

**ELECTION LAWS  
OF  
IOWA**

OCTOBER 2010 SUPPLEMENT

Published under the authority of Iowa Code chapter 2B

by the

Legislative Services Agency

GENERAL ASSEMBLY OF IOWA

Des Moines

### **EDITOR'S NOTE**

This publication contains election laws that have been changed and that are effective on or before January 1, 2011.

### **DISCLAIMER**

This document is not an official legal publication of the state of Iowa. For the official publication of the Iowa Acts and the Iowa Code, see those publications. (2011 Iowa Code §2B.17)

## 8A.201A

**2010 Acts, Ch. 1031, Sec. 8. Add new section 8A.201A as follows:**

### **8A.201A Chief information officer appointed.**

1. A chief information officer shall be appointed by the governor to serve at the pleasure of the governor and is subject to confirmation by the senate. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment. The chief information officer position is attached to the department of management.

2. The person appointed as the chief information officer for the state shall be professionally qualified by education and have no less than five years' experience in the field of information technology, and a working knowledge of financial management. The chief information officer shall not be a member of any local, state, or national committee of a political party, an officer or member of a committee in any partisan political club or organization, or hold or be a candidate for a paid elective public office. The chief information officer is subject to the restrictions on political activity provided in section 8A.416.

## 28E.17

**2010 Acts, Ch. 1061, Sec. 6.** Section 28E.17, subsection 1, is amended to read as follows:

1. It is the public policy of this state to encourage the establishment or acquisition of urban mass transit systems and the equipment, maintenance, and operation thereof by public agencies in cooperation with, and with the assistance of the urban mass transportation administration of the United States department of transportation, pursuant to the provisions of the Urban Mass Transportation Act of 1964, as amended, ~~Title 49, sections 1601-49 U.S.C. § 5301 et seq., United States Code,~~ which requires unification or official coordination of local mass transportation services on an area-wide basis as a condition of such assistance.

## 28F.1

**2010 Acts, Ch. 1018, Sec. 3.** Section 28F.1, unnumbered paragraphs 3 and 4, are amended by striking the unnumbered paragraphs. (Election provisions in section are stricken.)

## 28F.2

**2010 Acts, Ch. 1018, Sec. 4.** Section 28F.2, subsection 1, is amended. (Election provisions in section are stricken.)

## 39A.5

**2010 Acts, Ch. 1060, Sec. 1.** Section 39A.5, subsection 1, paragraph a, subparagraph (3), is amended to read as follows:

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section ~~51.11~~ or 53.23.

#### 43.4

**2010 Acts, Ch. 1033, Sec. 1.** Section 43.4, unnumbered paragraph 4, is amended to read as follows:

Within ~~fourteen~~ sixty days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention. The commissioner shall retain precinct caucus records for twenty-two months. In addition, within fourteen days after the date of the precinct caucus, the chairperson of the county central committee shall deliver to the county commissioner all completed voter registration forms received at the caucus.

#### 43.5

**2010 Acts, Ch. 1060, Sec. 2.** Section 43.5 is amended to read as follows:

##### **43.5 Applicable statutes.**

The provisions of chapters 39, 39A, 47, 48A, 49, 50, ~~51~~, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as hereinafter provided.

#### 43.30

**2010 Acts, Ch. 1033, Sec. 2.** Section 43.30 is amended by striking the section and inserting in lieu thereof the following:

##### **43.30 Sample ballots.**

1. The commissioner shall prepare sample ballots for each political party. The sample ballots shall be clearly marked as sample ballots and shall be delivered to the precinct election officials for posting in the polling place pursuant to section 49.71, subsection 2.

2. The commissioner shall make sample ballots available to the public upon request. The sample ballots shall be clearly marked as sample ballots. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots.

#### 43.31

**2010 Acts, Ch. 1061, Sec. 7.** Section 43.31 is amended to read as follows:

##### **43.31 Form of official ballot — implementation by rule.**

The state commissioner shall adopt rules in accordance with chapter 17A to implement sections 43.27 through 43.30, section 43.36, sections 49.30 through ~~49.33~~, sections 49.36 through 49.41, section 49.57, and any other provision of the law prescribing the form of the official ballot.

**43.38**

**2010 Acts, Ch. 1033, Sec. 3.** Section 43.38 is amended to read as follows:

**43.38 Voter confined to party ticket.**

The elector shall be allowed to vote for candidates for nomination on the ballot of the party with which the elector is registered as affiliated, and shall receive no other ballot. The voter shall mark and return the ballot, folded, to one of the precinct election officials who shall deposit it in the ballot box in the manner provided in section 49.84.

**43.39**

**2010 Acts, Ch 1033, Sec. 4.** Section 43.39 is amended to read as follows:

**43.39 Ballot for another party’s candidate.**

If any primary elector ~~write~~ writes upon the elector’s ticket the name of any person who is a candidate for the same office upon some other party ticket than that upon which the candidate’s name shall be so written, such ballot shall be so counted for such person only as a candidate of the party upon whose ballot the candidate’s name is written, and shall in no case be counted for such person as a candidate upon any other ticket.

**43.43**

**2010 Acts, Ch. 1033, Sec. 5.** Section 43.43 is amended to read as follows:

**43.43 Voter’s declaration of eligibility.**

Each person voting at a primary election shall sign a declaration of eligibility which shall be in substantially the following form:

I do solemnly swear or affirm that I am a resident of the . . . . precinct, . . . . ward or township, city of . . . . , county of . . . . , Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in this election.

I am affiliated with the . . . . party. If my current voter registration record indicates another party affiliation or no party affiliation, I swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party indicated above.

.....  
Signature of voter

.....  
Address  
(.....).....  
Telephone (optional)

Approved:

.....  
Election board member

.....  
Date

#### 43.45

**2010 Acts, Ch. 1033, Sec. 6.** Section 43.45, subsection 2, is amended by striking the subsection and renumbering subsection 3 as 2.

#### 43.46

**2010 Acts, Ch. 1033, Sec. 7.** Section 43.46 is amended to read as follows:

##### **43.46 Delivering returns.**

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns ~~and envelopes containing ballots~~, in the condition in which received except as is otherwise required by sections 50.20 to 50.22, to the county board of supervisors.

#### 43.49

**2010 Acts, Ch. 1033, Sec. 8.** Section 43.49, subsection 1, unnumbered paragraph 1, is amended to read as follows:

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open, and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating ~~in words written at length~~ the following:

**2010 Acts, Ch. 1033, Sec. 9.** Section 43.49, subsection 1, paragraph c, is amended to read as follows:

c. The votes of all write-in candidates who each received less than ~~two~~ five percent of the votes cast for an office reported collectively under the heading “scattering”.

#### 43.61

**2010 Acts, Ch. 1033, Sec. 10.** Section 43.61 is amended to read as follows:

##### **43.61 Returns filed and abstracts recorded.**

When the canvass is concluded, the board shall deliver the original returns to the commissioner, who shall file the same and ~~record~~ preserve each of the abstracts mentioned in section 43.60, ~~in the election book pursuant to section 50.19.~~

#### 43.72

**2010 Acts, Ch. 1033, Sec. 11.** Section 43.72 is amended to read as follows:

##### **43.72 State returns filed and recorded.**

When the canvass is concluded, the board shall deliver the original abstract returns to the state commissioner, who shall file the ~~same~~ returns in the state commissioner’s office and ~~record~~ preserve the abstracts of the canvass of the state board and certificates attached thereto ~~in the book kept by the state commissioner known as the election book.~~

The commissioner may preserve the abstracts and certificates attached thereto in an electronic format.

## 46.5

**2009 Acts, Ch. 179, Sec. 164, 171 and editorial changes.** Section 46.5 is amended to read as follows:

### **46.5 Vacancies.**

1. When a vacancy occurs in the office of appointive judicial nominating commissioner, the chairperson of the particular commission shall promptly notify the governor in writing of such fact. Vacancies in the office of appointive judicial nominating commissioner shall be filled by appointment by the governor, consistent with eligibility requirements. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

2. Except where the term has less than ninety days remaining, vacancies in the office of elective member of the state judicial nominating commission shall be filled consistent with eligibility requirements by a special election within the congressional district where the vacancy occurs, such election to be conducted as provided in sections 46.9 and 46.10.

3. Vacancies in the office of elective judicial nominating commissioner of district judicial nominating commissions shall be filled consistent with eligibility requirements and by majority vote of the authorized number of elective members of the particular commission, at a meeting of such members called in the manner provided in section 46.13. The term of judicial nominating commissioners so chosen shall commence upon their selection.

4. If a vacancy occurs in the office of chairperson of a judicial nominating commission, or in the absence of the chairperson, the members of the particular commission shall elect a temporary chairperson from their own number.

5. When a vacancy in an office of an elective judicial nominating commissioner occurs, ~~the clerk of the supreme court~~ state court administrator shall cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the existence of the vacancy, the requirements for eligibility, and the manner in which the vacancy will be filled. Other items may be included in the same mailing if they are on sheets separate from the notice. The election of a district judicial nominating commissioner or the close of nominations for a state judicial nominating commissioner shall not occur until thirty days after the mailing of the notice.

## 46.7

**2009 Acts, Ch. 179, Sec. 165, 171.** Section 46.7 is amended to read as follows:

### **46.7 Eligibility to vote.**

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district as shown by the member's most recent filing with the supreme court for the purposes of showing compliance with the court's continuing legal education requirements, or for members of the bar eligible to practice who are not required to file such compliance, any paper on file by July 1 with the

~~clerk of the supreme court~~ state court administrator, for the purpose of establishing eligibility to vote under this section, which the court determines to show the requisite residency requirements. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

#### 46.8

**2009 Acts, Ch. 179, Sec. 166, 171.** Section 46.8 is amended to read as follows:

##### **46.8 Certified list.**

~~On July 15 of each~~ Each year the ~~clerk of the supreme court~~ state court administrator shall certify a list of the names, addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners. ~~The clerk of the supreme court shall provide a copy of the list of members for a county to the clerk of the district court for that county.~~

#### 46.9

**2009 Acts, Ch. 179, Sec. 167, 171.** Section 46.9 is amended by striking the section and inserting in lieu thereof the following:

##### **46.9 Conduct of elections.**

When an election of judicial nominating commissioners is to be held, the state court administrator shall administer the voting. The state court administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. The elector receiving the most votes shall be elected. When more than one commissioner is to be elected, the electors receiving the most votes shall be elected, in the same number as the offices to be filled.

#### 46.9A

**2009 Acts, Ch. 179, Sec. 168, 171.** Section 46.9A is amended to read as follows:

##### **46.9A Notice preceding nomination of elective nominating commissioners.**

At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner, ~~the clerk of the supreme court~~ state court administrator shall ~~cause to be mailed to each member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected, a notice stating the date the term of office will expire, the requirements for eligibility to the office for the succeeding term, and the procedure for filing nominating petitions, including the last date for filing~~ mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote. An eligible attorney is a member of the bar whose name appears on the certified list prepared pursuant to section 46.8 for the district or districts affected. Other ~~items may be included in the same mailing if they are on sheets separate from the notice.~~

#### 46.10

**2009 Acts, Ch. 179, Sec. 169, 171 and editorial changes.** Section 46.10 is amended

to read as follows:

**46.10 Nomination of elective nominating commissioners.**

1. In order to have an eligible elector's name printed on the ballot for state or district judicial nominating commissioner, the eligible elector must file in the office of the ~~clerk of the supreme court~~ state court administrator at least thirty days prior to expiration of the period within which the election must be held a nominating petition signed by at least fifty resident members of the bar of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten resident members of the bar of the judicial district in case of a candidate for district judicial nominating commissioner. No member of the bar may sign more nominating petitions for state or district judicial nominating commissioner than there are such commissioners to be elected.

2. Ballots or electronic voting forms for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in.

**46.11**

**2009 Acts, Ch. 179, Sec. 170, 171.** Section 46.11 is amended to read as follows:

**46.11 Certification of commissioners.**

The governor and the ~~clerk of the supreme court~~ state court administrator respectively shall promptly certify the names and addresses of appointive and elective judicial nominating commissioners to the state commissioner of elections and the chairperson of the respective nominating commissions.

**47.1**

**2010 Acts, Ch. 1061, Sec. 180.** Section 47.1, subsection 5, is editorially amended to read as follows:

5. The state commissioner shall adopt rules pursuant to chapter 17A, for the implementation of uniform and nondiscriminatory administrative complaint procedures for resolution of grievances relating to violations of Tit. III of Pub. L. No. 107-252. In complaint proceedings in which all of the respondents are local election officials, the presiding officer shall be the state commissioner of elections. In complaint proceedings in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of all members of the state voter registration commission appointed pursuant to section 47.8, except the state commissioner of elections or the state commissioner's designee.

**47.6**

**2010 Acts, Ch. 1033, Sec. 12.** Section 47.6, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), is amended to read as follows:

(b) If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than 5:00 p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election,

but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least ~~thirty-two~~ forty-six days in advance of the date of the proposed special election.

#### 48A.5

**2010 Acts, Ch. 1033, Sec. 13.** Section 48A.5, subsection 2, paragraph c, is amended to read as follows:

c. Be at least eighteen years of age. Completed registration forms shall be accepted from registrants who are at least seventeen and one-half years of age; however, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen and one-half years earlier than the date the registration is processed. A registrant who is at least seventeen and one-half years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53.

#### 48A.27

**2010 Acts, Ch. 1033, Sec. 14.** Section 48A.27, subsection 2, paragraph a, subparagraph (1), is amended to read as follows:

(1) A signed, written notice to the county commissioner in person, by mail, by facsimile, or by electronic mail.

#### 49.3

**2010 Acts, Ch. 1033, Sec. 15.** Section 49.3, unnumbered paragraph 1, is amended to read as follows:

Election precincts shall be drawn and named or numbered by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

#### 49.4

**2010 Acts, Ch. 1026, Sec. 1.** Section 49.4, subsection 1, is amended to read as follows:

1. Where a civil township, or the portion of a civil township outside the corporate limits of any city of over two thousand population contained ~~therein~~ within the civil township, is divided into two or more election precincts, the precincts shall be so drawn that their total populations shall be reasonably equal on the basis of data available from the most recent federal decennial census, except where the division is necessary to comply with section

49.3, subsection 3.

**49.8**

**2010 Acts, Ch. 1026, Sec. 2.** Section 49.8, is amended by adding the following new subsection and renumbering subsections 4–8 as 5–9:

4. If city population data certified by the United States bureau of the census following the federal decennial census is revised and the revision is certified by the United States bureau of the census, such revisions may be used to revise precinct and ward boundaries in accordance with the requirements of sections 49.3 and 49.5. The board of supervisors shall determine whether such revised population data affects the population equality of supervisor districts. If necessary, the temporary county redistricting commission shall be reconvened, notwithstanding section 331.210A, subsection 4, and supervisor districts shall be revised in accordance with the requirements of section 331.210A, subsection 2.

**49.12**

**2010 Acts, Ch. 1060, Sec. 3.** Section 49.12 is amended to read as follows:

**49.12 Election boards.**

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner’s discretion, additional precinct election officials may be appointed to work at any election. ~~Double election boards may be appointed for any precinct as provided by chapter 51.~~ Not more than a simple majority of the members of the election board in any precinct, ~~or of the two combined boards in any precinct for which a double election board is appointed,~~ shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

**49.13**

**2010 Acts, Ch. 1033, Sec. 16.** Section 49.13, subsection 2, is amended to read as follows:

2. ~~To the extent necessary~~ For all elections in which a partisan office is on the ballot, election boards shall include members of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last general election. Election boards may also include persons not members of either of these parties. However, persons who are not members of either of these political parties shall not comprise more than one-third of the membership of an election board.

**2010 Acts, Ch. 1026, Sec. 3.** Section 49.13, is amended by adding the following new subsection and renumbering subsections 4 and 5 as 5 and 6:

4. In appointing the election board to serve for a nonpartisan election, the commissioner may give preference to the persons who are willing to serve without pay identified pursuant to section 49.15, subsection 2, paragraph “b”, by the city council or the school board.

**2010 Acts, Ch. 1060, Sec. 4.** Section 49.13, subsection 5, is amended to read as follows:

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

#### 49.14

**2010 Acts, Ch. 1026, Sec. 4.** Section 49.14, subsections 1 and 2, are amended to read as follows:

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. The responsibilities and duties of a precinct election official, ~~other than the chairperson,~~ present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate. At partisan elections, a substitute precinct election official assuming the duties of a precinct election official shall be a member of the same political party as the precinct election official whose duties are being assumed, unless substitution of a precinct election official not of the same political party results in no more than a simple majority of the total number of precinct election officials serving in that precinct being members of the same political party.

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

#### 49.15

**2010 Acts, Ch. 1026, Sec. 5.** Section 49.15, subsection 2, paragraph b, is amended to read as follows:

b. The commissioner may also place on the election board panel names of persons whom either the city council of a city ~~of three thousand five hundred or less population~~ or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

#### 49.16

**2010 Acts, Ch. 1026, Sec. 6.** Section 49.16, subsection 4, is amended to read as follows:

4. In appointing the election board for any election conducted for a city of ~~three thousand five hundred or less population~~, or any a school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

#### 49.19

**2010 Acts, Ch. 1026, Sec. 16.** Section 49.19 is repealed.

#### 49.20

**2010 Acts, Ch. 1026, Sec. 7.** Section 49.20 is amended to read as follows:

##### **49.20 Compensation of members.**

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than the minimum wage established in section 91D.1, subsection 1, paragraph “b”, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for any a school district or a city of ~~three thousand five hundred or less population~~, shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

#### 49.25

**2010 Acts, Ch. 1060, Sec. 5.** Section 49.25, subsection 3, is amended to read as follows:

3. The commissioner shall furnish to each precinct the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, ~~except as provided in section 51.7~~ ~~or~~ to provide necessary service to malfunctioning automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

#### 49.26

**2010 Acts, Ch. 1060, Sec. 10 and Ch. 1033, Sec. 17.** Section 49.26, subsection 2, paragraph b, is amended to read as follows:

b. If the commissioner concludes, pursuant to paragraph “a”, that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots ~~shall~~ may be used, subject to paragraph “c”. ~~The~~ If paper ballots are used, the commissioner ~~may~~ shall use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

**2010 Acts, Ch. 1060, Sec. 11.** Section 49.26, subsection 2, is amended by adding the following new paragraph:

c. Notwithstanding a determination by the commissioner pursuant to paragraph “b”, upon receipt of a petition signed by not less than one hundred eligible electors, the commissioner shall count the ballots at an election described in paragraph “a” using automatic tabulating equipment. A petition filed under this paragraph must be received by the commissioner not later than 5:00 p.m. on the forty-second day before the election.

#### 49.30

**2010 Acts, Ch. 1033, Sec. 18.** Section 49.30 is amended to read as follows:

##### **49.30 All candidates and issues on one ballot — exceptions.**

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

- ~~—1. Where optical scan ballots are used, if when it is not possible to include all offices and public measures on a single ballot, In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.~~
- ~~—2. Where conventional paper ballots are used, separate paper ballots shall be used:~~
  - ~~—a. For the election of township officers in precincts including both incorporated and unincorporated areas or more than one township.~~
  - ~~—b. For public measures.~~
  - ~~—c. For judges.~~

#### 49.43

**2010 Acts, Ch. 1033, Sec. 19.** Section 49.43, subsection 1, is amended to read as follows:

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

**49.70**

**2010 Acts, Ch. 1033, Sec. 20.** Section 49.70 is amended to read as follows:

**49.70 Precinct election officials furnished instructions.**

The commissioner shall cause copies of ~~each set of~~ instructions addressing the rights of voters and instructions for voting to be printed in large, clear type, ~~under the heading of “Rights of Voters” and “Instructions for Voting”, as applicable, and.~~ The commissioner shall furnish the precinct election officials with a sufficient number of each set of instructions as will enable them to comply with section 49.71.

**49.72**

**2010 Acts, Ch. 1026, Sec. 8.** Section 49.72 is amended to read as follows:

**49.72 Absentee voters designated before polling place opened.**

The commissioner shall deliver to each precinct election board not less than one hour before the time at which the polls are to open for any election the list of all registered voters of that precinct who have been given or sent an absentee ballot for that election, and the election board shall immediately designate those registered voters who are so listed and therefore not entitled to vote in person at the polls, except as required by provided in section 53.19, subsection 3.

**49.77**

**2010 Acts, Ch. 1033, Sec. 21.** Section 49.77, subsection 1, paragraph a, is amended to read as follows:

a. Any person desiring to vote shall sign a voter’s declaration provided by the officials, in substantially the following form:

“VOTER’S DECLARATION  
OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the . . . . precinct, . . . . ward or township, city of . . . . , county of . . . . , Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....  
Signature of Voter

.....  
Address

.....  
Telephone (optional)

Approved:

.....  
Board Member”

**2010 Acts, Ch. 1033, Sec. 22.** Section 49.77, subsection 2, is amended to read as follows:

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to section 49.104, subsection 2, 3, ~~or 5,~~ or 6, may upon request view the roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

**2010 Acts, Ch. 1026, Sec. 9.** Section 49.77, subsection 4, paragraph c, is amended to read as follows:

c. A person who has been sent an absentee ballot by mail but for any reason has not received it shall be permitted to cast a ballot in person pursuant to section 53.19 ~~and in the manner prescribed by section 49.81.~~

**49.79**

**2010 Acts, Ch. 1033, Sec. 23.** Section 49.79, subsection 3, paragraph a, is amended to read as follows:

a. The state commissioner of elections shall prescribe a form to be used ~~for~~ by a registered voter challenging a prospective voter at the polls. A precinct election official working at the precinct is not required to use the challenge form. The challenge form shall include a space for the challenger to provide the challenger’s printed name, signature, address, and telephone number. The challenge form shall also contain the following statement signed by the challenger:

“I am a registered voter in (name of county) County, Iowa. I swear or affirm that information contained in this challenge is true. I understand that knowingly filing a challenge containing false information is an aggravated misdemeanor.”

**49.81**

**2010 Acts, Ch. 1026, Sec. 10.** Section 49.81, subsection 1, is amended to read as follows:

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, ~~or section 49.80,~~ or section 53.19, subsection 3, from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. ~~If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to~~

~~insure the voter the opportunity to vote in secret. The voter shall mark the ballot, fold it or insert it in a secrecy envelope as required by section 49.84, and immediately seal it in an envelope of the type prescribed by subsection 4. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.~~

#### 49.104

**2010 Acts, Ch. 1026, Sec. 11 and Ch. 1060, Sec. 6.** Section 49.104, subsection 3, is amended to read as follows:

3. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as ~~above~~ prescribed in subsection 2 for challenging committees, and any number of persons not exceeding three at a time appointed as observers under subsection 5, to witness the counting of ballots. ~~Subject to the restrictions of section 51.11, the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.~~

#### 50.19

**2010 Acts, Ch. 1033, Sec. 24.** Section 50.19 is amended to read as follows:

##### **50.19 Preservation and destruction of books.**

1. The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists and abstracts of votes which have not been electronically recorded, six months after the election if a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with chapter 48A, subchapter V. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

2. Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

## 50.24

**2010 Acts, Ch. 1033, Sec. 25.** Section 50.24, subsection 3, is amended to read as follows:

3. The board shall certify an election canvass summary report prepared by the commissioner. The election canvass summary report shall include the results of the election, including scatterings, overvotes, and undervotes, by precinct for each contest and public measure that appeared on the ballot of the election being canvassed. However, if paper ballots are used pursuant to section 49.26, the election canvass summary report shall not include overvotes and undervotes.

**2010 Acts, Ch. 1033, Sec. 26.** Section 50.24, subsection 4, is amended by striking the subsection and renumbering subsection 5 as 4.

## 50.30A

**2010 Acts, Ch. 1033, Sec. 27.** Section 50.30A is amended to read as follows:

### **50.30A Election canvass summary forwarded to state commissioner.**

The commissioner shall, within thirteen days after each primary ~~and election~~, general election, and special election conducted pursuant to section 69.14, forward to the state commissioner a true and exact copy of the election canvass summary report certified by the county board of canvassers.

## 50.46

**2010 Acts, Ch. 1033, Sec. 28.** Section 50.46 is amended to read as follows:

### **50.46 Special elections — canvass and certificate.**

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet ~~at one o'clock in the afternoon of~~ no earlier than 1:00 p.m. on the second day after the election, and canvass the votes cast at the election. If the second day after the election is a public holiday, section 4.1, subsection 34, controls. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

## Chapter 51

**2010 Acts, Ch. 1060, Sec. 8.** Sections 51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9, 51.10, 51.11, 51.12, 51.13, and 51.14 are repealed.

**2010 Acts, Ch. 1060, Sec. 9.** Section 51.15 is repealed.

## 53.2

**2010 Acts, Ch. 1033, Sec. 29.** Section 53.2, subsection 7, is amended to read as follows:

7. A registered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the absentee ballot application form when requesting an absentee ballot. The commissioner may also update a voter's identification number, as described in section 48A.11, subsection 1, paragraph "e", if an identification number is provided on an absentee ballot application. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

## 53.18

**2010 Acts, Ch. 1026, Sec. 13.** Section 53.18, subsections 2 and 3, are amended to read as follows:

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general and primary elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall open the envelope to review the affidavit for ~~any deficiencies~~ completeness. If the affidavit ~~contains a deficiency that would cause the ballot to be rejected~~ is incomplete, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may ~~correct the deficiency~~ complete the affidavit in person at the office of the commissioner by 5:00 p.m. on the day before the election, vote a replacement ballot in the manner and within the time period provided in subsection 3, or appear at the voter's precinct polling place on election day and cast a ballot in accordance with section 53.19, subsection 3.

3. If the affidavit envelope ~~is open when received by the commissioner, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope~~ contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter ~~applies for a replacement ballot~~ requests and returns ~~the~~ a replacement ballot in the time permitted under section 53.17, subsection 2. ~~The replacement ballot application shall be the same as is required for an application under section 53.2. If the information on the replacement ballot application matches the information on the original application, the voter shall be allowed to complete a replacement absentee ballot. The voter may request a replacement ballot in person, in writing, or over the telephone.~~ The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The affidavit envelope containing the completed replacement ballot shall be marked "Replacement ballot". The affidavit envelope containing the original ballot shall be marked "~~Defective ballot~~" "Defective" and the replacement ballot ~~and replacement ballot application~~ shall be attached to the ~~original application and~~ affidavit envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

## 53.19

**2010 Acts, Ch. 1026, Sec. 14.** Section 53.19 is amended to read as follows:

**53.19 Listing absentee ballots.**

1. The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, and the date the absentee ballot was sent to the registered voter requesting the absentee ballot.

2. The commissioner shall provide each precinct election board with a list of all registered voters from that precinct who have received an absentee ballot. The precinct officials shall immediately designate on the election register those registered voters who have received an absentee ballot and are not entitled to vote in person at the polls, except as provided in subsection 3.

3. a. ~~However, any A~~ 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.

b. ~~Any A~~ registered voter who has ~~been sent requested~~ 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, after the precinct election officials confirm the commissioner has not received the voter’s absentee ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the commissioner has received the voter’s absentee ballot, the voter shall cast a ballot in accordance with section 49.81.

c. ~~Any A~~ registered voter who has been notified by the commissioner pursuant to section 53.18 of the need to ~~correct a deficiency on complete~~ the affidavit or ~~to apply for and~~ vote a replacement absentee ballot and who has not ~~corrected the deficiency~~ completed the affidavit or voted a replacement absentee ballot may appear at the voter’s precinct polling place on election day and, after the precinct election officials confirm the voter has not completed the affidavit or voted a replacement ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the voter has completed the affidavit or voted a replacement ballot, the voter shall cast a ballot in accordance with section 49.81.

**53.39**

**2010 Acts, Ch. 1033, Sec. 30.** Section 53.39 is amended to read as follows:

**53.39 Request for ballot — when available.**

1. Section 53.2 does not apply in the case of a qualified voter of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter’s ballot shall be sent or made available to any such qualified voter upon a request as provided in this division.

2. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to ~~forty~~ forty-five days before the respective elections and shall be available for transmittal to such qualified voters in the armed forces of the United States at least ~~forty~~ forty-five days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States except as modified by the provisions of this division.

## 53.40

**2010 Acts, Ch. 1033, Sec. 31.** Section 53.40, subsection 1, paragraph a, is amended to read as follows:

a. 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 ~~through the next two general elections~~ during 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~~ If the applicant does not specify which elections the request is for, the county commissioner shall send the applicant a ballot for each federal election held after the application is received ~~and through the next two general elections~~ until the end of the calendar year in which the request is received. ~~The~~ If the applicant requests ballots for all elections to be held in a calendar year, the commissioner, if necessary, 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.

**2010 Acts, Ch. 1033, Sec. 32.** Section 53.40, subsection 2, is amended to read as follows:

2. The commissioner shall immediately on the ~~fortieth~~ forty-fifth day prior to the particular election transmit ballots to the voter by mail or otherwise, postage prepaid, as directed by the state commissioner, requests for which are in the commissioner's hands at that time, and thereafter so transmit ballots immediately upon receipt of requests. A request for ballot for the primary election which does not state the party affiliation of the voter making the request is void and of no effect. A request which does not show that the person for whom a ballot is requested will be a qualified voter in the precinct in which the ballot is to be cast on the day of the election for which the ballot is requested, shall not be honored. However, a request which states the age and the city, including street address, ~~if any, or township,~~ and county where the voter resides, ~~and which shows a sufficient period of residence,~~ is sufficient to show that the person is a qualified voter. A request by the voter containing substantially the information required is sufficient.

**2010 Acts, Ch. 1061, Sec. 8.** Section 53.40, subsection 3, is amended to read as follows:

3. If the affidavit on the affidavit envelope shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period of time and under the conditions provided for in sections ~~50.12 through, 50.13,~~ 50.15, and ~~section~~ 50.19.

## 53.41

**2010 Acts, Ch. 1061, Sec. 9.** Section 53.41, subsection 3, is amended to read as follows:

3. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election unless after the ballot has been mailed the voter reports a change in the

address to which the ballot should be sent. A ballot shall be mailed using a serial number that indicates that this is a replacement sent to an updated address. The original ballot shall be counted only if the replacement ballot does not arrive. If the commissioner receives more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of the ballots so received from or purporting to be from such voter are void, and the commissioner shall not deliver any of the ballots to the precinct election officials, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 ~~through~~, 50.13, 50.15, and ~~section~~ 50.19.

#### 68A.102

**2010 Acts, Ch. 1025, Sec. 1.** Section 68A.102, subsection 18, unnumbered paragraph 1, is amended to read as follows:

*"Political committee"* means ~~either~~ any of the following:

**2010 Acts, Ch. 1025, Sec. 2.** Section 68A.102, subsection 18, is amended by adding the following new paragraph:

c. A person, other than an individual, that accepts contributions in excess of seven hundred fifty dollars in the aggregate, makes expenditures in excess of seven hundred fifty dollars in the aggregate, or incurs indebtedness in excess of seven hundred fifty dollars in the aggregate in any one calendar year to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate as defined in section 68A.102, subsection 4.

#### 68A.201

**2010 Acts, Ch. 1024, Sec. 1.** Section 68A.201, subsection 5, is amended by striking the subsection.

#### 68A.201A

**2010 Acts, Ch. 1024, Sec. 2.** Add new section 68A.201A as follows:

##### **68A.201A Contributions from federal and out-of-state committees or organizations.**

1. When either a committee or organization not organized as a committee under section 68A.201 makes a contribution to a committee organized in Iowa, that committee or organization shall disclose each contribution in excess of fifty dollars to the board.

2. A committee or organization not organized as a committee under section 68A.201 that is not registered and filing full disclosure reports of all financial activities with the federal election commission or another state's disclosure commission shall register and file full disclosure reports with the board pursuant to this chapter. The committee or organization shall either appoint an eligible Iowa elector as committee or organization treasurer, or shall maintain all committee funds in an account in a financial institution located in Iowa.

3. A committee that is currently filing a disclosure report in another jurisdiction shall either file a statement of organization under section 68A.201 and file disclosure reports under section 68A.402, or shall file a verified statement with the board within fifteen days

of the contribution being made.

4. The verified statement shall be on forms prescribed by the board and shall attest that the committee is filing reports with the federal election commission or in a jurisdiction with reporting requirements which are substantially similar to those of this chapter, and that the contribution is made from an account that does not accept contributions that would be in violation of section 68A.503.

5. The verified statement shall include the complete name, address, and telephone number of the contributing committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose, the name and address of an Iowa resident authorized to receive service of original notice, the name and address of the receiving committee, the amount of the cash or in-kind contribution, and the date the contribution was made.

6. Effective January 1, 2011, the verified statement shall be filed in an electronic format by 4:30 p.m. of the day the filing is due.

### 68A.202

**2010 Acts, Ch. 1025, Sec. 3.** Section 68A.202, subsection 2, is amended to read as follows:

2. a. A political committee shall not be established to expressly advocate the nomination, election, or defeat of only one candidate for office. However, a political committee may be established to expressly advocate the passage or defeat of approval of a single judge standing for retention. A permanent organization, as defined in section 68A.402, subsection 9, may make a one-time contribution to only one candidate for office in excess of seven hundred fifty dollars.

b. The prohibition in paragraph "a" does not apply to a political committee described in section 68A.102, subsection 18, paragraph "c", until the individual becomes a candidate for public office. A political committee organized to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate for public office shall be dissolved when the individual becomes a candidate for public office.

### 68A.304

**2010 Acts, Ch. 1025, Sec. 4.** Section 68A.304 is amended by adding the following new subsection:

4. The board shall adopt rules pursuant to chapter 17A defining "fair market value" for purposes of this section.

### 68A.401

**2009 Acts, Ch. 8, Sec. 1 and 2 and 2010 Acts, Ch. 1024, Sec. 3.** Section 68A.401, subsection 1, is amended to read as follows:

1. All statements and reports required to be filed under this chapter shall be filed with the board as provided in section 68A.402, subsection 1. The board shall post on its internet website all statements and reports filed under this chapter. For purposes of this section, the term "*statement*" does not include a bank statement.

a. A state statutory political committee, a political committee expressly advocating for or against the nomination, election, or defeat of a candidate for statewide office or the general assembly, and a candidate's committee of a candidate for statewide office or the general assembly shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. ~~Any other candidate or political committee may submit the statements and reports in an electronic format as prescribed by rule.~~

b. Effective January 1, 2011, a county statutory political committee shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

c. Effective January 1, 2011, any other candidate or committee involved in a county, city, school, or other political subdivision election that accepts monetary or in-kind contributions in excess of two thousand dollars, or incurs indebtedness in excess of two thousand dollars in the aggregate in a calendar year, or makes expenditures in excess of two thousand dollars in a calendar year to expressly advocate for or against a clearly identified candidate or ballot issue shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board. The committee shall continue to file subsequent statements and reports in an electronic format until being certified as dissolved under section 68A.402B.

d. Any other candidate or political committee not otherwise required to file a statement or report in an electronic format under this section shall file the statements and reports in either an electronic format as prescribed by rule or by one of the methods specified in section 68A.402, subsection 1.

~~b.~~ e. If the board determines that a violation of this subsection has occurred, the board may impose any of the remedies or penalties provided for under section 68B.32D, except that the board shall not refer any complaint or supporting information of a violation of this section to the attorney general or any county attorney for prosecution.

**Editorial change.** 68A.401, subsection 4, is amended by adding a footnote as follows:

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section 68A.201.\*

\*Section 68A.201A probably intended; corrective legislation is pending

## 68A.402

**2010 Acts, Ch. 1025, Sec. 5.** Section 68A.402, subsection 3, is amended by adding the following new paragraph:

*c. Runoff elections.* Only a candidate who is eligible to participate in a runoff election is required to file a report five days before the runoff election.

**2010 Acts, Ch. 1025, Sec. 6.** Section 68A.402, subsection 9, is amended to read as follows:

9. *Permanent organizations.* A permanent organization temporarily engaging in activity

described in section 68A.102, subsection 18, shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports on the appropriate due dates as required by this section. The reports filed under this subsection shall identify the source of the original funds used for a contribution made to a candidate or a ~~candidate's committee~~ committee organized under this chapter. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. As used in this subsection, “*permanent organization*” means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

#### 68A.402A

**2010 Acts, Ch. 1119, Sec. 1.** Section 68A.402A, subsection 1, paragraph d, is amended to read as follows:

*d.* The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contributions in a calendar year exceeds the applicable amount specified in paragraph “*b*”. In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value. A committee receiving an in-kind contribution shall report the estimated fair market value of the in-kind contribution at the time it is provided to the committee. A person providing an in-kind contribution to a committee shall notify the committee of the estimated fair market value of the in-kind contribution at the time the in-kind contribution is provided to the committee. For purposes of this section, the estimated fair market value of the in-kind contribution shall be reported regardless of whether the person has been billed for the cost of the in-kind contribution.

#### 68A.402B

**2010 Acts, Ch. 1119, Sec. 2.** Section 68A.402B is amended by adding the following new subsection:

3. If a person who files an independent expenditure statement and a disclosure report, pursuant to section 68A.404, determines that the person will no longer make an independent expenditure, the person shall notify the board within thirty days following such determination by filing a termination report on forms prescribed by the board.

#### 68A.404

**2010 Acts, Ch. 1119, Sec. 3.** Section 68A.404 is amended to read as follows:

##### **68A.404 Independent expenditures.**

1. As used in this section, “*independent expenditure*” means one or more expenditures in excess of ~~one hundred~~ seven hundred fifty dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate’s committee, or a ballot issue committee.

2. *a.* An entity, other than an individual or individuals, shall not make an independent

expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the entity's board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent expenditure involving a candidate or ballot issue committee. Such authorization must occur in the same calendar year in which the independent expenditure is incurred.

b. Such authorization shall expressly provide whether the board of directors, executive council, or similar organizational leadership body authorizes one or more independent expenditures that expressly advocate the nomination or election of a candidate or passage of a ballot issue or authorizes one or more independent expenditures that expressly advocate the defeat of a candidate or ballot issue.

c. A foreign national shall not make an independent expenditure, directly or indirectly, that advocates the nomination, election, or defeat of any candidate or the passage or defeat of any ballot issue. As used in this section, "foreign national" means a person who is not a citizen of the United States and who is not lawfully admitted for permanent residence. "Foreign national" includes a foreign principal, such as a government of a foreign country or a foreign political party, partnership, association, corporation, organization, or other combination of persons that has its primary place of business in or is organized under the laws of a foreign country. "Foreign national" does not include a person who is a citizen of the United States or who is a national of the United States.

~~2.~~ 3. A person, other than a committee registered under this chapter, that makes one or more independent expenditures shall file an independent expenditure statement. All statements and reports required by this section shall be filed in an electronic format as prescribed by rule.

~~a. The requirement to file an independent expenditure statement under this section does not by itself mean that~~ Subject to paragraph "b", the person filing the independent expenditure statement is required to register and shall file reports under sections 68A.201 and 68A.402 and 68A.402A. An initial report shall be filed at the same time as the independent expenditure statement. Subsequent reports shall be filed according to the same schedule as the office or election to which the independent expenditure was directed.

(1) A supplemental report shall be filed on the same dates as in section 68A.402, subsection 2, paragraph "b", if the person making the independent expenditure either raises or expends more than one thousand dollars.

(2) A report filed as a result of this paragraph "a" shall not require the identification of individual members who pay dues to a labor union, organization, or association, or individual stockholders of a business corporation. A report filed as a result of this paragraph "a" shall not require the disclosure of any donor or other source of funding to the person making the independent expenditure except when the donation or source of funding, or a portion of the donation or source of funding, was provided for the purpose of furthering the independent expenditure.

b. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure.

~~3.~~ 4. a. An independent expenditure statement shall be filed within forty-eight hours of the making of an independent expenditure in excess of one hundred seven hundred fifty dollars in the aggregate, or within forty-eight hours of disseminating the communication to its intended audience, whichever is earlier. For purposes of this section, an independent expenditure is made when the independent expenditure communication is purchased or ordered regardless of whether or not the person making the independent expenditure has been billed for the cost of the independent expenditure.

b. An independent expenditure statement shall be filed with the board and the board shall immediately make the independent expenditure statement available for public viewing.

c. For purposes of this section, an independent expenditure is made at the time that the cost is incurred.

~~4.~~ 5. The independent expenditure statement shall contain all of the following information:

a. Identification of the individuals or persons filing the statement.

b. Description of the position advocated by the individuals or persons with regard to the clearly identified candidate or ballot issue.

c. Identification of the candidate or ballot issue benefited by the independent expenditure.

d. The dates on which the expenditure or expenditures took place or will take place.

e. Description of the nature of the action taken that resulted in the expenditure or expenditures.

f. The fair market value of the expenditure or expenditures.

g. A certification by an officer of the corporation that the board of directors, executive council, or similar organizational leadership body expressly authorized the independent expenditure or use of treasury funds for the independent expenditure by resolution or other affirmative action within the calendar year when the independent expenditure was incurred.

~~5.~~ 6. Any person making an independent expenditure shall comply with the attribution requirements of section 68A.405.

7. A person making an independent expenditure shall not engage or retain an advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue committee that is benefited by the independent expenditure.

~~6.~~ 8. a. The board shall develop, prescribe, furnish, and distribute forms for the independent expenditure statements required by this section.

b. The board shall adopt rules pursuant to chapter 17A for the implementation of this section.

## 68A.405

**2010 Acts, Ch. 1025, Sec. 7 and 2010 Acts, Ch. 1119, Sec. 4.** Section 68A.405 is amended to read as follows:

### **68A.405 Attribution statement on published material.**

1. a. For purposes of this subsection:

(1) "*Individual*" includes a candidate for public office who has not filed a statement of organization under section 68A.201.

(2) "*Organization*" includes an organization established to advocate the passage or defeat of a ballot issue but that has not filed a statement of organization under section 68A.201.

(3) "*Published material*" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet website, campaign sign, or any other form of printed general public political advertising. "*Published material*" includes television, video, or motion picture advertising.

b. (1) Except as set out in subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement

disclosing who is responsible for the published material.

(2) The person who is responsible for the published material has the sole responsibility and liability for the attribution statement required by this section.

c. If the person paying for the published material is an individual, the words “paid for by” and the name and address of the person shall appear on the material.

d. If more than one individual is responsible, the words “paid for by”, the names of the individuals, and either the addresses of the individuals or a statement that the addresses of the individuals are on file with the Iowa ethics and campaign disclosure board shall appear on the material.

e. If the person responsible is an organization, the words “paid for by”, the name and address of the organization, and the name of one officer of the organization shall appear on the material.

f. If the person responsible is a corporation, the words “paid for by”, the name and address of the corporation, and the name and title of the corporation’s chief executive officer shall appear on the material.

~~f.~~ g. If the person responsible is a committee that has filed a statement of organization pursuant to section 68A.201, the words “paid for by” and the name of the committee shall appear on the material.

h. If the published material is the result of an independent expenditure subject to section 68A.404, the published material shall include a statement that the published material was not authorized by any candidate, candidate’s committee, or ballot issue committee.

2. The requirement to include an attribution statement does not apply to any of the following:

a. The editorials or news articles of a newspaper, ~~or~~ magazine, television station, or other print or electronic media that are not paid political advertisements.

b. Small items upon which the inclusion of the statement is impracticable including, but not limited to, campaign signs as provided in section 68A.406, subsection 3, bumper stickers, pins, buttons, pens, political business cards, and matchbooks.

c. T-shirts, caps, and other articles of clothing.

d. Any published material that is subject to federal regulations regarding an attribution requirement.

e. Any material published by an individual, acting independently, who spends one hundred dollars or less of the individual’s own money to advocate the passage or defeat of a ballot issue.

3. For television, video, or motion picture advertising, the attribution statement shall be displayed on the screen in a clearly readable manner for at least four seconds.

~~3.~~ 4. The board shall adopt rules relating to the placing of an attribution statement on published materials.

## 68A.503

**2010 Acts, Ch. 1025, Sec. 8 and 2010 Acts, Ch. 1119, Sec. 5.** Section 68A.503 is amended by striking the section and inserting in lieu thereof the following:

### **68A.503 Financial institution, insurance company, and corporation contributions prohibited.**

1. Except as provided in subsections 3, 4, 5, and 6, an insurance company, savings and loan association, bank, credit union, or corporation shall not make a monetary or in-kind contribution to a candidate or committee except for a ballot issue committee.

2. Except as provided in subsection 3, a candidate or committee, except for a ballot issue committee, shall not receive a monetary or in-kind contribution from an insurance company, savings and loan association, bank, credit union, or corporation.

3. An insurance company, savings and loan association, bank, credit union, or corporation may use money, property, labor, or any other thing of value of the entity for the purposes of soliciting its stockholders, administrative officers, professional employees, and members for contributions to a political committee sponsored by that entity and for financing the administration of a political committee sponsored by that entity. The entity's employees to whom the foregoing authority does not extend may voluntarily contribute to such a political committee but shall not be solicited for contributions. A candidate or committee may solicit, request, and receive money, property, labor, and any other thing of value from a political committee sponsored by an insurance company, savings and loan association, bank, credit union, or corporation as permitted by this subsection.

4. The prohibitions in subsections 1 and 2 shall not apply to an insurance company, savings and loan association, bank, credit union, or corporation engaged in any of the following activities:

a. Using its funds to encourage registration of voters and participation in the political process or to publicize public issues.

b. Using its funds to expressly advocate the passage or defeat of ballot issues.

c. Using its funds for independent expenditures as provided in section 68A.404.

d. Using its funds to place campaign signs as permitted under section 68A.406.

5. a. The prohibitions in subsections 1 and 2 shall not apply to media organizations when discussing candidates, nominations, public officers, or public questions.

b. Notwithstanding paragraph "a", the board shall adopt rules requiring the owner, publisher, or editor of a sham newspaper that promotes in any way the candidacy of a person for any public office to comply with this section and section 68A.404. As used in this subsection, "*sham newspaper*" means a newspaper publication that is published for the primary purpose of evading the requirements of this section or section 68A.404, and "*owner*" means a person having an ownership interest exceeding ten percent of the equity or profits of the publication.

6. The prohibitions in subsections 1 and 2 shall not apply to a nonprofit organization communicating with its own members. The board shall adopt rules pursuant to chapter 17A to administer this subsection.

7. For purposes of this section "*corporation*" means a for-profit or nonprofit corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country.

## 68B.22

**2010 Acts, Ch. 1006, Sec. 1.** Section 68B.22, subsection 4, paragraph s, is amended to read as follows:

s. Gifts of food, beverage, and entertainment received by ~~public officials or public employees~~ at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The

report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within ~~five business~~ twenty-eight calendar days following the date of the function. ~~The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.~~

#### **68B.32A**

**2010 Acts, Ch. 1006, Sec. 6 and 2010 Acts, Ch. 1054, Sec. 4.** Section 68B.32A, subsection 5, is amended to read as follows:

5. ~~Receive and file registration and reports from lobbyists of the executive branch of state government, client disclosure from clients of lobbyists of the executive branch of state government, personal financial disclosure information from officials and employees in the executive branch of state government who are required to file personal financial disclosure information under all registrations and reports that are required to be filed with the board under this chapter, and gift and bequest disclosure information pursuant to or section 8.7. The board, upon its own motion, may initiate action, and conduct a hearing hearings, impose sanctions, and order administrative resolutions relating to reporting requirements under this chapter or section 8.7.~~

**2010 Acts, Ch. 1054, Sec. 5.** Section 68B.32A is amended by adding the following new subsection:

19. Impose penalties upon, or refer matters relating to, persons who provide false information to the board during a board investigation of a potential violation of this chapter, chapter 68A, section 8.7, or rules of the board. The board shall adopt rules to administer this subsection.

#### **68B.37**

**2010 Acts, Ch. 1006, Sec. 10.** Section 68B.37 is repealed.

#### **69.16D**

**2010 Acts, Ch. 1031, Sec. 421. Add new section 69.16D as follows:**

##### **69.16D Boards and commissions — criteria for establishing.**

1. Prior to establishing a new appointive board, commission, committee, or council of the state, the general assembly shall consider all of the following:

- a. Whether there is an existing board or commission that would be able to perform the duties of the new board, commission, committee, or council.
- b. The estimated annual cost of the new board, commission, committee, or council, including any additional personnel costs arising out of the creation of the new board, commission, committee, or council.
- c. Whether a repeal date is needed for the new board, commission, committee, or council. Whenever possible, an appropriate repeal date should be included.

2. This section shall apply to appointive boards, commissions, committees, and councils of the state established by the Code on or after July 1, 2010.

## 69.16E

**2010 Acts, Ch. 1076, Sec. 1.** Add new section 69.16E as follows:

### **69.16E Young adult representation.**

1. For purposes of this section, unless the context otherwise requires, “*young adult*” means a person who, at the time of appointment or reappointment, is at least eighteen years of age but less than thirty-five years of age.

2. All appointive boards, commissions, committees, and councils of the state established by the Code should provide, to the extent practicable and if not otherwise provided by law, for at least one member who is a young adult. All appointing authorities of boards, commissions, committees, and councils should consider qualified young adults for appointment to boards, commissions, committees, and councils.

## 174.1

**2010 Acts, Ch. 1193, Sec. 113.** Section 174.1, subsection 2, paragraphs b and c, are amended to read as follows:

*b.* The organization owns buildings and other improvements situated on the fairgrounds which have been specially constructed for purposes of conducting a fair event.

*c.* The market value of the fairgrounds and buildings and other improvements located on the fairgrounds is at least ~~eighty~~ twenty-five thousand dollars.

**2010 Acts, Ch. 1193, Sec. 114.** Section 174.1, subsection 3, is amended to read as follows:

3. “*Fair event*” means an annual gathering of the public on fairgrounds that incorporates agricultural exhibits, demonstrations, shows, or competitions ~~and which includes all of the following:~~

~~—*a.* Programs that include programs or projects sponsored by 4-H clubs, future farmers of America, or the Iowa cooperative extension service in agriculture and home economics of Iowa state university. Other activities may include any of the following:~~

~~—*b.* a. Commercial exhibits sponsored by manufacturers or other businesses.~~

~~—*e.* b. Educational programs or exhibits sponsored by governmental entities or nonprofit organizations.~~

~~—*d.* c. Competition in culinary arts, fine arts, or home craft arts.~~

## 176A.10

**2010 Acts, Ch. 1069, Sec. 24.** Section 176A.10, subsection 2, is amended to read as follows:

2. An extension council of an extension district may choose to be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs “*a*” through “*d*”, and subsection 1, paragraph “*e*”, for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs “*a*” through “*d*”, and subsection 1,

paragraph “e”, for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1993, the question of whether the district shall be subject to the levy and revenue limits as specified in such ~~subsections~~ paragraphs must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in subparagraphs (2) of subsection 1, paragraphs “a” through “d”, and subsection 1, paragraph “e”, shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

