

CHAPTER 56**REGISTERED VOTERS, ELIGIBLE ELECTORS, AND QUALIFIED VOTERS***H.F. 566*

AN ACT relating to the terms “registered voter”, “eligible elector”, and “qualified voter” for purposes of elections, voter registration, statutory petition requirements, absentee voting by armed forces, and drainage district elections.

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

Section 1. Section 28E.22, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by eligible electors residing in the district equal in number to at least five percent of the registered voters ~~residing~~ in the district shall, submit a proposition to the electorate residing in the district at any general election or at a special election held throughout the district. The proposition shall provide for the establishment of a public safety fund and the levy of a tax on taxable property located in the district at rates not exceeding the rates specified in this section for the purpose of providing additional moneys for the operation of the district.

Sec. 2. Section 28E.28A, subsection 1, Code 2001, is amended to read as follows:

1. After five years from the date that a district is established, the public safety commission, upon receipt of a petition signed by eligible electors residing within the district equal in number to at least fifteen percent of the registered voters ~~residing~~ in the district, shall submit a proposition to the electorate of the district at the next general election to discontinue the annual levy for unified law enforcement services in the district. If a majority of the registered voters in each city and the unincorporated area of the county, as applicable, approve the proposition, the tax levy shall be discontinued.

Sec. 3. Section 39.22, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the registered voters who are eligible to vote for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of those voting on the question, the election of the township officers shall commence with the next primary and general elections. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon receipt of a petition of signed by eligible electors residing in the township equal in number to at least ten percent of the registered voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, and two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

Sec. 4. Section 53.37, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this division, “qualified voter” means a person who is included within the term “armed forces of the United States” as described in this section, who would be qualified to register to vote under section 48A.5, subsection 2, except for residency, and who is not disqualified from registering to vote and voting under section 48A.6.

Sec. 5. Section 62.17, Code 2001, is amended to read as follows:

62.17 VOTERS REQUIRED TO TESTIFY.

The court may require any person called as a witness, who voted at such election, to answer touching the person's qualifications as a voter, and, if the person was not a qualified registered voter in the county where the person voted, then to answer for whom the person voted.

Sec. 6. Section 66.3, subsection 3, Code 2001, is amended to read as follows:

3. As to any other officer, by five ~~qualified electors~~ registered voters of the district, county, or municipality where the duties of the office are to be performed.

Sec. 7. Section 69.4, subsection 3, Code 2001, is amended to read as follows:

3. By senators and representatives in Congress, all officers elected by the qualified registered voters in the state or any district or division thereof larger than a county, or chosen by the general assembly, all judges of courts of record, all officers, trustees, inspectors, and members of all boards and commissions now or hereafter created under the laws of the state, and all persons filling any position of trust or profit in the state, for which no other provision is made, to the governor.

Sec. 8. Section 145A.6, Code 2001, is amended to read as follows:

145A.6 PETITION OF PROTEST.

The plans formulated for the area hospital shall be deemed approved unless, within sixty days after the third and final publication of the order, a petition protesting the proposed plan containing the signatures of at least five percent of the qualified registered voters of any political subdivision within the proposed merged area is filed with the respective officials of the protesting petitioners.

Sec. 9. Section 145A.7, Code 2001, is amended to read as follows:

145A.7 SPECIAL ELECTION.

When a protesting petition is received, the officials receiving the petition shall call a special election of all qualified registered voters of that political subdivision for the purpose of approving or rejecting the order setting out the proposed merger plan. The vote will be taken by ballot in the form provided by sections 49.43 to 49.47, and the election shall be initiated and held as provided in chapter 49. A majority vote of those qualified registered voters voting at said special election shall be sufficient to approve the order and thus include the political subdivision within the merged area.

Sec. 10. Section 176A.8, subsection 3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The council shall also provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five ~~registered voters~~ eligible electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

Sec. 11. Section 256.11, subsection 10, paragraph b, Code 2001, is amended to read as follows:

b. In response to a petition filed with the director requesting such a committee visitation that is signed by eligible electors residing in the school district equal in number to at least twenty percent ~~or more~~ of the registered voters of a the school district.

Sec. 12. Section 275.12, subsection 1, Code 2001, is amended to read as follows:

1. A petition describing the boundaries, or accurately describing the area included therein by legal descriptions, of the proposed district, which boundaries or area described shall conform to plans developed or the petition shall request change of the plan, shall be filed with the area education agency administrator of the area education agency in which the greatest number of registered voters reside. However, the area education agency administrator shall not accept a petition if any of the school districts affected have approved the issu-

ance of general obligation bonds at an election pursuant to section 296.6 during the preceding six-month period. The petition shall be signed by ~~registered voters~~ eligible electors residing in each existing school district or portion affected equal in number to at least twenty percent of the number of registered voters in the school district or portion affected, or four hundred ~~registered voters~~ eligible electors, whichever is the smaller number.

Sec. 13. Section 275.51, unnumbered paragraph 1, Code 2001, is amended to read as follows:

As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution commission shall be established by the board of directors of a school district if a dissolution proposal has been prepared by ~~registered voters~~ eligible electors who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by eligible electors residing in the school district equal in number to at least twenty percent of the registered voters in the school district.

Sec. 14. Section 298.18, unnumbered paragraph 4, Code 2001, is amended to read as follows:

The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand of the assessed value of the taxable property within any school corporation, provided that the ~~qualified registered~~ voters of such school corporation have first approved such increased amount at a special election, which may be held at the same time as the regular school election. The proposition submitted to the voters at such special election shall be in substantially the following form:

Sec. 15. Section 301.24, Code 2001, is amended to read as follows:

301.24 PETITION — ELECTION.

Whenever a petition signed by eligible electors residing in the school district equal in number to at least ten percent of the ~~qualified registered~~ voters in the school district, to be determined by the school board of any school district, shall be filed with the secretary thirty days or more before the regular election, asking that the question of providing free textbooks for the use of pupils in the public schools thereof be submitted to the voters at the next regular election, the secretary shall cause notice of such proposition to be given in the notice of such election.

Sec. 16. Section 303.42, unnumbered paragraph 1, Code 2001, is amended to read as follows:

~~Ten~~ Eligible electors residing within the limits of a proposed land use district equal in number to at least ten percent or more of the ~~qualified registered~~ voters residing within the limits of a proposed land use district may file a petition in the office of the county auditor of the county in which the proposed land use district, or its major portion, is located, requesting that there be submitted to the ~~qualified registered~~ voters of the proposed district the question of whether the territory within the boundaries of the proposed district shall be organized as a land use district under this subchapter. The petition shall be addressed to the board of supervisors of the county where it is filed and shall set forth the following:

Sec. 17. Section 303.45, Code 2001, is amended to read as follows:

303.45 HEARING OF PETITION AND ORDER.

The board of supervisors to whom the petition is addressed shall preside at the hearing

provided for in section 303.44 and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of it. Proof of the residence and qualification of the petitioners as ~~qualified voters~~ eligible electors shall be made by affidavit or otherwise as the board may direct. The board shall consider the boundaries of the proposed land use district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The boundaries of a proposed district shall not be changed to include property not included in the original petition and published notice until the owner of that property is given notice as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding them. The board of supervisors, after hearing the statements, evidence, and suggestions made and offered at the hearing, shall enter an order fixing the boundaries of the proposed district and directing that an election be held for the purpose of submitting to the ~~qualified~~ registered voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed land use district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order, establish voting precincts within the proposed district and define their boundaries, and specify the polling places which in the board's judgment will best serve the convenience of the voters, and shall appoint from residents of the proposed district three judges and two clerks of election for each voting precinct established.

Sec. 18. Section 303.47, Code 2001, is amended to read as follows:

303.47 ELECTION.

Each ~~qualified~~ registered voter residing within the proposed district may cast a ballot at the election and a person shall not vote in any precinct but that of the person's residence. Ballots at the election shall be in substantially the following form:

For Land Use District _____

Against Land Use District _____

PARAGRAPH DIVIDED. The election shall be conducted in the manner provided by law for general elections and the ballots so cast shall be issued, received, returned, and canvassed in the same manner and by the same officers, in the county whose board of supervisors is vested with jurisdiction of the proceedings, as provided by law in the case of ballots cast for county officers, except as modified by this subchapter. The board of supervisors shall cause a statement of the result of the election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed district is in favor of the proposed district, the proposed district becomes an organized district under this subchapter.

Sec. 19. Section 303.52A, Code 2001, is amended to read as follows:

303.52A INCLUSION OR EXCLUSION OF LAND.

If at least sixty percent of the ~~qualified electors~~ registered voters of a land area petition the board of supervisors for inclusion in or exclusion from a land use district, the board shall review the petition and determine if the petition contains a sufficient number of ~~qualified electors~~ registered voters residing in the affected land area and, if the petition is sufficient, submit it to the board of trustees of the land use district. The land area to be included in or excluded from the land use district must be contiguous to the land use district. If two thirds of the membership of the board of trustees vote in favor of the petition, the petition shall be granted and the land area included in or excluded from the district.

Sec. 20. Section 330A.17, Code 2001, is amended to read as follows:

330A.17 STATUTE COMPLETE AND ADDITIONAL AUTHORITY.

The powers conferred by this chapter shall be in addition and supplemental to any other law and this chapter shall not be construed so as to repeal any other law, except to the extent of any conflict between the provisions of this chapter and the provisions of any other law, in

which event the provisions of this chapter shall be controlling and shall, to the extent of any such conflict, supersede the provisions of any other law. This chapter is intended to and shall provide an alternative and complete method for the exercise of the powers granted by this chapter, and the aviation facilities authorized by this chapter may be constructed, acquired, or improved and bonds or other obligations issued pursuant to this chapter upon compliance with the provisions of this chapter without regard to or necessity for compliance with the limitations or restrictions contained in any other law. No approval of the ~~qualified electors~~ registered voters or qualified freeholders of the state, or of any other political subdivision or taxing unit or agency thereof, or of the member municipalities shall be required for the issuance of any bonds by an authority pursuant to this chapter.

Sec. 21. Section 331.205, subsection 1, Code 2001, is amended to read as follows:

1. In a county where there is a city operating under the commission form of government with a population of more than seventy-five thousand, the petition to increase or reduce the number of members of the board must contain signatures of eligible electors residing inside the county and outside of the corporate limits of the city equal in number to at least ten percent of the registered voters residing within the county and outside of the corporate limits of the city and signatures of eligible electors residing within the city equal in number to at least ten percent of the registered voters residing within the city.

Sec. 22. Section 331.441, subsection 2, paragraph b, subparagraph (7), Code 2001, is amended to read as follows:

(7) Enlargement and improvement of a county hospital acquired and operated under chapter 347A, subject to a maximum of two percent of the assessed value of the taxable property in the county. However, notice of the proposed bond issue shall be published once each week for two consecutive weeks and if, within twenty days following the date of the first publication, a petition requesting an election on the proposal and signed by ~~qualified voters~~ eligible electors of the county equal in number to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 331.442, subsections 2, 3 and 4 for general county purpose bonds.

Sec. 23. Section 331.441, subsection 2, paragraph b, subparagraph (12), subparagraph subdivision (b), Code 2001, is amended to read as follows:

(b) General obligation bonds for the purposes described in this subparagraph are subject to an election held in the manner provided in section 331.442, subsections 1 through 4, if not later than fifteen days following the action by the county board of supervisors, ~~eligible voters~~ electors file a petition with the county commissioner of elections asking that the question of issuing the bonds be submitted to the registered voters of the special service area tax district. The petition must be signed by eligible electors equal in number to at least five percent of the registered voters residing in the special service area tax district. If the petition is duly filed within the fifteen days, the board of supervisors shall either adopt a resolution declaring that the proposal to issue the bonds is abandoned, or direct the county commissioner of elections to call a special election within a special service area tax district upon the question of issuing the bonds.

Sec. 24. Section 331.461, subsection 2, paragraph d, Code 2001, is amended to read as follows:

d. The equipment, enlargement, and improvement of a county public hospital previously established and operating under chapter 347, including acquisition of the necessary lands, rights of way, and other property, subject to approval by the board of hospital trustees. However, notice of the proposed bond issue shall be published at least once each week for two consecutive weeks and if, within thirty days following the date of the first publication, a petition requesting an election on the proposal and signed by ~~qualified voters~~ eligible electors of the county equal to at least twenty percent of the votes cast at the preceding election for

governor is filed with the county auditor, the proposal is subject to the election requirements in section 331.442, subsections 2, 3 and 4, for general county purpose bonds. Bonds issued under this paragraph shall mature in not more than thirty years from date of issuance.

Sec. 25. Section 336.18, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Contracts shall provide for the amount to be contributed. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of ~~qualified voters~~ eligible electors in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.

Sec. 26. Section 336.18, subsection 4, paragraph a, Code 2001, is amended to read as follows:

a. ~~Qualified~~ Eligible electors of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for president of the United States or governor at the last general election may petition the board of supervisors to submit the proposition of requiring the board to provide library service for them and their area by contract as provided by this section.

Sec. 27. Section 347.23, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Any hospital organized and existing as a city hospital may become a county hospital organized and managed as provided for in this chapter, upon a proposition for such purpose being submitted to and approved by a majority of the electors of both the city in which such hospital is located, and of the county under whose management it is proposed that such hospital be placed, at any general or special election called for such purpose. The proposition shall be placed upon the ballot by the board of supervisors when requested by a petition ~~therefor~~ signed by ~~qualified~~ eligible electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. The proposition may be submitted at the next general election or at a special election called ~~therefor~~ for that purpose. Upon the approval of the proposition the hospital, its assets and liabilities, will become the property of the county and this chapter will govern its future management. The question shall be submitted in substantially the following form: "Shall the municipal hospital of, Iowa, be transferred to and become the property of, and be managed by the county of, Iowa?"

Sec. 28. Section 347.23A, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The proposition shall be placed upon the ballot by the board of supervisors if requested by the hospital's board of trustees or governing commission and the request is endorsed by a petition for this purpose signed by ~~qualified~~ eligible electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. Upon the approval of the proposition the hospital, its assets and liabilities, shall become the property of the county and this chapter shall govern its future management.

Sec. 29. Section 359.8, Code 2001, is amended to read as follows:

359.8 DIVISION — EFFECT.

If the petition is signed by a majority of the ~~qualified electors~~ registered voters of the township residing without the corporate limits of the city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of precinct election officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 30. Section 359.17, Code 2001, is amended to read as follows:

359.17 TRUSTEES — DUTIES — MEETINGS.

The board of township trustees in each township shall consist of three ~~qualified electors~~ registered voters of the township. The trustees shall act as fence viewers and shall perform other duties assigned them by law. The board of trustees shall meet not less than two times a year. At least one of the meetings shall be scheduled to meet the requirements of section 359.49.

Sec. 31. Section 368.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A petition for incorporation, discontinuance, or boundary adjustment may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or five percent of the ~~qualified electors~~ registered voters of a city or territory involved in the proposal. Notice of the filing, including a copy of the petition, must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the board of supervisors for each county which contains a portion of a city to be discontinued or territory to be incorporated, annexed or severed, the council of a city if an incorporation includes territory within the city's urbanized area, and any regional planning authority for the area involved.

Sec. 32. Section 384.19, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor, specifying their objections to the budget or any part of it. A protest must be signed by ~~qualified electors~~ registered voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the city, but the number shall not be less than ten persons and the number need not be more than one hundred persons.

Sec. 33. Section 384.84A, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

If, before the date fixed for taking action to authorize the issuance of revenue bonds for the storm water drainage construction project, a petition signed by eligible electors residing within the city equal in number to at least three percent of the registered voters of the city, asking that the question of issuing revenue bonds for the storm water drainage construction project be submitted to the registered voters of the city, the council, by resolution, shall declare the project abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds for the storm water drainage construction project if the cost of the project and population of the city meet one of the following criteria:

Sec. 34. Section 422A.2, subsection 4, paragraph f, unnumbered paragraph 2, Code 2001, is amended to read as follows:

If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by eligible electors residing in the city or the unincorporated area equal in number to at least three percent of the registered voters of the city or unincorporated area, asking that the question of issuing the bonds be submitted to the registered voters of the city or unincorporated area, the council or board of supervisors acting on behalf of an unincorporated area shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds.

Sec. 35. Section 422B.12, subsection 4, paragraph a, unnumbered paragraph 2, Code 2001, is amended to read as follows:

If at any time before the date fixed for taking action for the issuance of the bonds, a petition signed by eligible electors residing within the jurisdiction seeking to issue the bonds in a

number equal to at least three percent of the registered voters of the bond issuer is filed, asking that the question of issuing the bonds be submitted to the registered voters, the governing body shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. The proposition of issuing bonds under this subsection is not approved unless the vote in favor of the proposition is equal to at least sixty percent of the vote cast. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the governing body acting on behalf of the issuer may proceed with the authorization and issuance of the bonds. Bonds may be issued for the purpose of refunding outstanding and previously issued bonds under this subsection without otherwise complying with the provisions of this subsection.

Sec. 36. Section 468.514, Code 2001, is amended to read as follows:
468.514 BALLOTS — PETITION FOR PRINTED BALLOTS.

Candidates for drainage district trustee shall have their names placed on printed ballots provided a petition therefor is signed by ten qualified ~~electors~~ voters of the district and filed with the clerk of the board at least twenty-five days but not more than sixty-five days before the election. Space shall also be provided on the ballot for write-in votes.

Sec. 37. Section 602.1216, Code 2001, is amended to read as follows:
602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ~~signed by eligible electors~~ residing in the county equal in number to at least ten percent of all ~~qualified electors~~ registered voters in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. The petition shall be filed in the office of the state commissioner not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 38. Section 722.7, subsection 9, Code 2001, is amended to read as follows:
9. Refuses or rejects the vote of any ~~qualified~~ registered voter.

Approved April 19, 2001

CHAPTER 57

ADOPTIONS — INTERSTATE LEGAL RISK PLACEMENTS AND STANDBY PROCEDURES

H.F. 567

AN ACT relating to adoption including providing for standby adoptions and providing for a legal risk waiver in interstate adoptions.

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

Section 1. NEW SECTION. 232.158A LEGAL RISK PLACEMENT.

1. Notwithstanding any provision of the interstate compact on the placement of children to the contrary, the department of human services shall permit the legal risk placement of a child under the interstate compact on the placement of children, if the prospective adoptive parent provides a legal risk statement, in writing, acknowledging all of the following: