICKET.

If the names of all the candidates for whom a voter desires to vote in any election other than the primary election ~~appear upon the same ticket were nominated by the same political party or nonparty political organization,~~ and the voter desires to vote for all candidates whose names appear upon such ticket nominated by that political party or organization the voter may do so in any one of the following ways:

1. The voter may ~~place a cross or check in the circle at the top of such ticket~~ mark the voting target next to the name of the political party or nonparty political organization in the straight party or organization section of the ballot without ~~making a cross or check in marking any square beneath said circle~~ voting target next to the name of a candidate nominated by the party or organization.

2. ~~The voter may place a cross or check in the square opposite the name of each such candidate without making any cross or check in the circle at the top of such ticket.~~

~~3. 2.~~ The voter may ~~place a cross or check in the circle at the top of such ticket~~ mark the voting target next to the name of the political party or nonparty political organization in the

straight party or organization section of the ballot and also a cross or check in mark any or all of the squares beneath said circle voting targets next to the names of candidates nominated by that party or organization.

Sec. 49. Section 49.95, Code 1997, is amended to read as follows:

49.95 VOTING PART OF TICKET ONLY.

If the names of all the candidates for whom the voter desires to vote ~~appear upon a single ticket were nominated by the same political party or nonparty political organization~~ but the voter does not desire to vote for all of the candidates ~~whose names appear thereon nominated by the party or organization~~, the voter shall ~~place a cross or check in the square opposite mark the voting target next to the name of each such candidate for whom the voter desires to vote without making any cross or check in the circle at the top of such ticket marking the target next to the name of the party or organization in the straight party or organization section of the ballot.~~

Sec. 50. Section 49.96, Code 1997, is amended to read as follows:

49.96 ~~GROUP CANDIDATES FOR OFFICES OF SAME CLASS OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.~~

~~Where two or more offices of the same class are to be filled more than one person is to be elected to the same office at the same election, and all of the candidates for such offices, that office for whom the voter desires to vote, appear upon the voter's party ticket at the top of which the voter has marked a cross or check in the circle were nominated by the political party or nonparty political organization for which the voter has marked a straight party or organization vote, the voter need not otherwise indicate the vote for such candidate; but if the name of any candidate for whom the voter desires to vote for such office appears upon a different ticket, then as to such group of candidates the cross or check in the circle does not apply and to indicate the voter's choice the voter must place a cross or check in the square opposite the name of each such candidate for whom the voter desires to vote whether the same appears under such marked circle or not that office. If the voter wishes to vote for candidates who were nominated by different political parties or nonparty political organizations, the voter must mark the voting target for each candidate the voter has chosen, whether or not the voter has also marked a straight party or organization vote.~~

Sec. 51. Section 49.97, Code 1997, is amended to read as follows:

49.97 HOW TO MARK A MIXED TICKET.

If the names of all candidates for whom a voter desires to vote ~~do~~ were not appear upon nominated by the same ticket political party or nonparty political organization, the voter may indicate the candidates of the voter's choice by marking the ballot in any one of the following ways:

1. The voter may ~~place a cross or check in the circle at the top of a ticket or~~ mark a straight party or organization vote for the party or nonparty political organization which the names of nominated some of the candidates for whom the voter desires to vote ~~appear and also a cross or check in the square opposite the name of each other candidate of the voter's choice, whose name appears upon some ticket other than the one in which the voter has marked the circle at the top and vote for candidates of other parties or nonparty political organizations by marking the voting targets next to their names.~~

2. The voter may ~~place a cross or check in the square opposite the name of each candidate for whom the voter desires to vote for each candidate separately without placing any cross or check in any circle marking any straight party or organization vote.~~

Sec. 52. Section 49.98, Code 1997, is amended to read as follows:

49.98 COUNTING BALLOTS.

The ballots shall be counted according to the ~~markings thereon, respectively, voters' marks on them~~ as provided in sections 49.92 to 49.97, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, ~~such~~

~~ballot the vote for that office shall not be counted for such office. When there is a conflict between the cross or check in the circle on a straight party or organization vote for one ticket political party or nonparty political organization and the cross or check in the square on vote cast by marking the voting target next to the name of a candidate for another ticket political party or nonparty political organization on the ballot, the cross or check in the square mark next to the name of the candidate shall be held to control, and the cross or check in the circle in such straight party or organization vote in that case shall not apply as to that office. Any ballot shall be rejected if it is marked in any other manner than as authorized in sections 49.92 to 49.97, and in such manner as to show that. A ballot shall be rejected if the voter employed such used a mark for the purpose of identifying to identify the voter's ballot, shall be rejected.~~

Sec. 53. Section 49.99, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The voter may also ~~insert in writing in the proper place~~ write on the line provided for write-in votes the name of any person for whom the voter desires to vote and ~~place a cross or check in the square~~ mark the voting target opposite the name. If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a ~~cross or check~~ mark opposite the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. ~~The making of a cross or check in a square~~ Marking the voting target opposite a ~~blank~~ write-in line without writing a name ~~in on the blank, line~~ shall not affect the validity of the remainder of the ballot.

Sec. 54. Section 49.100, Code 1997, is amended to read as follows:
49.100 SPOILED BALLOTS.

~~Any A~~ voter who ~~shall spoil~~ spoils a ballot may, ~~on returning the same~~ return the spoiled ballot to the precinct election officials, ~~and~~ and receive another ~~in place thereof, but~~ ballot. ~~However, no~~ no a voter shall ~~not~~ not receive more than three ballots, including the one first delivered. ~~None but~~ Only ballots provided in accordance with the provisions of this chapter shall be counted.

Sec. 55. Section 49.104, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 7. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs for youth.

Sec. 56. Section 49.125, Code 1997, is amended to read as follows:
49.125 COMPENSATION OF TRAINEES.

All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate ~~specified in section 70A.0~~ determined by the board of supervisors if the distance involved is more than five miles. The wages shall be computed at the hourly rate established pursuant to section 49.20 and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 57. Section 50.13, Code 1997, is amended to read as follows:
50.13 DESTRUCTION OF BALLOTS.

If, at the expiration of the length of time specified in section 50.12, a contest is not pending, the commissioner, without opening the package in which they have been enclosed, shall destroy the ballots, ~~in the presence of two electors, one from each of the two leading political parties, who shall be designated by the chairperson of the board of supervisors.~~

If the ballots are to be shredded, the package may be opened, if necessary, but the ballots

shall not be examined before shredding. Shredded ballots may be recycled. The commissioner shall invite the chairperson of each of the political parties to designate a person to witness the destruction of the ballots.

Sec. 58. Section 50.48, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots or voting machine documents to ensure that the ballots and other documents are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified to be recounted in the request or by the recount board. The board shall recount only the ballots which were voted and counted for the office in question, including any disputed ballots returned as required in section 50.5. If an electronic tabulating system was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the electronic tabulating system. The same program used for tabulating the votes on election day shall be used at the recount unless the program is believed or known to be flawed.

PARAGRAPH DIVIDED. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

Sec. 59. **NEW SECTION.** 50.50 ADMINISTRATIVE RECOUNTS.

The commissioner who was responsible for conducting an election may request an administrative recount when the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election. An administrative recount shall be conducted by the board of the special precinct established by section 53.23. Bond shall not be required for an administrative recount. The state commissioner may adopt rules for administrative recounts.

If the recount board finds that there is an error in the programming of any voting equipment which may have affected the outcome of the election for any office or public measure on the ballot, the recount board shall describe the errors in its report to the commissioner. The commissioner shall notify the board of supervisors. The supervisors shall determine whether to order an administrative recount for any or all of the offices and public measures on the ballot.

Sec. 60. Section 52.10, Code 1997, is amended to read as follows:

52.10 BALLOTS — FORM.

All ballots shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The party name for each political party represented on the machine shall be prefixed to the list of candidates of such party. The order of the list of candidates of the several parties or organizations shall be arranged as provided in sections 49.30 to ~~49.42~~ 49.41, except that the lists may be arranged in horizontal rows or vertical columns to meet the physical requirements of the voting machine used.

Sec. 61. Section 52.12, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

52.12 EXCEPTION — STRAIGHT PARTY VOTING.

Voting machines shall have a single lever or switch which casts a vote for each candidate of a political party or nonparty political organization which has nominated candidates for more than one partisan office on the ballot. Straight party voting shall be provided for all general elections.

Sec. 62. Section 52.33, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The absentee and special precinct board shall follow the process prescribed in section 52.37, subsection 2, in handling damaged or defective ballots and in counting write-in votes on special paper ballots.

Sec. 63. Section 52.35, subsection 2, Code 1997, is amended to read as follows:

2. The test shall be conducted by processing a preaudited group of ballots punched or marked so as to record a predetermined number of valid votes for each candidate, and on each public question, on the ballot. The test group shall include for each office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. The county chairperson of a political party may submit an additional test group of ballots which, if so submitted, shall also be tested. If any error is detected, its cause shall be ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and ~~sent immediately to the state commissioner~~ kept with the records of the election.

Sec. 64. Section 52.36, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The commissioner shall appoint from the lists provided by the county political party chairpersons a resolution board to tabulate write-in votes and to decide questions regarding damaged, defective, or other ballots which cannot be tabulated by machine. The commissioner shall appoint as many people to the resolution board as the commissioner believes are necessary. The resolution board shall be divided into ~~three-person~~ two-person teams. Each team shall consist of ~~no more than two~~ people who are not members of the same political party. If a team is unable to decide how to count one or more ballots, a third person shall be available to consult with the team and to resolve disputes. Ballots which were objected to shall be endorsed and separated as required by section 50.4.

Sec. 65. Section 52.37, subsection 2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The resolution board shall also tabulate any write-in votes which were cast. Write-in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast.

PARAGRAPH DIVIDED. Ballots which are rejected by the tabulating equipment as blank because they have been marked with an unreadable marker shall be duplicated or tabulated as required by this subsection for damaged or defective ballots. The commissioner may instruct the resolution board to mark over voters' unreadable marks using a marker compatible with the tabulating equipment. The resolution board shall take care to leave part of the original mark made by the voter. If it is impossible to mark over the original marks made by the voter without completely obliterating them, the ballot shall be duplicated.

Sec. 66. Section 52.38, unnumbered paragraph 1, Code 1997, is amended to read as follows:

All portable tabulating devices shall be tested before any election in which they are to be used following the procedure in section 52.35, subsection 2. Testing shall be completed not later than twelve hours before the opening of the polls on the morning of the election. ~~The portable tabulating devices shall be tested at the polling place where they are to be used.~~ The chairperson of each political party shall be notified in writing of the time the devices will be tested so that the chairperson or a representative may be present. Those present for the test shall sign a certificate which shall read substantially as follows:

Sec. 67. Section 52.40, subsection 1, Code 1997, is amended to read as follows:

1. In counties where counting centers have been established under section 52.34, the commissioner may designate certain polling places as early ballot pick-up sites. At these sites, between the hours of one p.m. and four p.m. on the day of the election, two precinct election officials of different political parties shall seal the ballot container to prevent the addition or removal of ballots and replace it with an empty, locked ballot container. The sealed ballot container shall be kept in a safe place in view of the precinct election officials. The early pick-up officers shall receive the sealed ballot container containing the ballots which have been voted ~~throughout the day~~ along with a signed statement of the precinct officials attesting to the number of declarations of eligibility signed up to that time, excluding those declarations signed by voters who have had not yet placed their ballots in the ballot container when it was sealed. ~~The officers shall replace the ballot container containing the voted ballots with an empty ballot container, to be sealed in the presence of a precinct election official.~~

Sec. 68. Section 53.2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner, or make written application to the commissioner for an absentee ballot. The state commissioner shall prescribe a form for absentee ballot applications. However, if a registered voter submits an application that includes all of the information required in this section, the prescribed form is not required. Absentee ballot applications may include instructions to send the application directly to the county commissioner of elections. However, no absentee ballot application shall be preaddressed or printed with instructions to send the applications to anyone other than the appropriate commissioner.

No absentee ballot application shall be preaddressed or printed with instructions to send the ballot to anyone other than the voter.

Sec. 69. NEW SECTION. 53.9 PROHIBITED PERSONS.

No person required to file reports under chapter 56, and no person acting as an actual or implied agent for a person required to file reports under chapter 56, shall receive absentee ballots on behalf of voters. This prohibition does not apply to section 53.17.

Sec. 70. Section 53.11, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A petition requesting a satellite absentee voting station must be filed by the following deadlines:

1. For a primary or general election, no later than five p.m. on the forty-seventh day before the election.
2. For the regular city election, no later than five p.m. on the thirtieth day before the election.
3. For the regular school election, no later than five p.m. on the thirtieth day before the election.
4. For a special election, no later than thirty-two days before the special election.

Sec. 71. Section 53.11, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Satellite absentee voting stations shall be established throughout the cities and county at the direction of the commissioner or upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. ~~A petition requesting a satellite absentee voting station must be filed no later than five p.m. on the eleventh day before the election. A~~

satellite absentee voting station established by petition must be open at least one day ~~from eight a.m. until five p.m.~~ for a minimum of six hours. A satellite absentee voting station established at the direction of the commissioner or by petition may remain open until five p.m. on the day before the election.

Sec. 72. Section 53.19, unnumbered paragraph 3, Code 1997, is amended to read as follows:

However, any registered voter who has received an absentee ballot and not ~~voted~~ returned it, may surrender the ~~unmarked~~ absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner. Any registered voter who has been sent an absentee ballot by mail but for any reason has not received it may appear at the voter's precinct polling place on election day and sign an affidavit to that effect, after which the voter shall be permitted to vote in person. The form of the affidavit for use in such cases shall be prescribed by the state commissioner.

Sec. 73. Section 53.23, subsection 3, Code 1997, is amended to read as follows:

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten p.m. on election day. The commissioner may direct the board to meet on the day ~~prior to~~ before the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes ~~if~~. If, in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed ballot envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a sealed ballot secrecy envelope be opened before the board convenes on election day. If the ballot envelopes are opened before election day, two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings. If the board finds any ballot not enclosed in a secrecy envelope, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot. Each of the special precinct election officials shall sign the secrecy envelope.

Sec. 74. Section 54.5, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a candidate for the office of president or vice president of the United States withdraws, dies, or is otherwise removed from the ballot before the general election, another candidate may be substituted. The substitution shall be made by the state central committee of the political party or by the governing committee of the national party. If there are differences, the substitution made by the state central committee shall prevail. A nonparty political organization which has filed the names of party officers and central committee members with the secretary of state before the close of the filing period for the general election pursuant to section 44.17 may also make substitutions. A substitution must be filed no later than seventy-four days before the election.

Sec. 75. Section 59.1, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A special election for a seat in either house of the general assembly may be contested. The contestant shall serve notice on the incumbent in the manner described in this section not later than twenty days after the state canvass of votes for the election. A copy of the notice shall also be filed with the presiding officer of the house in which the contest is to be tried, if the general assembly is in session. If the general assembly is not in session, a copy of the notice shall be filed with the secretary of state. The secretary of state shall notify the presiding officer of the house in which the contest will be tried.

Sec. 76. Section 62.1, Code 1997, is amended to read as follows:

62.1 CONTEST COURT.

The court for the trial of contested county elections shall ~~be thus constituted: The chairperson of the board of supervisors shall be the presiding officer, and consist of one person named by the contestant and one person named by the incumbent may each name a person who shall be associated with the chairperson.~~ If the incumbent fails to name a judge, the chief judge of the judicial district shall be notified of the failure to appoint. The chief judge shall designate the second judge within one week after the chief judge is notified. These two judges shall meet within three days and select a third person to serve as the presiding officer of the court. If they cannot agree on the third member of the court within three days after their initial meeting, the chief judge of the judicial district shall be notified of the failure to agree. The chief judge shall designate the presiding judge within one week after the chief judge is notified.

Sec. 77. Section 62.2, Code 1997, is amended to read as follows:

62.2 JUDGES.

~~The contestant and incumbent shall each file in the auditor's office, on or before the day of trial, a written nomination of one associate judge of the contested election, who~~ Judges shall be sworn in the same manner and form as trial jurors are sworn in trials of civil actions; if either the contestant or the incumbent fails to nominate, the presiding judge shall appoint for that person. When either of the nominated judges a judge fails to appear on the day of trial, that judge's place may be filled by another appointment under the same rule.

Sec. 78. Section 62.9, Code 1997, is amended to read as follows:

62.9 TRIAL — NOTICE.

~~The chairperson of the board of supervisors~~ presiding judge shall thereupon fix a day for the trial, not more than thirty ~~nor less than twenty~~ days thereafter, and shall cause a notice of such trial to be served on the incumbent, with a copy of the contestant's statement, at least ten days before the day set for trial. If the trial date is set for less than twenty days from the day notice is given and either party is not ready, the presiding judge shall delay the trial.

Sec. 79. Section 69.13, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a vacancy occurs in the office of senator in the Congress of the United States, ~~lieutenant governor~~, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general eighty-nine or more days before a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 80. Section 69.14A, subsection 1, paragraph a, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 81. Section 69.14A, subsection 1, paragraph b, unnumbered paragraph 1, Code 1997, is amended to read as follows:

By special election held to fill the office for the remaining balance of the unexpired term. The committee of county officers designated to fill the vacancy in section 69.8 may, on its

own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee shall order the special election at the earliest practicable date, but giving at least ~~thirty~~ thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

Sec. 82. Section 69.14A, subsection 2, paragraph a, unnumbered paragraph 2, Code 1997, is amended to read as follows:

However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, ~~whichever is later~~, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306.

Sec. 83. Section 69.14A, subsection 2, paragraph b, unnumbered paragraph 1, Code 1997, is amended to read as follows:

By special election held to fill the office for the remaining balance of the unexpired term. The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. ~~The committee~~ supervisors shall order the special election at the earliest practicable date, but giving at least ~~thirty~~ thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

Sec. 84. Section 277.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Each candidate shall be nominated by petition. If the candidate is running for ~~an at-large~~ a seat in the district which is voted for at-large, the petition must be signed by at least ten eligible electors, or a number of eligible electors equal in number to not less than one percent of the registered voters of the school district, ~~whichever is more~~. If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by at least ten eligible electors of the director district or a number of eligible electors equal in number to not less than one percent of the registered voters in the director district, ~~whichever is more~~. A petition filed under this section shall not be required to have more than one hundred signatures.

PARAGRAPH DIVIDED. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 85. Section 278.1, subsection 8, Code 1997, is amended to read as follows:

8. ~~Authorize the establishment or abandonment of director districts or a change of boundaries of director districts~~ a change in the method of conducting elections or in the number of directors as provided in sections 275.35 and 275.36. If a proposition submitted to the voters under this subsection or subsection 7 ~~of this section~~ is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection or subsection 7 ~~of this section~~ within the next six years.

Sec. 86. Section 347.11, Code 1997, is amended to read as follows:

347.11 ORGANIZATION — MEETINGS — QUORUM.

Said trustees shall, ~~within ten days after their appointment or election,~~ qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them, except as hereafter provided, and organize by the election of one of their number as chairperson and one as secretary, and one as treasurer. The secretary and treasurer shall each file with the chairperson of the board a surety bond in such penal sum as the board of trustees may require and with sureties to be approved by the board for the use and benefit of the county public hospital. The reasonable cost of such bonds shall be paid from operating funds of the hospital. The secretary shall report to the county auditor and treasurer the names of the chairperson, secretary and treasurer of the board of hospital trustees as soon as practicable after the qualification of each. Said board shall meet at least once each month. Four members of said board shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings.

Sec. 87. Section 347A.1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies in the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. The trustees, ~~within ten days after their appointment or election,~~ shall qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them. The trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them with the approval of the board of trustees in the performance of their duties. The board first appointed shall organize promptly following its appointment, and shall serve until successors are elected and qualified; thereafter no later than December 1 of each year the board shall reorganize by the appointment of a chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairperson of the board a surety bond in the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital. The secretary shall report to the county auditor and the county treasurer the names of the chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

Sec. 88. Section 372.2, subsection 2, Code 1997, is amended to read as follows:

2. Within fifteen days after receiving a valid petition, the council shall ~~proclaim~~ publish notice of the date that a special city election to will be held within sixty days to determine whether the city shall change to a different form of government. The election date shall be not more than sixty days after the publication. The notice shall include a statement that the filing of a petition for appointment of a home rule charter commission will delay the election until after the home rule charter commission has filed a proposed charter. Petition requirements and filing deadlines shall also be included in the notice.

PARAGRAPH DIVIDED. The council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to chapters 39 to 53. The county commissioner of elections shall certify the results of the election to the council.

Sec. 89. Section 372.3, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

372.3 HOME RULE CHARTER.

If a petition for appointment of a home rule charter commission is filed with the city clerk not more than ten days after the council has published notice announcing the date of the special election on adoption of another form of government, the special election shall not be

held until the charter proposed by the home rule charter commission is filed. Both forms must be published as provided in section 372.9 and submitted to the voters at the special election.

Sec. 90. Section 372.13, subsection 2, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph "b". The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

Sec. 91. Section 376.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 92. Section 376.10, Code 1997, is amended to read as follows:
376.10 CONTEST.

A nomination or election to a city office may be contested in the manner provided in chapter 62 for contesting elections to county offices, except that a statement of intent to contest must be filed with the city clerk within ten days after the nomination or election. ~~The mayor is presiding officer of the court for the trial of a nomination or election contest, except that if the mayor's nomination or election is contested, the council shall elect one of its members other than the mayor to serve as presiding officer.~~

Sec. 93. Sections 49.27, 49.29, and 49.42, Code 1997, are repealed.

Sec. 94. HOSPITAL BOARDS OF TRUSTEES. Any action taken prior to July 1, 1997, by the board of trustees of a county hospital appointed or elected pursuant to section 347.11 or 347A.1, is valid, legal, and binding if the action is challenged solely on the basis that a member or members of the board failed to take the oath of office within the time period provided in section 347.11 or 347A.1.

Sec. 95. IMMEDIATE EFFECTIVE DATE. New Code section 39.1A and amendments to Code sections 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25, 50.48, 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 in this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 19, 1997

CHAPTER 171

CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS

H.F. 637

AN ACT relating to the general operation of corporations, partnerships, and associations, including provisions relating to certain filings made by corporations and associations, the filing of biennial reports by certain corporations and cooperative associations, and establishing fees.

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

Section 1. NEW SECTION. 486.44A CORRECTING FILED DOCUMENTS.

1. A limited liability partnership may correct a document filed by the secretary of state if the document satisfies one or both of the following requirements:

- a. The document contains an incorrect statement.
- b. The document was defectively executed, attested, sealed, verified, or acknowledged.

2. A document is corrected by complying with both of the following:

- a. Preparing articles of correction that satisfy all of the following:

(1) The articles describe the document, including its filing date, or a copy of the document is attached to the articles.

(2) The articles specify the incorrect statement or manner in which the execution was defective.

- (3) The articles correct the incorrect statement or defective execution.

- b. Delivering the articles of correction to the secretary of state for filing.

3. Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and adversely affected by the correction. As to persons relying on the uncorrected document and adversely affected by the correction, the articles of correction are effective when filed by the secretary of state.

Sec. 2. Section 487.202, subsection 1, paragraph b, Code 1997, is amended by striking the paragraph.

Sec. 3. Section 487.203, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 4. Section 487.206, unnumbered paragraph 1, Code 1997, is amended to read as follows:

A signed copy of the certificate of limited partnership and a signed copy of any certificate of amendment or cancellation or of any judicial decree of amendment or cancellation shall be delivered for filing and recording as provided in this subsection. The secretary of state may accept for filing a document containing a copy of a signature, however made. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of that authority as a prerequisite to filing. It is required that each document required to be filed and recorded be: