

House Amendment to
Senate Amendment to
House File 692

S-3231

1 Amend the Senate amendment, H-1244, to House File 692, as
2 passed by the House, as follows:

3 1. By striking page 1, line 4, through page 56, line 8, and
4 inserting:

5 <<DIVISION I

6 HOSPITAL BOARD OF TRUSTEES ELECTIONS

7 Section 1. Section 347.9, subsection 1, Code 2019, is
8 amended to read as follows:

9 1. When it has been determined by the voters of a county
10 to establish a county public hospital, the board shall appoint
11 five or seven trustees chosen from among the resident citizens
12 of the county with reference to their fitness for office.
13 The appointed trustees shall hold office until the following
14 general election, at which time their successors shall be
15 elected, three for a term of four years and the remainder
16 for a term of two years, and they shall determine by lot
17 their respective terms, and thereafter their successors shall
18 be elected for regular terms of four years each, except as
19 provided in subsection 3.

20 Sec. 2. Section 347.9, Code 2019, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 3. Trustees in a county with a population
23 of at least four hundred thousand shall serve for a term of six
24 years. A trustee elected to a term of four years in or after
25 January 2018 shall instead serve a term of six years.

26 Sec. 3. Section 347.10, Code 2019, is amended to read as
27 follows:

28 **347.10 Vacancies.**

29 Vacancies on the board of trustees may, ~~until the next~~
30 ~~general election,~~ be filled by appointment by the remaining
31 members of the board of trustees or, if fewer than a
32 majority of the trustees remain on the board, by the board of
33 supervisors for the period until the vacancies are filled by
34 election. An appointment made under **this section** shall be for
35 the unexpired balance of the term of the preceding trustee. If

1 a board member is absent for four consecutive regular board
2 meetings, without prior excuse, or fails to comply with more
3 stringent attendance requirements for regular board meetings
4 included in the bylaws governing the board, the member's
5 position shall be declared vacant and filled as set out in this
6 section.

7 Sec. 4. HOSPITAL BOARD OF TRUSTEES ELECTIONS.

8 Notwithstanding section 347.9, for elections held pursuant to
9 section 347.9 in 2022 in which more than seventy percent of
10 trustee positions on a board are on the ballot:

11 1. If there are seven trustees on the board:

12 a. If six trustees are to be elected, the four elected who
13 receive the highest number of votes are elected for four-year
14 terms. The remainder are elected for two-year terms. In case
15 of a tie, the county auditor shall determine by lot which of
16 the trustees with the lowest number of winning votes shall
17 serve two-year terms and thereafter their successors shall be
18 elected for regular terms as provided in section 347.9.

19 b. If five trustees are to be elected, the four elected who
20 receive the highest number of votes are elected for four-year
21 terms. The remaining trustee is elected for a two-year term.

22 In case of a tie, the county auditor shall determine by lot
23 which of the trustees with the lowest number of winning votes
24 shall serve the two-year term and thereafter their successors
25 shall be elected for regular terms as provided in section
26 347.9.

27 2. If there are five trustees on the board, if four trustees
28 are to be elected, the three elected who receive the highest
29 number of votes are elected for four-year terms. The remaining
30 trustee is elected for a two-year term. In case of a tie, the
31 county auditor shall determine by lot which of the trustees
32 with the lowest number of winning votes shall serve the
33 two-year term and thereafter their successors shall be elected
34 for regular terms as provided in section 347.9.

1

TECHNICAL CHANGES

2 Sec. 5. Section 39.2, subsection 4, paragraphs a, b, and c,
3 Code 2019, are amended to read as follows:

4 a. For a county, ~~on the day of the general election, on~~
5 ~~the day of the regular city election, on the date of a special~~
6 ~~election held to fill a vacancy in the same county, or on the~~
7 ~~first Tuesday in March in an odd-numbered year, the first~~
8 ~~Tuesday in May March, or the first second Tuesday in August~~
9 ~~of each year September, or the first Tuesday after the first~~
10 ~~Monday in November. For a county, in an even-numbered year,~~
11 ~~the first Tuesday in March or the second Tuesday in September.~~

12 b. For a city, ~~on the day of the general election, on the~~
13 ~~day of the regular city election, on the date of a special~~
14 ~~election held to fill a vacancy in the same city, or on the~~
15 ~~first Tuesday in March in an odd-numbered year, the first~~
16 ~~Tuesday in May March, or the first second Tuesday in August~~
17 ~~of each year September, or the first Tuesday after the first~~
18 ~~Monday in November. For a city, in an even-numbered year, the~~
19 ~~first Tuesday in March or the second Tuesday in September.~~

20 c. For a school district or merged area, in the odd-numbered
21 year, the first Tuesday in ~~February March, the first Tuesday in~~
22 ~~April, the last second Tuesday in June September, or the second~~
23 ~~first Tuesday after the first Monday in September November.~~

24 For a school district or merged area, in the even-numbered
25 year, the first Tuesday in ~~February, the first Tuesday in~~
26 ~~April March, or the second Tuesday in September, or the second~~
27 ~~Tuesday in December.~~

28 Sec. 6. Section 39A.3, subsection 1, paragraph a, Code 2019,
29 is amended by adding the following new subparagraph:

30 NEW SUBPARAGRAPH. (5) Falsely or fraudulently signs
31 nomination papers on behalf of another person.

32 Sec. 7. Section 39A.3, subsection 1, Code 2019, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. c. *Miscellaneous offenses.* Uses voter
35 registration information, including resale or redistribution

1 of the voter registration list without written permission of
2 the state registrar, for purposes other than those permitted
3 by section 48A.39.

4 Sec. 8. Section 39A.4, subsection 1, paragraph c,
5 subparagraph (5), Code 2019, is amended by striking the
6 subparagraph.

7 Sec. 9. Section 39A.6, Code 2019, is amended to read as
8 follows:

9 **39A.6 Technical infractions — notice.**

10 1. If the state commissioner or county commissioner becomes
11 aware of an apparent technical violation of a provision of
12 chapters 39 through 53, the state commissioner or county
13 commissioner may administratively provide a written notice
14 and letter of instruction to the responsible person regarding
15 proper compliance procedures.

16 2. If the state commissioner sends a notice of such a
17 technical infraction to a county commissioner, the state
18 commissioner may require a written explanation of the
19 occurrence, and measures that the person took to redress the
20 issues contained within the notice.

21 3. This notice is not a final determination of facts or law
22 in the matter, and does not entitle a person to a proceeding
23 under chapter 17A.

24 Sec. 10. Section 43.14, subsection 1, Code 2019, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. g. The printed name, signature, address,
27 and phone number of the person responsible for circulating the
28 petition page.

29 Sec. 11. Section 43.14, subsection 2, Code 2019, is amended
30 to read as follows:

31 2. a. Signatures on a petition page shall be counted only
32 if the information required in subsection 1 is written or
33 printed at the top of the page.

34 b. Nomination papers on behalf of candidates for seats in
35 the general assembly need only designate the number of the

1 senatorial or representative district, as appropriate, and
2 not the county or counties, in which the candidate and the
3 petitioners reside.

4 c. A signature line shall not be counted if the line
5 lacks the signature of the eligible elector and the signer's
6 residential address, with street and number, if any, and city.
7 A signature line shall not be counted if an eligible elector
8 supplies only a partial address or a post office box address,
9 or if the signer's address is obviously outside the boundaries
10 of the district.

11 d. A signature line shall not be counted if any of the
12 required information is crossed out or redacted at the time
13 the nomination papers are filed with the state commissioner or
14 commissioner.

15 Sec. 12. Section 43.14, subsection 4, Code 2019, is amended
16 by adding the following new paragraph:

17 ~~NEW PARAGRAPH.~~ f. Any other information required by section
18 43.18.

19 Sec. 13. Section 43.15, subsection 2, Code 2019, is amended
20 to read as follows:

21 2. Each signer shall add the signer's residence residential
22 address, with street and number, if any, and the date of
23 signing.

24 Sec. 14. Section 43.22, unnumbered paragraph 1, Code 2019,
25 is amended to read as follows:

26 The state commissioner shall, at least sixty-nine days
27 before a primary election, or as soon as practicable if an
28 objection under section 43.24 is pending, furnish to the
29 commissioner of each county a certificate under the state
30 commissioner's hand and seal, which certificate shall show:

31 Sec. 15. Section 43.24, subsection 1, paragraph b,
32 subparagraphs (1) and (2), Code 2019, are amended to read as
33 follows:

34 (1) Those filed with the state commissioner, not less than
35 seventy-four days before the date of the election, or for

1 certificates of nomination filed under section 43.23, not less
2 than seventy days before the date of the election.

3 (2) Those filed with the commissioner, not less than
4 sixty-four days before the date of the election, or for
5 certificates of nomination filed under section 43.23, not less
6 than sixty-two days before the date of the election.

7 Sec. 16. Section 45.5, subsection 1, Code 2019, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *f.* The printed name, signature, address,
10 and phone number of the person responsible for circulating the
11 petition page.

12 Sec. 17. Section 45.5, subsection 2, Code 2019, is amended
13 to read as follows:

14 2. *a.* Signatures on a petition page shall be counted only
15 if the information required in subsection 1 is written or
16 printed at the top of the page.

17 *b.* Nomination papers on behalf of candidates for seats in
18 the general assembly need only designate the number of the
19 senatorial or representative district, as appropriate, and
20 not the county or counties, in which the candidate and the
21 petitioners reside.

22 *c.* A signature line in a nomination petition shall not be
23 counted if the line lacks the signature of the eligible elector
24 and the signer's residential address, with street and number,
25 if any, and city. A signature line shall not be counted if
26 an eligible elector supplies only a partial address or a post
27 office box address, or if the signer's address is obviously
28 outside the boundaries of the appropriate ward, city, school
29 district or school district director district, legislative
30 district, or other district.

31 *d.* A signature line shall not be counted if any of the
32 required information is crossed out or redacted at the time
33 the nomination papers are filed with the state commissioner or
34 commissioner.

35 Sec. 18. Section 45.6, subsection 2, Code 2019, is amended

1 to read as follows:

2 2. Each signer shall add the signer's residence residential
3 address, with street and number, if any, and city.

4 Sec. 19. Section 47.1, subsection 6, Code 2019, is amended
5 to read as follows:

6 6. The state commissioner may, at the state commissioner's
7 discretion, examine the records of a commissioner to evaluate
8 complaints and to ensure compliance with the provisions
9 of **chapters 39 through 53.** This examination shall include
10 assessments conducted or authorized by private or government
11 entities to evaluate a county's security readiness for
12 elections-related technology or physical facilities. The state
13 commissioner shall adopt rules pursuant to **chapter 17A** to
14 require a commissioner to provide written explanations related
15 to examinations conducted pursuant to **this subsection.** Any
16 information that is requested by or in the possession of the
17 state commissioner pursuant to this chapter shall not lose its
18 confidential status pursuant to section 22.7, subsection 50.

19 Sec. 20. Section 47.1, Code 2019, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 7. The state commissioner may share
22 information a county provides to an appropriate government
23 agency to safeguard against cybersecurity or physical threats.

24 NEW SUBSECTION. 8. The state commissioner may adopt rules
25 pursuant to chapter 17A to create minimum security protocols
26 applicable to county commissioners of elections. If a county
27 fails to adhere to these protocols, the state commissioner may
28 limit access to the statewide voter registration system.

29 Sec. 21. Section 47.2, Code 2019, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 7. The county commissioner of elections
32 shall, to maintain election security, do all of the following:

33 a. When the county commissioner believes that a
34 cybersecurity incident or data breach has occurred, the county
35 commissioner shall immediately inform the state commissioner

1 of elections.

2 b. If the county commissioner has no reason to believe
3 that a cybersecurity incident or data breach has occurred,
4 the county commissioner shall certify that fact to the state
5 commissioner on an annual basis.

6 Sec. 22. Section 47.7, subsection 2, paragraph d, Code 2019,
7 is amended to read as follows:

8 d. The state registrar shall prescribe by rule the
9 procedures for access to the state voter registration file,
10 ~~security requirements, and access protocols for adding,~~
11 ~~changing, or deleting information from the state voter~~
12 ~~registration file including all of the following:~~

13 (1) Access protocols for adding, changing, or deleting
14 information from the state voter registration file.

15 (2) Training requirements for all state voter registration
16 file users.

17 (3) Technology safeguards, including county information
18 technology network requirements, necessary to access the state
19 voter registration file.

20 (4) Breach incident response requirements and protocols on
21 all matters related to elections.

22 Sec. 23. Section 47.7, subsection 2, Code 2019, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. e. The state registrar may rescind access to
25 the statewide voter registration file from a user who is not in
26 compliance with the prescribed rules.

27 Sec. 24. Section 48A.9, subsection 4, Code 2019, is amended
28 to read as follows:

29 4. Registration forms submitted to voter registration
30 agencies, to motor vehicle driver's license stations, and to
31 county treasurer's offices participating in county issuance of
32 driver's licenses under **chapter 321M** shall be considered on
33 time if they are received no later than **5:00 11:59 p.m.** on the
34 day registration closes for that election. Offices or agencies
35 other than the county commissioner's office are not required

1 to be open for voter registration purposes at times other than
2 their usual office hours.

3 Sec. 25. Section 48A.26, subsection 1, Code 2019, is amended
4 to read as follows:

5 1. *a.* Except as otherwise provided in paragraph
6 paragraphs "b" and "c" of this subsection, or section 48A.26A,
7 within seven working days of receipt of a voter registration
8 form or change of information in a voter registration record
9 the commissioner shall send an acknowledgment to the registrant
10 at the mailing address shown on the registration form. The
11 acknowledgment shall be sent by nonforwardable mail.

12 *b.* For a voter registration form or change of information
13 in a voter registration record submitted at a precinct caucus,
14 the commissioner shall send an acknowledgment within forty-five
15 days of receipt of the form or change of information.

16 *c.* For a voter registration form or change of information in
17 a voter registration record submitted within fourteen days of a
18 regularly scheduled election, the commissioner shall send an
19 acknowledgment within forty-eight hours of receipt of the form
20 or change of information.

21 Sec. 26. Section 49.11, Code 2019, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4. Notice of changes made pursuant to
24 subsection 3 shall be reported to the state commissioner at
25 least twenty-five days before the next election in which the
26 temporary precinct will be active, or, for elections held
27 pursuant to section 69.14 while the general assembly is in
28 session or within forty-five days of the convening of a session
29 of the general assembly, at least ten days before election day.

30 Sec. 27. Section 49.31, subsection 1, paragraph a, Code
31 2019, is amended to read as follows:

32 *a.* All ballots shall be arranged with the names of
33 candidates for each office listed below the office title.
34 For partisan elections the name of the political party or
35 organization which nominated each candidate shall be listed

1 after or below each candidate's name. The state commissioner
2 may prescribe, and a county commissioner may use, uniform
3 abbreviations for political parties and organizations.

4 Sec. 28. Section 49.57, subsection 2, Code 2019, is amended
5 to read as follows:

6 2. After the name of each candidate for a partisan office
7 the name of the candidate's political party shall be printed
8 in at least six point type. The names of political parties
9 and nonparty political organizations may be abbreviated on
10 the remainder of the ballot if both the full name and the
11 abbreviation appear in the voter instruction area of the
12 ballot.

13 Sec. 29. Section 50.51, subsection 6, Code 2019, is amended
14 to read as follows:

15 6. The state commissioner shall adopt rules, pursuant
16 to chapter 17A, to implement this section, which may include
17 the establishment of pilot programs related to post-election
18 audits.

19 Sec. 30. NEW SECTION. 53.1A Rules.

20 The state commissioner shall adopt rules pursuant to chapter
21 17A for the implementation of this chapter.

22 Sec. 31. Section 53.8, subsection 1, paragraph a,
23 unnumbered paragraph 1, Code 2019, is amended to read as
24 follows:

25 Upon receipt of an application for an absentee ballot
26 and immediately after the absentee ballots are printed,
27 but not more than twenty-nine days before the election, the
28 commissioner shall mail an absentee ballot to the applicant
29 within twenty-four hours, except as otherwise provided in
30 subsection 3. When the United States post office is closed
31 in observance of a federal holiday and is not delivering mail
32 on the twenty-ninth day before the election, the first day to
33 mail absentee ballots is the next business day on which mail
34 delivery is available. The absentee ballot shall be sent to
35 the registered voter by one of the following methods:

1 Sec. 32. 2017 Iowa Acts, chapter 155, section 13, is amended
2 by striking the section.

3 Sec. 33. EFFECTIVE DATE. This division of this Act, being
4 deemed of immediate importance, takes effect upon enactment.

DIVISION III

CONDUCT OF ELECTIONS

7 Sec. 34. Section 43.30, subsection 2, Code 2019, is amended
8 to read as follows:

9 2. The commissioner shall make sample ballots available to
10 the public upon request. The sample ballots shall be clearly
11 marked as sample ballots. A reasonable fee may be charged for
12 printing costs if a person requests multiple copies of sample
13 ballots. The commissioner shall not distribute sample ballots
14 except as provided in this subsection.

15 Sec. 35. Section 43.36, Code 2019, is amended to read as
16 follows:

17 43.36 Australian ballot.

18 The Australian ballot system as now used in this state,
19 except as herein modified, shall be used at said primary
20 election. The endorsement of the precinct election officials
21 and the ~~facsimile of the commissioner's signature~~ county
22 seal shall appear upon the ballots as provided for general
23 elections.

24 Sec. 36. Section 43.91, Code 2019, is amended to read as
25 follows:

26 43.91 Voter at caucus must be precinct resident —
27 qualifications.

28 Any person voting at a precinct caucus must be a person who
29 is or will by the date of the next general election become
30 an eligible elector, who has not already participated in the
31 caucus of any political party within the same year, and who is
32 a resident of the precinct. A list of the names and addresses
33 of each person to whom a ballot was delivered or who was
34 allowed to vote in each precinct caucus shall be prepared by
35 the caucus chairperson and secretary who shall certify such

1 list to the commissioner at the same time as the names of
2 those elected as delegates and party committee members are so
3 certified.

4 Sec. 37. Section 44.4, subsection 1, Code 2019, is amended
5 to read as follows:

6 1. a. Nominations made pursuant to **this chapter** and
7 chapter 45 which are required to be filed in the office of the
8 state commissioner shall be filed in that office not more than
9 ninety-nine days nor later than 5:00 p.m. on the ~~seventy-third~~
10 eighty-first day before the ~~date of the general election to be~~
11 ~~held in November first Tuesday after the first Monday in June~~
12 in each even-numbered year. Nominations made for a special
13 election called pursuant to **section 69.14** shall be filed by
14 5:00 p.m. not less than twenty-five days before the date of
15 an election called upon at least forty days' notice and not
16 less than fourteen days before the date of an election called
17 upon at least eighteen days' notice. Nominations made for
18 a special election called pursuant to **section 69.14A** shall
19 be filed by 5:00 p.m. not less than twenty-five days before
20 the date of the election. Nominations made pursuant to this
21 chapter and **chapter 45** which are required to be filed in the
22 office of the commissioner shall be filed in that office not
23 more than ninety-two days nor later than 5:00 p.m. on the
24 ~~sixty-ninth seventy-fourth~~ day before the ~~date of the general~~
25 ~~election first Tuesday after the first Monday in June in each~~
26 even-numbered year. Nominations made pursuant to **this chapter**
27 or **chapter 45** for city office shall be filed not more than
28 seventy-two days nor later than 5:00 p.m. on the forty-seventh
29 day before the city election with the county commissioner
30 of elections responsible under **section 47.2** for conducting
31 elections held for the city, who shall process them as provided
32 by law.

33 b. Notwithstanding paragraph "a", nominations for president
34 and vice president of the United States shall be filed in the
35 office of the state commissioner not more than ninety-nine days

1 nor later than 5:00 p.m. on the eighty-first day before the
2 date of the general election to be held in November.

3 Sec. 38. Section 47.2, subsection 2, Code 2019, is amended
4 to read as follows:

5 2. a. When an election is to be held as required by law
6 or is called by a political subdivision of the state and the
7 political subdivision is located in more than one county, the
8 county commissioner of elections of the county having the
9 greatest taxable base within the political subdivision shall
10 conduct that election. The county commissioners of elections
11 of the other counties in which the political subdivision
12 is located shall cooperate with the county commissioner of
13 elections who is conducting the election.

14 b. Notwithstanding paragraph "a", for a city primary
15 election, city runoff election or a special election for
16 a city, school district, or merged area, if a political
17 subdivision is located in more than one county, the county
18 commissioner of elections of a county not having the greatest
19 taxable base within the political subdivision may designate
20 that the controlling commissioner of the political subdivision
21 shall conduct that election if fewer than one hundred and
22 twenty-five registered voters of the political subdivision
23 are located within such county commissioner's county. If the
24 controlling commissioner is so designated, section 50.24,
25 subsections 3A and 3B, as enacted by 2017 Iowa Acts, ch. 155,
26 828, shall not apply. For the purposes of this paragraph, the
27 number of registered voters shall be the number of registered
28 voters in the political subdivision of a county not having the
29 greatest taxable base on May 1 immediately preceding the first
30 day of the filing period for candidates for the election. If
31 May 1 falls on a day when the county commissioner's office is
32 closed for business, the county commissioner shall use the
33 number of registered voters on the next day that the county
34 commissioner's office is open for business to determine the
35 number of registered voters.

1 Sec. 39. Section 47.2, Code 2019, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 7. The county commissioner shall not
4 participate in an absentee ballot drive or collection effort in
5 cooperation with a candidate, candidate's committee, political
6 party, or nonparty political organization. However, when a
7 county commissioner is a candidate for election, such a county
8 commissioner may participate in an absentee ballot drive or
9 collection effort, but shall not aid any other candidate,
10 candidate's committee, political party, or nonparty political
11 organization.

12 Sec. 40. Section 49.21, Code 2019, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4. The commissioner shall remove or obscure
15 from the view of voters any published material displaying the
16 name of a candidate or elected official other than a ballot or
17 sample ballot or envelope.

18 Sec. 41. NEW SECTION. **49.49 Certain sample ballots**
19 **prohibited.**

20 The commissioner and state commissioner of elections shall
21 not distribute or authorize the distribution of sample ballots
22 to voters other than as provided in sections 49.53 and 52.29.

23 Sec. 42. Section 49.51, Code 2019, is amended to read as
24 follows:

25 **49.51 Commissioner to control printing.**

26 The commissioner shall have charge of the printing of the
27 ballots to be used for any election held in the county, unless
28 the commissioner delegates that authority as permitted by this
29 section. The commissioner may delegate this authority only
30 to another commissioner who is responsible under **section 47.2**
31 for conducting the elections held for a political subdivision
32 which lies in more than one county, and only with respect to
33 printing of ballots containing only public questions or the
34 names of candidates to be voted upon by the registered voters
35 of that political subdivision. Only one ~~faesimile signature~~

1 county seal, that of the county of the commissioner under
2 whose direction the ballot is printed, shall appear on the
3 ballot. It is the duty of the commissioner to insure that the
4 arrangement of any ballots printed under the commissioner's
5 direction conforms to all applicable requirements of this
6 chapter.

7 Sec. 43. Section 49.57, subsection 6, Code 2019, is amended
8 to read as follows:

9 6. A portion of the ballot shall include the words "Official
10 ballot", the unique identification number or name assigned by
11 the commissioner to the ballot style, the date of the election,
12 and a ~~faesimile of the signature~~ the county seal of the county
13 of the commissioner who has caused the ballot to be printed
14 pursuant to **section 49.51**.

15 Sec. 44. Section 49.82, Code 2019, is amended to read as
16 follows:

17 **49.82 Voter to receive one ballot — endorsement.**

18 When an empty voting booth is available, one of the precinct
19 election officials shall endorse the official's initials on
20 each ballot the voter will receive. The initials shall be
21 placed so that they may be seen when the ballot is properly
22 folded or enclosed in a secrecy folder. The name or signature
23 of the commissioner shall not appear on the ballot except as
24 part of the list of candidates when the commissioner is a
25 candidate for election. The official shall give the voter one
26 and only one of each of the ballots to be voted at that election
27 in that precinct, except as provided by **section 49.100**. No
28 ballot without the required official endorsement shall be
29 placed in the ballot box.

30 Sec. 45. Section 53.11, Code 2019, is amended by adding the
31 following new subsection:

32 **NEW SUBSECTION.** 6. The commissioner shall remove or obscure
33 from the view of voters any published material displaying the
34 name of a candidate or elected official other than a ballot or
35 sample ballot or envelope.

1 DIVISION IV

2 CONFLICTS OF INTEREST

3 Sec. 46. Section 314.2, Code 2019, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **314.2 Conflicts of interest.**

6 A state or county official who is a voting member of a
7 governmental entity responsible for awarding a contract
8 pursuant to section 314.1 and is the apparent low bidder for
9 the contract shall not participate in a vote to award the
10 contract and shall include an explanation of the official's
11 conflict in the resolution entered pursuant to section 26.12.

12 Sec. 47. EFFECTIVE DATE. This division of this Act takes
13 effect January 1, 2023.

14 DIVISION V

15 BALLOT ORDER

16 Sec. 48. Section 49.31, subsection 1, paragraph b, Code
17 2019, is amended to read as follows:

18 b. (1) The commissioner shall determine the order of
19 political parties and nonparty political organizations
20 candidates on the ballot as provided in this paragraph. The
21 sequence order shall be the same for each office on the ballot
22 and for each precinct in the county voting in the election.

23 (2) The state commissioner shall compile a list of each
24 county in the state in alphabetical order and assign a number
25 to each county such that the first county listed is number
26 one, the second county listed is number two, and continuing
27 in descending order in the same manner. The commissioner
28 shall put in alphabetical order the top two political parties
29 receiving the highest votes from the most recent election.

30 (3) The commissioner of each county assigned an even number
31 pursuant to subparagraph (2) shall arrange the ballot as
32 follows:

33 (a) The candidates of the first political party by
34 alphabetical order pursuant to subparagraph (2) shall appear
35 first on the ballot for the first general election at which the

1 president of the United States is to be elected following the
2 effective date of this Act and second on the ballot for the
3 first general election at which the governor will be elected
4 following the effective date of this Act and second on the
5 ballot for the second general election at which the president
6 of the United States is to be elected following the effective
7 date of this Act and first on the ballot for the second general
8 election at which the governor will be elected following the
9 effective date of this Act, and thereafter alternating with the
10 candidates of the second political party by alphabetical order
11 pursuant to subparagraph (2).

12 (b) The candidates of the second political party by
13 alphabetical order pursuant to subparagraph (2) shall appear
14 second on the ballot for the first general election at which
15 the president of the United States is to be elected following
16 the effective date of this Act and first on the ballot for
17 the first general election at which the governor will be
18 elected following the effective date of this Act and first
19 on the ballot for the second general election at which the
20 president of the United States is to be elected following the
21 effective date of this Act and second on the ballot for the
22 second general election at which the governor will be elected
23 following the effective date of this Act, and thereafter
24 alternating with the candidates of the first political party by
25 alphabetical order pursuant to subparagraph (2).

26 (4) The commissioner of each county assigned an odd number
27 pursuant to subparagraph (2) shall arrange the ballot as
28 follows:

29 (a) The candidates of the second political party by
30 alphabetical order pursuant to subparagraph (2) shall appear
31 first on the ballot for the first general election at which the
32 president of the United States is to be elected following the
33 effective date of this Act and second on the ballot for the
34 first general election at which the governor will be elected
35 following the effective date of this Act and second on the

1 ballot for the second general election at which the president
2 of the United States is to be elected following the effective
3 date of this Act and first on the ballot for the second general
4 election at which the governor will be elected following the
5 effective date of this Act, and thereafter alternating with the
6 candidates of the first political party by alphabetical order
7 pursuant to subparagraph (2).

8 (b) The candidates of the first political party by
9 alphabetical order pursuant to subparagraph (2) shall appear
10 second on the ballot for the first general election at which
11 the president of the United States is to be elected following
12 the effective date of this Act and first on the ballot for
13 the first general election at which the governor will be
14 elected following the effective date of this Act and first
15 on the ballot for the second general election at which the
16 president of the United States is to be elected following the
17 effective date of this Act and second on the ballot for the
18 second general election at which the governor will be elected
19 following the effective date of this Act, and thereafter
20 alternating with the candidates of the second political party
21 by alphabetical order pursuant to subparagraph (2).

22 (c) The commissioner shall determine the order of
23 candidates of nonparty political organizations on the ballot.
24 The order shall be the same for each office on the ballot and
25 for each precinct in the county voting in the election.

26 Sec. 49. Section 49.31, subsection 2, paragraph b, Code
27 2019, is amended to read as follows:

28 b. The Notwithstanding any provision of subsection 1,
29 paragraph "b", to the contrary, the commissioner shall then
30 arrange the surnames of each political party's candidates for
31 each office to which two or more persons are to be elected at
32 large alphabetically for the respective offices for the first
33 precinct on the list; thereafter, for each political party and
34 for each succeeding precinct, the names appearing first for
35 the respective offices in the last preceding precinct shall

1 be placed last, so that the names that were second before the
2 change shall be first after the change. The commissioner may
3 also rotate the names of candidates of a political party in the
4 reverse order of that provided in **this subsection** or alternate
5 the rotation so that the candidates of different parties shall
6 not be paired as they proceed through the rotation. The
7 procedure for arrangement of names on ballots provided in this
8 section shall likewise be substantially followed in elections
9 in political subdivisions of less than a county.

DIVISION VI

MUNICIPAL ELECTIONS

12 Sec. 50. Section 44.9, subsection 3, Code 2019, is amended
13 to read as follows:

14 3. In the office of the proper school board secretary, at
15 least ~~thirty-five~~ forty-two days before the day of a regularly
16 scheduled school election.

17 Sec. 51. Section 50.48, subsection 7, Code 2019, is amended
18 to read as follows:

19 7. If the election is an election held by a city which
20 is not the final election for the office in question a city
21 primary election held pursuant to section 376.7, the recount
22 shall progress according to the times provided by this
23 subsection. If this subsection applies the canvass shall be
24 held by the second day after the election, the request for
25 a recount must be made by the third day after the election,
26 the board shall convene to conduct the recount by the sixth
27 day after the election, and the report shall be filed by the
28 eleventh eighth day after the election.

29 Sec. 52. Section 50.48, Code 2019, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 8. When a city council has chosen a runoff
32 election pursuant to section 376.9, the recount shall progress
33 according to the times provided by this subsection. If this
34 subsection applies, the canvass shall be conducted pursuant
35 to section 50.24. The request for a recount must be made

1 by the day after the canvass, and the board shall convene
2 for the first time not later than the first Friday following
3 the canvass. The report shall be filed not later than the
4 fourteenth day after the election.

5 Sec. 53. Section 260C.12, subsection 1, as amended by
6 2017 Iowa Acts, chapter 155, section 2, is amended to read as
7 follows:

8 1. The board of directors of the merged area shall organize
9 at the first regular meeting following the regular school
10 election or at a special meeting called by the secretary of the
11 board to organize the board in advance of the first regular
12 meeting ~~following the regular school election after the canvass~~
13 for the regular school election. Organization of the board
14 shall be effected by the election of a president and other
15 officers from the board membership as board members determine.
16 The board of directors shall appoint a secretary and a
17 treasurer who shall each give bond as prescribed in section
18 291.2 and who shall each receive the salary determined by the
19 board. The secretary and treasurer shall perform duties under
20 chapter 291 and additional duties the board of directors deems
21 necessary. However, the board may appoint one person to serve
22 as the secretary and treasurer. If one person serves as the
23 secretary and treasurer, only one bond is necessary for that
24 person. The frequency of meetings other than organizational
25 meetings shall be as determined by the board of directors but
26 the president or a majority of the members may call a special
27 meeting at any time.

28 Sec. 54. Section 260C.15, subsection 5, as amended by
29 2017 Iowa Acts, chapter 155, section 4, is amended to read as
30 follows:

31 5. The votes cast in the election shall be canvassed and
32 abstracts of the votes cast shall be certified as required by
33 section 277.20. In each county whose commissioner of elections
34 is responsible under **section 47.2** for conducting elections
35 held for a merged area, the county board of supervisors shall

1 ~~convene on the last Monday in November or at the last regular~~
2 ~~board meeting in November, on the second Monday or Tuesday~~
3 ~~after the day of the election to canvass the abstracts of votes~~
4 cast and declare the results of the voting. The commissioner
5 shall at once issue certificates of election to each person
6 declared elected, and shall certify to the merged area board in
7 substantially the manner prescribed by section 50.27 the result
8 of the voting on any public question submitted to the voters
9 of the merged area. Members elected to the board of directors
10 of a merged area shall qualify by taking the oath of office
11 prescribed in section 277.28.

12 Sec. 55. Section 277.4, subsection 3, Code 2019, is amended
13 to read as follows:

14 3. The secretary of the school board shall accept the
15 petition for filing if on its face it appears to have the
16 requisite number of signatures and if it is timely filed. The
17 secretary of the school board shall note upon each petition
18 and affidavit accepted for filing the date and time that the
19 petition was filed. The secretary of the school board shall
20 deliver all nomination petitions, together with the complete
21 text of any public measure being submitted by the board to the
22 electorate, to the county commissioner of elections on the day
23 following the last day on which nomination petitions can be
24 filed, and not later than 5:00 p.m. 12:00 noon on that day.

25 Sec. 56. Section 279.1, subsection 1, Code 2019, is amended
26 to read as follows:

27 1. The board of directors of each school corporation shall
28 meet and organize at the first regular meeting or at a special
meeting called by the secretary of the board to organize the
30 board in advance of the first regular meeting after the canvass
31 for the regular school election at some suitable place to be
32 designated by the secretary. Notice of the place and hour of
33 the meeting shall be given by the secretary to each member and
34 member-elect of the board.

35 Sec. 57. Section 279.7, subsection 3, Code 2019, is amended

1 to read as follows:

2 3. In the case of a special election as provided in this
3 section to fill a vacancy occurring among the elective officers
4 or members of a school board before the expiration of a full
5 term, the person so elected shall qualify within ten days
6 thereafter from the final canvass of the election by the county
7 board in the manner required by **section 277.28** and shall hold
8 office for the residue of the unexpired term and until a
9 successor is elected, or appointed, and qualified.

10 Sec. 58. Section 376.5, Code 2019, is amended to read as
11 follows:

12 **376.5 Publication of ballot.**

13 Notice containing a copy of the ballot for each regular,
14 special, primary, or runoff city election must be published by
15 the county commissioner of elections as provided in section
16 362.3, except that notice of a regular, primary, or runoff
17 election may be published not less than four days before the
18 date of the election. The published ballot notice must contain
19 the names of all candidates, and may not contain any party
20 designations. The published ballot notice must contain any
21 question to be submitted to the voters.

22 Sec. 59. Section 376.7, Code 2019, is amended by adding the
23 following new subsection:

24 **NEW SUBSECTION.** 3. If the city holding a primary
25 election is located in more than one county, the controlling
26 commissioner for that city under section 47.2, subsection
27 2, shall conduct a second canvass on the first Monday or
28 Tuesday after the day of the election. However, if a recount
29 is requested pursuant to section 50.48, the controlling
30 commissioner shall conduct the second canvass within two
31 business days after the conclusion of the recount proceeding.
32 Each commissioner conducting a canvass for the city pursuant
33 to section 50.24, subsection 1, shall transmit abstracts for
34 the offices of that city to the controlling commissioner for
35 that city, along with individual tallies for each write-in

1 candidate. At the second canvass, the county board of
2 supervisors of the county of the controlling commissioner shall
3 canvass the abstracts received pursuant to this subsection and
4 shall prepare a combined city abstract stating the number of
5 votes cast in the city for each office. The combined city
6 abstract shall further indicate the name of each person who
7 received votes for each office on the ballot, and the number of
8 votes each person received for that office. The votes of all
9 write-in candidates who each received less than five percent
10 of the total votes cast in the city for an office shall be
11 reported collectively under the heading "scattering".

12 Sec. 60. Section 376.9, subsection 1, Code 2019, is amended
13 to read as follows:

14 1. A runoff election may be held only for positions unfilled
15 because of failure of a sufficient number of candidates to
16 receive a majority vote in the regular city election. When a
17 council has chosen a runoff election in lieu of a primary, the
18 county board of supervisors shall publicly canvass the tally
19 lists of the vote cast in the regular city election, following
20 the procedures prescribed in section 50.24, at a meeting to be
21 held on the second day following the regular city election, and
22 beginning no earlier than 1:00 p.m. on that day. Candidates
23 who do not receive a majority of the votes cast for an office,
24 but who receive the highest number of votes cast for that
25 office in the regular city election, to the extent of twice
26 the number of unfilled positions, are candidates in the runoff
27 election.

28 Sec. 61. 2017 Iowa Acts, chapter 155, section 45, is amended
29 to read as follows:

30 SEC. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

31 1. Notwithstanding the provisions of section 260C.11
32 designating a term of four years for members of a board of
33 directors of a merged area, the term of office for a seat on a
34 board of directors filled at the regular school election held
35 on:

1 a. September 8, 2015, shall expire November 5, 2019 upon
2 the board's organizational meeting held pursuant to section
3 260C.12, subsection 1.

4 b. September 12, 2017, shall expire November 2, 2021 upon
5 the board's organizational meeting held pursuant to section
6 260C.12, subsection 1.

7 2. Notwithstanding the provisions of section 273.8,
8 subsection 1, designating a term of four years for members of
9 a board of directors of an area education agency, the term of
10 office for a seat on a board of directors filled by election
11 in:

12 a. September 2015 shall expire November 30, 2019.

13 b. September 2017 shall expire November 30, 2021.

14 3. Notwithstanding the provisions of section 274.7

15 designating a term of four years for members of a board of
16 directors of a school district, the term of office for a seat
17 on a board of directors filled at the regular school election
18 held on:

19 a. September 8, 2015, shall expire November 5, 2019 upon the
20 board's organizational meeting held pursuant to section 279.1.

21 b. September 12, 2017, shall expire November 2, 2021 upon
22 the board's organizational meeting held pursuant to section
23 279.1.

DIVISION VII

ABSENTEE BALLOT COUNTING

26 Sec. 62. Section 49.128, subsection 3, Code 2019, is amended
27 to read as follows:

28 3. The commissioner shall file a copy of the a certification
29 or report under **this section** with the state commissioner.

30 Sec. 63. Section 49.128, Code 2019, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 6. The commissioner shall place on
33 file in the commissioner's office a report, and shall file
34 a copy of the report with the state commissioner, regarding
35 absentee ballot tracking and counting no later than December 1

1 following each general election. The report shall be in a form
2 prescribed by the state commissioner.

3 Sec. 64. Section 53.17, subsection 1, paragraph b, Code
4 2019, is amended to read as follows:

5 b. The sealed return envelope may be mailed to the
6 commissioner by the registered voter or by the voter's
7 designee. If mailed by the voter's designee, the envelope
8 must be mailed within seventy-two hours of retrieving it from
9 the voter or within time to be postmarked or, if applicable,
10 to have the ~~intelligent mail~~ postal service barcode traced to
11 a date of entry into the federal mail system not later than
12 the day before the election, as provided in section 53.17A,
13 whichever is earlier.

14 Sec. 65. Section 53.17, subsection 2, Code 2019, is amended
15 to read as follows:

16 2. In order for the ballot to be counted, the return
17 envelope must be received in the commissioner's office before
18 the polls close on election day or be clearly postmarked by an
19 officially authorized postal service or bear an ~~intelligent~~
20 ~~mail~~ a postal service barcode traceable to a date of entry
21 into the federal mail system not later than the day before the
22 election, as provided in section 53.17A, and received by the
23 commissioner not later than noon on the Monday following the
24 election.

25 Sec. 66. Section 53.17, subsection 4, paragraph f, Code
26 2019, is amended to read as follows:

27 f. A statement that the completed absentee ballot will
28 be delivered to the commissioner's office within seventy-two
29 hours of retrieving it from the voter or before the closing of
30 the polls on election day, whichever is earlier, or that the
31 completed absentee ballot will be mailed to the commissioner
32 within seventy-two hours of retrieving it from the voter or
33 within time to be postmarked or, if applicable, to have the
34 ~~intelligent mail~~ postal service barcode traced to a date of
35 entry into the federal mail system not later than the day

1 before the election, as provided in section 53.17A, whichever
2 is earlier.

3 Sec. 67. NEW SECTION. 53.17A Absentee ballot tracking.

4 1. For the purposes of this chapter:

5 a. "*Postal service barcode*" means a barcode purchased by the
6 sender and supplied by the United States postal service that is
7 used to sort and track letters and flat packages and is printed
8 on an absentee ballot return envelope at the direction of the
9 commissioner before the envelope is sent to the voter.

10 b. "*Tracking information database*" means a database
11 administered by the United States postal service that is
12 accessible to the commissioner and contains information
13 regarding letters or flat packages.

14 2. a. Prior to implementing for the first time,
15 discontinuing the usage of, or reimplementing the usage
16 of a postal service barcode and tracking information, the
17 commissioner shall send notice to the state commissioner prior
18 to October 1, 2020, for an election taking place in 2020 after
19 that date, and by October 1 of each year thereafter.

20 b. The commissioner shall not implement or discontinue
21 the use of a postal service barcode or tracking information
22 database during an election after an absentee ballot has been
23 mailed for that election pursuant to section 53.8.

24 c. The state commissioner shall adopt rules regarding
25 the statewide implementation of a postal service barcode and
26 tracking information database, including procedures to be
27 followed when usage of a postal service barcode or the tracking
28 information database is negatively impacted. Each commissioner
29 shall use a postal service barcode and tracking information
30 database consistent with rules of the state commissioner.
31 Every commissioner shall send notice to the state commissioner
32 and implement the use of a postal service barcode and tracking
33 information database prior to October 1, 2020.

34 3. a. An absentee ballot received after the polls close
35 on election day but prior to the official canvass shall be

1 counted if the commissioner determines that the ballot entered
2 the federal mail system by the deadline specified in section
3 53.17 or 53.22. The date of entry of such an absentee ballot
4 into the federal mail system shall only be verified as provided
5 in paragraph "b".

6 b. (1) If the postmark indicates that the absentee ballot
7 entered the federal mail system by the deadline specified
8 in section 53.17 or 53.22, the ballot shall be included for
9 canvass by the absentee and special voters precinct board.

10 (2) If the postmark is illegible, missing, or dated on or
11 after election day, the commissioner shall attempt to verify
12 the ballot's date of entry into the federal mail system by
13 querying the postal service barcode in the tracking information
14 database. If the tracking information database indicates that
15 the absentee ballot entered the federal mail system by the
16 deadline specified in section 53.17 or 53.22, the ballot shall
17 be included for canvass by the absentee and special voters
18 precinct board. The commissioner shall provide a report to
19 the absentee and special voters precinct board regarding the
20 information available in the tracking information database.

21 (3) If there is a discrepancy between the date indicated by
22 the postmark and the postal service barcode, the earlier of the
23 two shall determine the date of entry of the absentee ballot
24 into the federal mail system.

25 (a) If neither the postmark nor the postal service
26 barcode indicates that the absentee ballot entered the federal
27 mail system by the deadline specified in section 53.17 or
28 53.22, the absentee ballot shall be sent to the absentee
29 and special voters precinct board pursuant to subparagraph
30 division (b) with the numeric value assigned to the postal
31 service barcode and a full report from the tracking information
32 database.

33 (b) Up to five absentee and special voters precinct board
34 members from each political party for partisan elections,
35 or any two members of the board for nonpartisan elections,

1 shall review the postal service barcode and tracking database
2 information report of each absentee ballot submitted pursuant
3 to subparagraph division (a) and certify that the tracking
4 information database report corresponds to the absentee ballot
5 by initializing the report and the absentee ballot envelope.
6 If the board concludes that the postal service barcode and
7 tracking information database report verify that the absentee
8 ballot entered the federal mail system by the deadline
9 specified in section 53.17 or 53.22, the ballot shall be
10 counted. Otherwise, the ballot shall not be counted.

11 Sec. 68. Section 53.22, subsection 6, paragraph b, Code
12 2019, is amended to read as follows:

13 b. Absentee ballots voted under **this subsection** shall be
14 delivered to the commissioner no later than the time the polls
15 are closed on election day. If the ballot is returned by mail
16 the return envelope must be received by the time the polls
17 close, or be clearly postmarked by an officially authorized
18 postal service or bear ~~an intelligent mail a postal service~~
19 barcode traceable to a date of entry into the federal mail
20 system not later than the day before the election, as provided
21 in section 53.17A, and received by the commissioner no later
22 than the time established for the canvass by the board of
23 supervisors for that election.>>