

tercraft safety course. A person required to have a watercraft safety certificate shall carry and shall exhibit or make available the certificate upon request of an officer of the department. A violation of this subsection is a simple misdemeanor as provided in section 462A.13. However, a person charged with violating this subsection shall not be convicted if the person produces in court, within a reasonable time, a department-approved certificate. The cost of a department certificate, or any duplicate, shall not exceed five dollars.

Sec. 3. Section 462A.12, Code Supplement 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 12. A person shall not operate a personal watercraft at any time between sundown and sunup.

NEW SUBSECTION. 13. A person shall not chase or harass animals while operating a personal watercraft or motorboat.

Approved April 26, 2002

CHAPTER 1134

ELECTIONS AND VOTER REGISTRATION

H.F. 2472

AN ACT relating to the office of secretary of state and the conduct of elections and of voter registration in the state and including effective and applicability date provisions.

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

Section 1. Section 39.2, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or community college. A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election.

Sec. 2. Section 39.3, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Written" and "in writing" may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

a. The name of the person with a disability written by another upon the request and in the presence of the person with a disability.

b. A rubber stamp reproduction of the name or facsimile of the actual signature of the person with a disability when adopted by that person for all purposes requiring a signature and then only when affixed by that person or another upon the request and in the presence of the person with a disability.

Sec. 3. **NEW SECTION.** 39.26 CANDIDATE QUALIFICATIONS.

Any person seeking election to an elective office under the laws of this state shall be an eligible elector at the time of any election at which the person's name appears on the ballot.

Sec. 4. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC OFFICE.

Any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly.

Sec. 5. Section 43.14, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

- a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.
- b. The name of the candidate nominated by the petition.
- c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative district, or if that is not true that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.
- d. The political party with which the candidate is a registered voter.
- e. The office sought by the candidate, including the district number, if any.
- f. The date of the primary election for which the candidate is nominated.

Signatures on a petition page shall be counted only if the required information is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. The person examining the petition shall mark any deficiencies on the petition and affidavit.

2. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination petition shall be rejected and shall be returned to the candidate.

The nomination papers shall be rejected if the affidavit lacks any of the following:

- a. The candidate's name.
- b. The name of the office sought, including the district, if any.
- c. The political party name.
- d. The signature of the candidate.
- e. The signature of a notary public or other officer empowered to witness oaths.

The candidate may replace a deficient affidavit with a corrected affidavit only if the replacement affidavit is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 6. Section 43.15, subsection 4, Code 2001, is amended to read as follows:

4. When more than one sheet is used, the sheets shall be neatly arranged and securely fastened together before filing, and shall be considered one nomination ~~paper~~ petition.

Sec. 7. Section 43.24, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. Those filed with the city clerk under this chapter, at least thirty-six days before the ~~municipal~~ city primary election.

Sec. 8. Section 43.27, Code 2001, is amended to read as follows:

43.27 PRINTING OF BALLOTS.

The ballots of each political party shall be printed in black ink, on separate sheets of paper, uniform in color, quality, texture, and size, with the name of the political party printed at the head of said ballots, which ballots shall be prepared by the commissioner in the same manner as for the general election, except as in this chapter provided. The commissioner may print the ballots for each political party using a different color for each party. If colored paper is used, all of the ballots for each separate party shall be uniform in color.

Sec. 9. Section 43.45, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

43.45 CANVASS OF VOTES.

1. Upon the closing of the polls the precinct election officials shall immediately publicly canvass the vote. The canvass shall be conducted using the procedures established in subsection 2 or 3, whichever is appropriate for the voting system used in the precinct.

2. In precincts where paper ballots are used, precinct election officials shall do all of the following:

- a. Place the ballots of the several political parties in separate piles.
- b. Separately count the ballots of each party, and make the correct entries thereof on the tally sheets.
- c. Certify to the number of votes cast upon the ticket of each political party for each candidate for each office.
- d. Place the ballots cast on behalf of each of the parties in separate envelopes. Seal each envelope and place the signature of all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.
- e. On the outside of each envelope enter the number of ballots cast by each party in the precinct and contained in the envelope.
- f. Seal the tally sheets and certificates of the precinct election officials in an envelope on the outside of which are written or printed the names of the several political parties with the names of the candidates for the different offices under their party name, and opposite each candidate's name enter the number of votes cast for such candidate in the precinct.
- g. Enter on the envelope the total number of voters of each party who cast ballots in the precinct.
- h. Communicate the results in the manner required by section 50.11, to the commissioner of the county in which the polls are located, who shall remain on duty until the results are communicated to the commissioner from each polling place in the county.

3. In precincts where voting machines are used, precinct election officials shall do all of the following:

- a. Close the machines to prevent additional voting, and print the results for the precinct.
- b. Tabulate all write-in votes. If necessary, add the votes, including write-in votes, from all machines to obtain the total number of votes cast in the precinct by the members of each political party for each office on the ballot.
- c. Put any forms used by voters to cast write-in votes in an envelope with one copy of the printed results from each voting machine. Seal the envelope and place the signature of all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.
- d. On the outside of the envelope enter the number of voters from each party in the precinct. Report the number of votes cast for each office by the voters of each political party. A copy of the printed tape from the voting machine may be used to report vote totals.

e. Communicate the results to the commissioner in the manner required by section 50.11. The commissioner shall remain on duty until the results are communicated to the commissioner from each polling place in the county.

4. In precincts where electronic voting systems are used and ballots are counted in the precinct, precinct election officials shall do all of the following:

a. Close and secure the ballot reader to prevent the insertion of additional ballots.

b. Print the results for the precinct.

c. Open the ballot container. Secure all ballots counted by the vote-tabulating device. Sort the remaining ballots by party. Tally all write-in votes and any other ballots not yet counted. Record the results in the tally list.

d. Put all ballots in an envelope or other package and seal it. All members of the board shall sign their names across the seal of the envelope. The seal shall be placed so that the envelope or package cannot be opened without breaking the seal.

5. In precincts where electronic voting systems are used and ballots are counted at a central location, precinct election officials shall follow the procedures in section 52.32.

Sec. 10. Section 43.48, Code 2001, is amended to read as follows:

43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

Any elector of the county shall have the right, before the day fixed for canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown on the outside of the envelope containing the tally list or on printed reports from voting machines or electronic voting systems.

Sec. 11. Section 43.114, Code 2001, is amended to read as follows:

43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

In special charter cities holding a ~~municipal city~~ primary election under the provisions of section 43.112 such primary shall be held on the first Tuesday in October of the year in which ~~general municipal regular city~~ elections are held.

Sec. 12. Section 43.118, Code 2001, is amended to read as follows:

43.118 EXPENSE.

The entire expense of conducting ~~said municipal~~ the city primary election and preparation of election registers shall be audited by the city council and paid by the city.

Sec. 13. Section 44.4, unnumbered paragraph 1, Code 2001, 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-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~~ twenty-five 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. 14. Section 45.3, unnumbered paragraph 1, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 15. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

Nomination papers shall include a petition and an affidavit of candidacy. All nomination

petitions shall be eight and one-half by eleven inches in size and shall be in substantially the form prescribed by the state commissioner of elections. They shall provide spaces for the following information:

1. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state of Iowa.
2. The name of the candidate nominated by the petition.
3. A statement that the candidate is a resident of the appropriate ward, city, county, school district, or legislative or other district as required by section 45.1.
4. The office sought by the candidate, including the district number, if any.
5. The name and date of the election for which the candidate is nominated.

Signatures on a petition page shall be counted only if the required information is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. Signature lines on the nomination petitions shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. The person examining the petition shall mark any deficiencies on the petition.

The pages of the petition shall be securely fastened together to form a single bundle. Nomination petitions that are not bound shall be returned without further examination. The state commissioner shall prescribe by rule the acceptable methods for binding nomination petitions.

Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during the examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination papers shall be rejected and returned to the candidate.

The nomination papers shall be rejected if the affidavit lacks any of the following:

- a. The candidate's name.
- b. The name of the office sought, including the district, if any.
- c. The signature of the candidate.
- d. The signature of a notary public or other officer empowered to witness oaths.

The candidate may replace a deficient affidavit with a corrected one only if the replacement is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 16. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

The following requirements shall be observed in the signing and preparation of nomination petitions:

1. A signer may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination petitions for one or more other candidates for the office.
2. Each signer shall add the signer's residence, with street and number.
3. All signers, for all nominations, of each separate part of a nomination petition, shall reside in the appropriate ward, city, county, school district, or legislative or other district as required by section 45.1.
4. When more than one sheet is used, the sheets shall be neatly arranged and securely fastened together before filing, and shall be considered one nomination petition. Nomination petitions which are not securely fastened together shall be returned to the candidate or the candidate's designee without examination. The state commissioner shall prescribe by rule the acceptable methods for binding nomination petitions.
5. Only one candidate shall be petitioned for or nominated in the same nomination petition, except for the offices of governor and lieutenant governor, and president and vice president.

Sec. 17. Section 48A.2, subsection 3, Code 2001, is amended to read as follows:

3. "Person who is ~~mentally~~ incompetent to vote" means a person described in section 222.2, subsection 4, who has been found to lack the mental capacity to vote in a proceeding held pursuant to section 222.31 or 633.556.

Sec. 18. Section 48A.6, subsection 2, Code 2001, is amended to read as follows:

2. A person who is ~~mentally~~ incompetent to vote. Certification by the clerk of the district court that any such person has been found no longer incompetent by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter.

Sec. 19. Section 48A.9, subsection 2, Code 2001, is amended to read as follows:

2. The commissioner's office shall be open from eight a.m. until at least five p.m. on the day registration closes before each regularly scheduled election. However, if the last day to register to vote for a regularly scheduled election falls on the day after Thanksgiving, the deadline shall be the following Monday.

Sec. 20. Section 48A.10, Code 2001, is amended to read as follows:

48A.10 REGISTRATION REQUIRED.

If a registered voter moves to a different county, the person shall submit a completed voter registration form to the commissioner in order to be qualified to vote in that county. An otherwise eligible elector whose right to vote has been restored pursuant to chapter 914 or who has been found not to be a person who is ~~mentally~~ incompetent to vote may register to vote.

Sec. 21. Section 48A.11, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A person who has been designated to have power of attorney by a registrant does not have authority to sign a voter registration form, except as otherwise provided in section 39.3, subsection 17.

Sec. 22. Section 48A.14, subsection 1, paragraph f, Code 2001, is amended to read as follows:

f. The challenged registrant has been adjudged by a court of law to be a person who is ~~mentally~~ incompetent to vote and no subsequent proceeding has reversed that finding.

Sec. 23. Section 48A.27, subsection 3, paragraph a, Code 2001, is amended to read as follows:

a. Annexation of territory by a city. When an existing city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. If a city is divided into wards for voting purposes, the detailed map shall show the ward designations for the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing the person that the person's registration may be in error, and requesting that each person provide the commissioner with the information necessary to correct the registration records.

Sec. 24. Section 48A.27, subsection 4, paragraph c, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The notice shall be sent by forwardable 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. 25. Section 48A.28, subsection 3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The form and language of the confirmation notice and return card shall be specified by the state voter registration commission by rule.

Sec. 26. Section 48A.29, subsection 3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The notice shall be sent by forwardable 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. 27. Section 48A.30, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a written statement from a member of the registered voter's household, an obituary in a newspaper, a written statement from an election official, or a notice from ~~the clerk of the district court in~~ county recorder of the county where the registered voter died.

Sec. 28. Section 48A.30, subsection 1, paragraph e, Code 2001, is amended to read as follows:

e. The clerk of the district court or the state registrar sends notice that the registered voter has been declared a person who is ~~mentally~~ incompetent to vote under state law.

Sec. 29. Section 48A.38, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The county commissioner of registration and the state registrar of voters shall remove a voter's social security number from a voter registration list prepared pursuant to this section.

Sec. 30. Section 49.21, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner shall post a sign at the entrance

to the polling place indicating the election precinct number or name, and displaying a street map showing the boundaries of the precinct.

Sec. 31. Section 49.30, subsection 1, Code 2001, is amended to read as follows:

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 township offices, nonpartisan offices, judges, or public measures.

Sec. 32. Section 49.31, subsection 2, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The board of supervisors shall hold the drawing at its first meeting following the deadline for receipt of objections and withdrawals by candidates for the general election.

Sec. 33. Section 49.53, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than five thirty-sixths of an inch high in candidates' names or in summaries of public measures ninety percent of the size of such upper case letters appearing on the actual ballot. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, the location of the polling places designated as early ballot pick-up sites, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election. The notice shall also include notice of testing required pursuant to sections 52.9, 52.35, and 52.38.

Sec. 34. Section 49.57, subsection 4, Code 2001, is amended to read as follows:

4. 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,~~ may be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.

Sec. 35. Section 49.64, Code 2001, is amended to read as follows:

49.64 NUMBER OF BALLOTS DELIVERED.

The commissioner shall cause ballots of the kind to be voted in each precinct, to be delivered to the precinct election officials as follows: in general elections which are presidential elections seventy-five at least fifty-five ballots for every fifty votes, or fraction thereof of fifty votes, cast in ~~said~~ the precinct at the last preceding general election which was also a presidential election; and in general elections which are not presidential elections, seventy-five at least fifty-five ballots for every fifty votes, or fraction thereof of fifty votes, cast ~~therein~~ at the last preceding general election which was not a presidential election.

Sec. 36. Section 49.70, Code 2001, is amended to read as follows:

49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

The commissioner shall cause copies of the foregoing instructions to be printed in large,

clear type, under the heading of “Card of Instructions for Voters”, and shall furnish the precinct election officials with a sufficient number of such cards instructions as will enable them to comply with section 49.71.

Sec. 37. Section 49.73, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. Any election conducted for a city of three thousand five hundred or less population, including a local option sales and services tax election conducted pursuant to section 422B.1. At elections conducted pursuant to chapter 422B, all polling places shall have the same voting hours.

Sec. 38. Section 49.73, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The unincorporated area of any county voting on a local option sales and services tax pursuant to section 422B.1.

Sec. 39. Section 49.79, Code 2001, is amended to read as follows:
49.79 CHALLENGES.

Any person offering to vote may be challenged as unqualified by any precinct election official or elector; ~~and it registered voter.~~ It is the duty of each official to challenge any person offering to vote whom the official knows or suspects is not duly qualified. A ballot shall be received from a voter who is challenged, but only in accordance with section 49.81.

Sec. 40. Section 49.81, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Your qualifications as a registered voter have been challenged for the following reasons:

- I.
- II.
- III.

Your right to vote will be reviewed by the special precinct counting board on You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as a registered voter. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received ~~prior to noon~~ before a.m./p.m. on at If your ballot is not counted you will receive notification of this fact.

Sec. 41. Section 49.84, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not prohibit a voter from taking minor children into the voting booth with the voter.

Sec. 42. Section 49.88, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not prohibit a voter from taking minor children into the voting booth with the voter.

Sec. 43. Section 49.96, Code 2001, is amended to read as follows:
49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

Where more than one person is to be elected to the same office at the same election, and all of the candidates for that office for whom the voter desires to vote 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 that office. However, if a voter who has marked a straight party or organization ticket also marks the voting targets next to the names of one or more candidates for any office, only the votes cast separately for individual candidates for that office shall be counted. 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. 44. Section 49.124, Code 2001, is amended to read as follows:

49.124 TRAINING COURSE BY COMMISSIONER.

The commissioner shall conduct, not later than the day before each primary and general election, a training course of ~~not more than two hours~~ for all election personnel, and the commissioner may do so before any other election the commissioner administers. The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials who will serve on each precinct election board at the forthcoming election shall attend the training course. If the entire board does not attend, those members who do attend shall so far as possible be persons who have not previously attended a similar training course.

Sec. 45. Section 50.11, Code 2001, is amended to read as follows:

50.11 PROCLAMATION OF RESULT.

When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which the person is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people, ~~and the~~. A precinct election official shall communicate said information the election results by telephone or telegraph or in person to the commissioner who is conducting the election immediately upon completion of the canvass; and the,

Election results may be transmitted electronically from voting equipment to the commissioner's office only after the precinct election officials have produced a written report of the election results. The devices used for the electronic transmission of election results shall be approved for use by the board of examiners pursuant to section 52.41. The state commissioner of elections shall adopt rules establishing procedures for the electronic transmission of election results.

The commissioner shall remain on duty until such information is communicated to the commissioner from each polling place in the commissioner's county.

Sec. 46. Section 50.12, Code 2001, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, or to destroy the ballots pursuant to section 50.19.

Sec. 47. Section 50.48, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. If a recount is requested for an office to which more than one person was elected, the vote

difference calculations shall be made using the difference between the number of votes received by the person requesting the recount and the number of votes received by the apparent winner who received the fewest votes. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

Sec. 48. Section 50.49, unnumbered paragraph 4, Code 2001, is amended to read as follows:

The petitioners requesting the recount shall post a bond as required by section 50.48, subsection 2. The amount of the bond shall be one thousand dollars for a public measure appearing on the ballot statewide or one hundred dollars for any other public measure. If the difference between the affirmative and negative votes cast on the public measure is less than the greater of fifty votes or one percent of the total number of votes cast for and against the question, a bond is not required. If approval by sixty percent of the votes cast is required for adoption of the public measure, no bond is required if the difference between sixty percent of the total votes cast for and against the question and the number of votes cast for the losing side is less than the greater of fifty votes or one percent of the total number of votes cast.

Sec. 49. Section 50.50, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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, or if the precinct election officials report counting errors to the commissioner after the conclusion of the canvass of votes in the precinct. 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.

Sec. 50. Section 52.1, subsection 2, paragraphs a, b, and f, Code 2001, are amended to read as follows:

a. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots ~~or ballot cards~~ have been marked by voters, and count the votes marked thereon.

b. "Ballot" includes a special paper ballot ~~and a ballot card and its associated ballot label.~~ In appropriate contexts, "ballot" also includes conventional paper ballots.

f. "Electronic voting system" means a system employing special paper ballots ~~or ballot cards and ballot labels,~~ under which votes are:

- (1) Cast by voters by marking special paper ballots with a vote marking device, ~~or by marking ballot cards by use of a voting punch device;~~ and
- (2) Thereafter counted by use of automatic tabulating equipment.

Sec. 51. Section 52.1, subsection 2, paragraphs c, d, and k, Code 2001, are amended by striking the paragraphs.

Sec. 52. Section 52.25, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

The question of a constitutional convention, amendments, and public measures including bond issues may be voted on voting machines and on special paper ballots ~~and ballot cards~~ in the following manner:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the curtain of each voting machine, the printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the special paper ballots, ballot cards, or inserts used in the voting machines, except that:

Sec. 53. Section 52.26, subsections 5, 6, and 7, Code 2001, are amended to read as follows:

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations, and to permit voting for all of the candidates of any one political party or organization by a single mark or punch, at any one election.

7. ~~The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section 52.30, subsection 4. A punch card voting system shall not be approved for use.~~

Sec. 54. Section 52.27, Code 2001, is amended to read as follows:

52.27 COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT.

The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an electronic voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct special paper ballots and vote marking devices, ~~or ballot cards, ballot labels and voting punch devices, as the case may be,~~ in appropriate numbers. The commissioner shall have custody of all equipment required for use of the electronic voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. All provisions of chapter 49 relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of electronic voting systems, when applicable.

Sec. 55. Section 52.28, subsection 1, Code 2001, is amended to read as follows:

1. The commissioner of each county in which the use of an electronic voting system in one or more precincts has been authorized shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. ~~The ballot information, whether placed on the special paper ballot, the ballot card or the ballot label,~~ shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the electronic voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of electronic voting system ballots.

Sec. 56. Section 52.28, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 57. Section 52.29, Code 2001, is amended to read as follows:

52.29 ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

The commissioner shall provide for each precinct where an electronic voting system is in use at least four sample special paper ballots, ~~or combinations of ballot cards and ballot labels, as the case may be,~~ which shall be exact copies of the official ballots as printed for that precinct. The sample ballots shall be arranged in the form of a diagram showing the special paper ballot

or the front of the voting punch device, as the case may be, as it will appear to the voter in that precinct on election day. The sample ballots shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day.

Sec. 58. Section 52.33, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In any county in which the board of supervisors has adopted voting by means of an electronic voting system, the commissioner may elect to also conduct absentee voting by use of such a system if the system so used is compatible with the counting center serving the precinct polling places in the county where voting is by means of an electronic voting system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an electronic voting system. All provisions of chapter 53 shall apply to such absentee voting, so far as applicable. ~~When a ballot card is used for voting by mail it shall be accompanied by a stylus, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each candidate or public question. The card shall be mounted on material suitable to receive the punched out chip.~~ In counties where absentee voting is conducted by use of an electronic voting system, the special precinct counting board shall, at the time required by chapter 53, prepare absentee ballots for delivery to the counting center in the manner prescribed by this chapter.

Sec. 59. Section 52.35, subsection 2, Code 2001, 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. Any observer may submit an additional test group of ballots which, if so submitted, shall also be tested. The state commissioner shall promulgate administrative rules establishing procedures for any additional test group of ballots submitted by an observer. 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 kept with the records of the election.

Sec. 60. Section 52.37, subsection 1, Code 2001, is amended to read as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party if the ballot contains partisan offices, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner may designate two precinct election officials, of different political parties if the ballot contains partisan offices, to collect the sealed ballot containers from more than one precinct to deliver to the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received, the time the container was received, and the condition of the seal upon receipt.

In nonpartisan elections the election officials delivering the ballots are not required to be members of any political party, or to be members of different political parties.

Sec. 61. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

With the advice of the board of examiners for voting machines and electronic voting systems, the state commissioner shall adopt by rule standards for the examination and testing of devices for the electronic transmission of election results. All voting systems which contain devices for the electronic transmission of election results submitted to the examiners for examination and testing after July 1, 2003, shall comply with these standards.

Sec. 62. Section 53.8, subsection 1, Code 2001, is amended to read as follows:

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in or with a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

Sec. 63. NEW SECTION. 53.10 ABSENTEE VOTING AT THE COMMISSIONER'S OFFICE.

Not more than forty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available more than forty days before an election.

Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. The registered voter shall immediately mark the ballot, enclose the ballot in a secrecy envelope, if necessary, and seal it in a ballot envelope, subscribe to the affidavit on the reverse side of the envelope, and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ballot envelope along with the name of the registered voter.

During the hours when absentee ballots are available in the office of the commissioner, the posting of political signs is prohibited within thirty feet of the absentee voting site. No electioneering shall be allowed within the sight or hearing of voters at the absentee voting site.

Sec. 64. Section 53.11, unnumbered paragraph 1, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 65. Section 53.11, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Satellite absentee voting stations ~~shall~~ may be established throughout the cities and county at the direction of the commissioner ~~or~~ and shall be established 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 satellite absentee voting station established by petition must be open at least one day 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. 66. Section 53.11, Code 2001, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting at satellite absentee voting stations shall be the same as specified in section 53.10 for voting at the commissioner's office. Additional procedures shall be prescribed by rule by the state commissioner.

NEW UNNUMBERED PARAGRAPH. During the hours when absentee ballots are available at a satellite absentee voting station, the posting of political signs is prohibited within thirty feet of the satellite absentee voting station. Electioneering shall not be allowed within the sight or hearing of voters at the satellite absentee voting station.

Sec. 67. Section 53.18, Code 2001, is amended to read as follows:

53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

Upon receipt of the absentee ballot, the commissioner shall at once record the number appearing on the application and return carrier envelope and time of receipt of such ballot and attach the elector's application to the unopened envelope. Absentee ballots shall be stored in

a secure place until they are delivered to the absentee and special voters precinct board.

Sec. 68. Section 53.19, unnumbered paragraph 3, Code 2001, is amended to read as follows:

However, any registered voter who has received an absentee ballot and not returned it, may surrender the 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 or who has not brought the ballot to the polls, 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. Such voter shall cast a ballot in accordance with section 49.81. ~~The form of the affidavit for use in such cases shall be prescribed by the state commissioner.~~

Sec. 69. Section 53.30, Code 2001, is amended to read as follows:

53.30 BALLOT ENVELOPE PRESERVED.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the envelope having the registered voter's affidavit thereon on it, the return carrier envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 70. Section 53.38, Code 2001, is amended to read as follows:

53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under ~~the provisions of chapter 48A and the~~ A completed federal postcard registration and federal absentee ballot request form submitted by such eligible elector shall also constitute a sufficient registration under chapter 48A. The commissioner shall place the voter's name on the registration record as a registered voter, if it does not already appear there.

Sec. 71. Section 53.40, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A request in writing for a ballot may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held within a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. The county ~~auditor~~ commissioner shall send the applicant a ballot for each election held during the calendar year in which the application is received. The commissioner shall forward a copy of the absentee ballot request to other commissioners who are responsible under section 47.2, subsection 2, for conducting elections in which the applicant is eligible to vote.

Sec. 72. Section 57.1, subsection 2, Code 2001, is amended by adding the following new paragraph after paragraph f and relettering the subsequent paragraphs:

NEW PARAGRAPH. g. That the public measure or office was not authorized or required by state law to appear on the ballot at the election being contested.

Sec. 73. Section 60.4, Code 2001, is amended to read as follows:

60.4 STATEMENT.

The contestant shall file the statement provided for in chapter 62 in the office of the secretary

of state within ~~ten~~ two days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

Sec. 74. Section 60.5, Code 2001, is amended to read as follows:

60.5 ORGANIZATION AND TRIAL.

The clerk of the court shall, immediately after the filing of the statement, notify the judges herein named, and fix a day for the organization of the court within ~~three~~ two days thereafter, and also notify the parties to the contest. The judges shall meet on the day fixed, and organize the court, and make and announce such rules for the trial of the case as they shall think necessary for the protection of the rights of each party and a just and speedy trial of the case, and commence the trial of the case as early as practicable thereafter, and so arrange for and conduct the trial that a final determination of the same and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December next following.

Sec. 75. NEW SECTION. 62.5A STATEMENT OF INTENT TO CONTEST.

1. Within twenty days after the board of supervisors declares a winner from the canvass of an election, the contestant shall file with the commissioner a written statement of intention to contest the election. If a recount is held for the office in question, and the recount board finds that the winner was someone other than the person declared at the original canvass of votes, a contest may be filed within twenty days after the board of supervisors declares a winner from the recount of votes.

2. The contestant's statement shall include the following:

- a. The name of the contestant and that the contestant is qualified to hold such office.
- b. The name of the incumbent.
- c. The office contested.
- d. The date of the election.
- e. The particular causes of the contest pursuant to section 57.1, subsection 2. If a cause of the contest is an allegation that illegal votes were received or that legal votes were rejected, a statement shall be included setting forth the names of the persons who are alleged to have voted illegally or whose votes were rejected and the precinct where they voted or offered to vote.
- f. The affidavit of the contestant, or some elector of the county, affirming the causes set forth are true.

Sec. 76. Section 63.8, Code 2001, is amended to read as follows:

63.8 VACANCIES — TIME TO QUALIFY.

Persons elected or appointed to fill vacancies, and officers entitled to hold over to fill vacancies occurring through a failure to elect, appoint, or qualify, as provided in chapter 69, shall qualify within ten days from the county board's canvass of such election, or within ten days from such appointment, or failure to elect, appoint, or qualify, in the same manner as those originally elected or appointed to such offices.

Sec. 77. Section 69.2, Code Supplement 2001, is amended to read as follows:

69.2 WHAT CONSTITUTES VACANCY.

1. Every civil office shall be vacant if any of the following events occur:

- ~~1.~~ a. A failure to elect at the proper election, or to appoint within the time fixed by law, unless the incumbent holds over.
- ~~2.~~ b. A failure of the incumbent or holdover officer to qualify within the time prescribed by law.
- ~~3.~~ c. The incumbent ceasing to be a resident of the state, district, county, township, city, or ward by or for which the incumbent was elected or appointed, or in which the duties of the office are to be exercised. This subsection shall not apply to appointed city officers.

4. d. The resignation or death of the incumbent, or of the officer-elect before qualifying.
5. e. The removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant.
6. f. The conviction of the incumbent of a felony, an aggravated misdemeanor, or of any public offense involving the violation of the incumbent's oath of office.
7. g. The board of supervisors declares a vacancy in an elected county office upon finding that the county officer has been physically absent from the county for sixty consecutive days except in the case of a medical emergency; temporary active military duty; or temporary service with another government service, agency, or department.
8. h. The incumbent simultaneously holding more than one elective office at the same level of government. This subsection does not apply to the county agricultural extension council or the soil and water conservation district commission.
9. i. An incumbent statewide elected official or member of the general assembly simultaneously holding more than one elective office.

2. If the status of an officeholder is in question, the entity or officer responsible for making an appointment to fill the vacancy shall decide whether a vacancy exists. The appointing entity or officer may act upon its own motion. If a petition signed by twenty-five registered voters of the jurisdiction is received, the appointing entity or officer shall convene within thirty days to consider whether a vacancy exists. The appointing entity or officer shall publish notice that a public hearing will be held to determine whether a vacancy exists. The notice shall include the time and place of the hearing and the name of the office and the officeholder whose status is in question. The public hearing shall be held not less than four nor more than fourteen days after publication of the notice. The officer whose status is in question shall be notified of the time and place of the hearing. Notice shall be sent by certified mail and must be postmarked at least fourteen days before the hearing. No later than seven days after the public hearing, the appointing entity or officer shall publish its decision. If the appointing entity or officer decides that the office is vacant, the publication shall state the date the vacancy occurred and what action will be taken to fill the vacancy.

3. The officer against whom the judgment was rendered may appeal to the district court no later than twenty days after official publication of the decision. However, the appeal will not supersede the execution of the judgment of the appointing entity or officer, unless the party gives a bond, with security to be approved by the district judge in a sum to be fixed by the judge. The amount of the bond shall be at least double the probable compensation of such officer for six months, which bond shall be conditioned that the officer will prosecute the appeal without delay, and that, if the judgment appealed from is affirmed, the party will pay over to the successful party all compensation received by the party while in possession of the office after the judgment appealed from was rendered. The court shall hear the appeal in equity and determine anew all questions arising in the case.

4. If, upon appeal, the judgment is affirmed, the district court may render judgment upon the bond for the amount of damages awarded against the appellant and the sureties on the bond.

Sec. 78. Section 69.12, subsection 1, paragraph a, Code 2001, is amended to read as follows:

- a. A vacancy shall be filled at the next pending election if it occurs:
 - (1) Seventy-four or more days ~~prior to~~ before the election, if it is a general ~~or primary~~ election.
 - (2) Fifty-two or more days ~~prior to~~ before the election, if it is a regularly scheduled or special city election. However, for those cities which may be required to hold a primary election, the vacancy shall be filled at the next pending election if it occurs seventy-three or more days before a regularly scheduled or special city election.
 - (3) Forty-five or more days ~~prior to~~ before the election, if it is a regularly scheduled school election.
 - (4) Forty or more days ~~prior to~~ before the election, if it is a special election.

Sec. 79. Section 69.12, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to paragraph "a" of this subsection shall be filed, in the form and manner prescribed by applicable law, by five o'clock p.m. on:

(1) The final filing date for candidates filing with the state commissioner or commissioner, as the case may be, for a general or primary election.

(2) The ~~forty-seventh day prior to~~ candidate filing deadline specified in section 376.4 for a regularly scheduled or special city election.

(3) The fortieth day ~~prior to~~ before a regularly scheduled school election.

(4) The twenty-fifth day ~~prior to~~ before a special election.

Sec. 80. Section 69.14A, Code 2001, is amended by adding the following new subsection:
NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2, if a nomination has been made at the primary election for an office in which a vacancy has been filled by appointment, the office shall be filled at the next general election, and not at any special election in the same political subdivision.

Sec. 81. Section 275.12, subsections 3 and 4, Code Supplement 2001, are amended to read as follows:

3. If the petition proposes the division of the school district into director districts, the boundaries of the proposed director districts shall ~~not be described in the petition and shall be drawn until the question is approved by the voters. If the question is approved by the voters, the directors of the new school district shall draw the boundaries of the director districts~~ according to the standards described in section 275.23A, subsection 1. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval.

4. The area education agency board in reviewing the petition as provided in sections 275.15 and 275.16 shall review the proposed method of election of school directors and may change or amend the plan in any manner, including ~~the changing of boundaries of director districts if proposed, or to specify a different method of electing school directors as may be required by law, justice, equity, and the interest of the people. In the action, the area education agency board shall follow the same procedure as is required by sections 275.15 and 275.16 for other action on the petition by the area education agency board. The area education agency shall ascertain that director district boundary lines comply with the provisions of section 275.23A, subsection 1, and shall make adjustments as necessary.~~

Sec. 82. Section 275.25, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

If the proposition to establish a new school district carries under the method provided in this chapter, the area education agency administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. The proposed date shall be as soon as possible pursuant to section 39.2, subsections 1 and 2, and section 47.6, subsections 1 and 2, but not later than the third Tuesday in January of the calendar year in which the reorganization takes effect. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the secretary of the board of the existing school district in which the candidate resides, ~~signed by not less than ten eligible electors of the newly formed district, and filed not less than twenty-eight days before the date set for the special school election. The school secretary of the board, or the secretary's designee, shall be present in the secretary's office until five p.m. on the final day to file the nomination papers. The nomination papers shall be delivered to the commissioner no later than five p.m. on the twenty-seventh day before the election.~~

Sec. 83. Section 275.35, Code 2001, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS.

Any existing or hereafter created or enlarged school district may change the number of directors to either five or seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election and describing the boundaries of the proposed director districts if any, by the school board of such district to the electors at any regular or special school election. The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 to 53 by the county commissioner of elections. Such proposal shall be adopted if it is approved by a majority of the votes cast on the proposition.

If the proposal adopted by the voters requires the establishment of or change in director district boundaries, the school board shall draw the necessary boundaries within forty days after the date of the election. The boundaries shall be drawn according to the requirements of section 275.23A. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval.

Sec. 84. Section 275.36, Code 2001, is amended to read as follows:

275.36 SUBMISSION OF CHANGE TO ELECTORS.

If a petition for a change in the number of directors or in the method of election of school directors, ~~describing the boundaries of the proposed director districts, if any, signed by eligible electors of the school district equal in number to at least thirty percent of those who voted in the last previous annual school election in the school district, but not less than one hundred persons, and accompanied by affidavit as required by section 275.13~~ be is filed with the school board of a school district, ~~not earlier than six months and not later than sixty-seven days before a regular or special school election pursuant to the requirements of section 278.2,~~ the school board shall submit such proposition to the voters at the regular school election or a special election held not later than February 1. The petition shall be accompanied by an affidavit as required by section 275.13. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall 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 section within the next six years.

If the proposal adopted by the voters requires the establishment of or a change in director district boundaries pursuant to section 275.12, subsection 2, paragraph "b", "c", "d", or "e", the school board shall draw the necessary boundaries within forty days after the date of the election. The boundaries shall be drawn according to the requirements of section 275.23A. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval. The new boundaries shall become effective on July 1 following approval.

Sec. 85. Section 275.37, Code 2001, is amended to read as follows:

275.37 INCREASE IN NUMBER OF DIRECTORS.

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

Sec. 86. NEW SECTION. 275.37A DECREASE IN NUMBER OF DIRECTORS.

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

a. If at the first election in the district there are three terms expiring, one director shall be

elected. At the second election in that district, if two terms are expiring, two directors shall be elected. At the third election in that district, if there are two terms expiring, two directors shall be elected.

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

c. If at the first election there are two terms expiring, no directors shall be elected. At the second election in that district, if three terms are expiring, three directors shall be elected, two for three years and one for two years. The newly elected director who received the fewest votes in the election shall be assigned a term of two years. At the third election in that district, if there are two terms expiring, two directors shall be elected.

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

Sec. 87. Section 275.55, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The board of the school district shall call a special election to be held not later than forty days following the date of the final hearing on the dissolution proposal. The special election may be held at the same time as the regular school election. The proposition submitted to the voters residing in the school district at the special election shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached. In addition to the description, a map may be included in the summary of the question on the ballot.

Sec. 88. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT BOUNDARIES FOLLOWING DISSOLUTION.

1. If a school district accepting attachments of a dissolved district is currently divided into director districts as provided in section 275.12, subsection 2, paragraph "b", "c", "d", or "e", the board of directors of the district shall draft a proposal to incorporate the newly received territory into existing contiguous director districts. If the attached territory is contiguous to more than one director district, the board may divide the territory and attach it to more than one director district. If necessary to comply with the population equality standards prescribed in section 275.23A, the board shall redraw the boundaries of all director districts according to the standards provided in section 275.23A, subsection 1, paragraphs "a", "c", and "d".

2. A public hearing on the proposed changes to director districts shall be held no later than May 15 following the dissolution. Not less than ten nor more than twenty days before the public hearing, the board shall publish notice of the time and place of the hearing.

3. The final plan for the assignment of attached lands and any other boundary changes made shall be adopted by resolution of the board. The resolution shall contain a legal description of the new director district boundaries and a map of the director district boundaries changed by the resolution. A copy of the resolution shall be filed with the county commissioners of elections of each county in which a portion of the school district is located. The resolution shall also be filed with the state commissioner of elections not later than June 15. The boundary changes shall take effect upon approval by the state commissioner of elections for the next regular school election, but not later than July 1.

Sec. 89. Section 277.23, Code 2001, is amended to read as follows:
277.23 DIRECTORS — NUMBER — CHANGE.

In any district including all or part of a city of fifteen thousand or more population and in

any district in which the voters have authorized seven directors, the board shall consist of seven members; in all other districts the board shall consist of five members.

A change from five to seven directors shall be effected in a district at the first regular election after authorization by the voters or when a district becomes wholly or in part within a city of fifteen thousand population or more in the following manner: ~~If the term of one director of the five-member board expires at the time of said regular election, three directors shall be elected to serve until the third regular election thereafter; if the terms of two directors expire at the time of said regular election, three directors shall be elected to serve until the third regular election thereafter and one director shall be elected to serve a term the expiration of which coincides with the expiration of the term of the director heretofore singly elected described in section 275.37.~~

Sec. 90. Section 278.1, subsection 8, Code 2001, is amended to read as follows:

8. Authorize 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 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 within the next six years. The establishment or abandonment of director districts or a change in the boundaries of director districts shall be implemented as prescribed in section 275.37.

Sec. 91. Section 279.6, unnumbered paragraph 2, Code 2001, is amended to read as follows:

~~However, A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board prior to the time for filing nomination papers for office as a school board member, as provided in section 277.4, not later than forty-five days before the election and the notice of resignation specifies in the resignation that the resignation will be an effective on the date at the beginning of the next term of office for elective school officials begins, the.~~ The president of the board shall declare the office vacant as of that the date and nomination of the next organizational meeting. Nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

Sec. 92. Section 296.3, Code 2001, is amended to read as follows:

296.3 ELECTION CALLED.

~~The Within ten days of receipt of a petition filed under section 296.2, the president of the board of directors, within ten days of receipt of a petition under section 296.2, shall call a meeting of the board which shall. The meeting shall be held within thirty days after the petition was received. At the meeting, the board shall call the election, fixing the time of the election, which may be at the time and place of holding the regular school election, unless. However, if the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of the school district, no election shall be called. If more than one petition has been received by the time the board meets to consider the petition triggering the meeting, the board shall act upon the petitions in the order they were received at the meeting called to consider the initial petition.~~ The decision of the board may be appealed to the state board of education as provided in chapter 290. The president shall notify the county commissioner of elections of the time of the election.

Sec. 93. Section 331.207, subsection 2, Code 2001, is amended to read as follows:

2. The petition shall be filed with the ~~auditor~~ county commissioner by ~~January~~ June 1 of a ~~general election an odd-numbered~~ year, subject to subsection 5. The special election shall be held ~~at least one hundred days before the primary election within sixty days after the day the petition was received.~~ Notice of the special election shall be published once each week for

three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election which shall be held not less than five nor more than twenty days from the date of last publication.

Sec. 94. Section 331.207, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 4A. If the plan adopted by a plurality of the ballots cast in the special election represents a change from plan "one" to plan "two" or "three", or from plan "two" to plan "three", as each plan is defined in section 331.206, the temporary county redistricting commission shall divide the county into districts as provided in sections 331.209 and 331.210. The plan shall be completed not later than September 15 following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective January 1.

Sec. 95. Section 331.651, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The office of sheriff is an elective office ~~except that.~~ However, if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section ~~and.~~ The first deputy shall hold the office until a successor is appointed or elected to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

Sec. 96. Section 336.2, unnumbered paragraphs 3, 4, and 5, Code Supplement 2001, are amended to read as follows:

The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the ~~proposition question~~ to the registered voters within their respective counties and cities at ~~any the next general or primary election, provided said election occurs.~~ The petition shall be filed not less than forty eighty-two days after the filing of the petition before the election.

A library district shall be established if a majority of the electors voting on the ~~proposition question~~ and residing in the proposed library district favor its establishment.

The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the library district unless a majority of its electors voting on the ~~proposition question~~ favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

Sec. 97. Section 336.16, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

A library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the library district voting on the issue favor the termination. The election shall be held upon motion of the board of supervisors and simultaneously with a ~~primary,~~ general, or other county election. If the vote favors termination, the termination shall be effective on the succeeding July 1.

Sec. 98. Section 336.18, subsection 2, Code Supplement 2001, is amended to read as follows:

2. 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 the question~~ to terminate which shall be submitted by the governing body upon a written petition of 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.

b. The ~~proposition question~~ may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than ~~forty ten~~ days before the last day candidates may file nomination petitions for the election at which the question is to be submitted.

Sec. 99. Section 336.18, subsection 4, paragraphs a, b, and c, Code Supplement 2001, are amended to read as follows:

a. 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 question~~ of requiring the board to provide library service for them and their area by contract as provided by this section.

b. The board of supervisors shall submit the ~~proposition question~~ to the voters of the county residing outside of cities at the next ~~general~~ election, ~~primary or general~~, ~~provided that the petition has been.~~ ~~The petition shall be~~ filed not less than ~~forty ten~~ days prior to the date of ~~before the last day candidates may file nomination petitions for~~ the election at which the question is to be submitted.

c. If a majority of those voting upon the ~~proposition question~~ favors it, the board of supervisors shall within thirty days appoint a board of library trustees from residents of the petitioning area. Vacancies shall be filled by the board.

Sec. 100. Section 346.27, subsection 10, Code 2001, is amended to read as follows:

10. After the incorporation of an authority, and before the sale of any issue of revenue bonds, except refunding bonds, the authority shall ~~submit in a single countywide call an~~ election to the registered voters of the city and county, at a ~~general, primary, or special~~ election called for that purpose, ~~decide~~ the question of whether ~~an the~~ authority shall issue and sell revenue bonds, stating. ~~The ballot shall state~~ the amount, ~~for any of the bonds and~~ the purposes for which ~~it the~~ authority is incorporated. Registered voters of the city and the unincorporated area of the county shall be entitled to vote on the question. The question may be submitted at a general election or at a special election. An affirmative vote of a majority of the votes cast on the ~~proposition question~~ is required to authorize the issuance and sale of revenue bonds.

PARAGRAPH DIVIDED. ~~A In addition to the notice required by section 49.53, a notice of the election shall be published once each week for at least two weeks in some newspaper published in the county stating the date of the election, the hours the polls will be open, and a copy of the question. The notice shall name the time when the question shall be submitted, and a copy of the question to be submitted shall be posted at each polling place during the day of election. The authority shall call this election with the concurrence of both incorporating units, and it shall establish the voting precincts and polling places, and appoint the election judges, and in so doing such election procedures shall be. The election shall be conducted by the commissioner in accordance with the provisions of chapters 49 and 50.~~

Sec. 101. Section 346.27, subsection 25, Code 2001, is amended to read as follows:

25. When all bonds issued by an authority have been retired, the authority may convey the title to the property owned by the authority to the incorporating units in accordance with the provisions ~~therefor~~ contained in the articles of incorporation, ~~or, if none,~~ If articles of incorporation do not exist, the conveyance may be made in accordance with any agreement adopted by the respective governing bodies of the incorporating units, and the authority.

PARAGRAPH DIVIDED. ~~The proposition question of whether a conveyance shall be made shall be submitted to the legal registered voters of the city and the unincorporated area of the county, utilizing the election procedures provided for bond issues, and an. An affirmative vote equal to at least a majority of the total votes cast on the proposition question shall be required to authorize the conveyance. If the proposition question does not carry, the authority shall continue to operate, maintain, and manage the building under a lease arrangement with the incorporating units.~~

Sec. 102. Section 359.17, Code Supplement 2001, is amended to read as follows:

359.17 TRUSTEES — DUTIES — MEETINGS.

The board of township trustees in each township shall consist of three registered voters of the township. However, in townships with a taxable valuation for property tax purposes of two

hundred fifty million dollars or more, the board of township trustees shall consist of five 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. 103. Section 372.9, subsection 2, Code 2001, is amended to read as follows:

2. When a charter is filed, the council and mayor shall notify the county commissioner of elections to publish notice containing the full text of the proposed home rule charter, a description of any other form of government being presented to the voters, and the date of the election, and to conduct the election. The notice shall be published at least twice in the manner provided in section 362.3, except that the publications must occur within sixty days of the filing of the home rule charter, with a two-week interval between each publication. The council shall provide copies of a proposed charter for public distribution by the city clerk.

Sec. 104. Section 372.13, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. The council shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least eighty-five days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

Sec. 105. Section 376.2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 106. Section 376.6, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Each city clerk shall certify to the commissioner of elections responsible under section 47.2 for conducting elections for that city the type of nomination process to be used for the city no later than ~~seventy-seven~~ ninety days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

Sec. 107. Section 394.2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular ~~municipal city~~ election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published as required by section 49.53. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens.

Sec. 108. Section 400.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular ~~municipal city~~ election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

Sec. 109. Section 400.3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

~~Whenever~~ If the city council appoints a commission, ~~it the city council~~ may, by ordinance, abolish ~~it the commission~~, and the commission shall stand abolished sixty days from the date of the ordinance and the powers and duties of the commission shall revert to the city council except whenever a city having a population of less than eight thousand provides for the appointment of a civil service commission, ~~it the city council~~ may by ordinance abolish such office, but ~~said the~~ ordinance shall not take effect until ~~it the ordinance~~ has been submitted to the voters at a regular ~~municipal city~~ election and approved by a majority of the voters at such election. The ordinance shall be published once each week for two consecutive weeks preceding the date of ~~said the~~ election in a newspaper published in and having a general circulation in ~~said the~~ city. ~~In the event there is no~~ If a newspaper is not published in such city, publication may be made in any newspaper having general circulation in the county.

Sec. 110. Section 422A.1, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

A city or county shall impose a hotel and motel tax or increase the tax rate, only after an election at which a majority of those voting on the question favors imposition or increase. However, a hotel and motel tax shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section 422A.2, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set aside and pledged for that purpose. The election shall be held at the time of ~~that city's~~ the regular city election or the county's general election or at the time of a special election.

Sec. 111. Section 422E.2, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 2001, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of the tax, the county auditor shall give written notice of the result of the election by sending a copy of the abstract of the votes from the favorable election to the director of revenue and finance. Election costs shall be apportioned among school districts within the county on a pro rata basis in proportion to the number of registered voters in each school district who reside within the county and the total number of registered voters within the county.

Sec. 112. Section 602.8102, subsection 15, Code Supplement 2001, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen and one-half years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be mentally a person who is incompetent to vote as that term is defined in section 48A.2.

Sec. 113. Section 633.556, subsection 1, Code 2001, is amended to read as follows:

1. If the allegations of the petition as to the status of the proposed ward and the necessity for the appointment of a guardian are proved by clear and convincing evidence, the court may appoint a guardian. If the court appoints a guardian based upon mental incapacity of the proposed ward because the proposed ward is a person described in section 222.2, subsection 4, the court shall make a separate determination as to the ward's competency to vote. The court shall find a ward incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 114. Sections 52.30, 62.5, and 62.8, Code 2001, are repealed.

Sec. 115. EFFECTIVE AND APPLICABILITY DATE. This Act takes effect January 1, 2003, and applies to elections held on or after that date.

Approved April 26, 2002

CHAPTER 1135

PUBLIC RETIREMENT SYSTEMS

H.F. 2532

AN ACT relating to public retirement systems and providing effective and retroactive applicability dates.

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

DIVISION I

PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM

Section 1. Section 80.36, Code 2001, is amended to read as follows:

80.36 MAXIMUM AGE.

~~The maximum age for a~~ A person ~~to~~ shall not be employed as a peace officer in the department of public safety is after attaining sixty-five years of age.

Sec. 2. Section 97A.6, subsection 6, paragraph c, Code 2001, is amended to read as follows:

c. Upon retirement for accidental disability on or after July 1, 1998, a member shall receive an accidental disability retirement allowance which shall consist of a pension in an amount equal to the greater of sixty percent of the member's average final compensation or the retirement allowance that the member would receive under subsection 2 if the member ~~has~~ had attained fifty-five years of age.