## 260C.13

**2010 Acts, Ch. 1033, Sec. 33.** Section 260C.13, subsection 2, is amended to read as follows:

2. The board of the merged area shall redraw boundary lines of director districts in the merged area after each federal decennial census ~~to compensate for changes in population if changes in population have taken place.~~

**2010 Acts, Ch. 1033, Sec. 34.** Section 260C.13, subsection 3, paragraph e, is amended to read as follows:

e. ~~Cities~~ A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the merged area is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

## 260C.15

**2010 Acts, Ch. 1033, Sec. 35.** Section 260C.15, subsection 3, is amended to read as follows:

3. Nomination papers ~~in on~~ in behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than ~~sixty-five~~ sixty-four days nor later than ~~five o'clock~~ 5:00 p.m. on the fortieth day prior to the election at which members of the board are to be elected. ~~The~~ On the day following the last day on which nomination petitions can be filed, and no later than 5:00 p.m. on that day, the secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the county commissioner of elections who is responsible under section 47.2 for conducting elections held for the merged area, ~~not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.~~ That commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the thirty-fifth day prior to the election.

**2010 Acts, Ch. 1026, Sec. 15.** Section 260C.15 is amended by adding the following new subsection and renumbering subsection 4 as 5:

4. *a.* Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question.

*b.* The objection must be filed with the secretary of the board at least thirty-five days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

*c.* Objections shall be considered not later than two working days following the receipt of the objections by the president of the board of directors, the secretary of the board, and one additional director of the board chosen by ballot. If objections have been filed to the nominations of either of the directors, that director shall not pass on the objection. The director's place shall be filled by a member of the board of directors against whom no objection exists. The replacement shall be chosen by ballot.

#### 275.23A

**2010 Acts, Ch. 1033, Sec. 36.** Section 275.23A, subsection 1, paragraph e, is amended to read as follows:

*e.* ~~Cities~~ A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the school district is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

#### 275.37A

**2010 Acts, Ch. 1033, Sec. 37.** Section 275.37A, subsection 1, is amended to read as follows:

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 four terms expiring, ~~three~~ two directors shall be elected. At the second election in that district, if three terms are expiring, ~~two~~ three directors shall be elected.

*b.* If at the first election there are three terms expiring, ~~two directors~~ one director shall be elected. At the second election in that district, if four terms are expiring, three directors shall be elected for a four-year term and one director shall be elected for a two-year term.

#### 277.4

**2010 Acts, Ch. 1033, Sec. 38 and 2010 Acts, Ch. 1061, Sec. 180.** Section 277.4 is amended to read as follows:

1. Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than ~~five~~ 5:00

p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until ~~five~~ 5:00 p.m.

2. a. Each candidate shall be nominated by petition. If the candidate is running for a seat in the district which is voted for at-large, the petition must be signed by the greater of at least ten eligible electors or a number of eligible electors equal in number to not less than one percent of the registered voters of the school district, which number need not be more than fifty. If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by the greater of at least ten eligible electors of the director district or a number of eligible electors equal in number to not less than one percent of the registered voters in the director district, which number need not be more than fifty.

b. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections ~~not later than five o'clock p.m.~~ on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the secretary at any time prior to ~~five o'clock~~ 5:00 p.m. on the thirty-fifth day before the election.

## 277.28

**2010 Acts, Ch. 1061, Sec. 98.** Section 277.28 is amended to read as follows:

### **277.28 Oath required.**

1. Each director elected at a regular district or director district election shall qualify by taking the oath of office on or before the time set for the organization meeting of the board and the election and qualification entered of record by the secretary. The oath may be administered by any qualified member of the board or the secretary of the board and may be taken in substantially the following form:

“Do Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Iowa and that you will faithfully and impartially to the

best of your ability discharge the duties of the office of . . . (naming the office) in . . . (naming the district) as now or hereafter required by ~~law~~<sup>22</sup> law?

2. If the oath of office is taken elsewhere than in the presence of the board in session it may be administered by any officer listed in sections 63A.1 and 63A.2 and shall be subscribed to by the person taking it in substantially the following form:

“I, . . . , do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially to the best of my ability discharge the duties of the office of . . . (naming the office) in . . . (naming the district) as now or hereafter required by ~~law~~<sup>22</sup> law.”

3. Such oath shall be properly verified by the administering officer and filed with the secretary of the board.

## 279.7

**2010 Acts, Ch. 1033, Sec. 40.** Section 279.7 is amended to read as follows:

### **279.7 Vacancies filled by special election — qualification — tenure.**

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy ~~occurs~~ becomes known by the secretary or the board, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the ~~occurrence of day~~ the vacancy becomes known by the secretary or the board. If the secretary fails for more than three days to call an election, the administrator shall call it.

2. ~~Any~~ An appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided ~~herein in this section~~ shall be null and void.

3. ~~In any~~ In the case of a special election as provided ~~herein in this section~~ to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days thereafter in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

4. Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five days before the date set for the election.

## 296.7

**2010 Acts, Ch. 1061, Sec. 180.** Section 296.7, subsections 1 and 4, are editorially amended to read as follows:

1. *a.* A school district or community college corporation may contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school

district or corporation to make payments beyond its current budget year for one or more of the following mechanisms to protect the school district or corporation from tort liability, loss of property, environmental hazards, or any other risk associated with the operation of the school district or corporation:

- (1) To procure or provide for a policy of insurance.
- (2) To provide a self-insurance program.
- (3) To establish and maintain a local government risk pool.

*b.* However, this subsection does not apply to an insurance program described in subsection 3.

4. *a.* Taxes may be levied in excess of any limitation imposed by statute for payment of one or more of the following authorized by subsection 1:

- (1) Principal, premium, or interest on bonds.
- (2) Premium on an insurance policy, including a stop loss or reinsurance policy, except as limited by subsection 3.
- (3) Costs of a self-insurance program.
- (4) Costs of a local government risk pool.
- (5) Amounts payable under an insurance agreement.

*b.* However, for a school district, a tax levied under this section shall be included in the district management levy under section 298.4.

## 298.2

**2010 Acts, Ch. 1033, Sec. 42.** Section 298.2, subsection 4, paragraph a, is amended to read as follows:

*a.* The board may on its own motion, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters ~~in at the notice of election, not to exceed ten years, in the notice of the regular school election.~~ The election shall be held on a date specified in section 39.2, subsection 4, paragraph “c”. The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

## 331.206

**2010 Acts, Ch. 1061, Sec. 125.** Section 331.206, subsection 2, is amended to read as follows:

2. a. The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years unless it is changed by a special election as provided in section 331.207.

b. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

### 331.207

**2010 Acts, Ch. 1033, Sec. 43.** Section 331.207, subsections 2 and 5, are amended to read as follows:

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered year, subject to subsection 6. The special election shall be held ~~within sixty days after the day the petition was received~~ on the first Tuesday in August of the odd-numbered year. 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.~~ The last in the series of publications shall occur not less than four nor more than twenty days before the election.

5. 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~~ November 1 following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective the following January 1.

### 331.233

**2010 Acts, Ch. 1069, Sec. 118.** Section 331.233, subsections 2 and 3, are amended to read as follows:

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and gender balanced and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area. A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

3. The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with ~~this~~ subsection 2. The senior legislative appointing

authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with ~~this~~ subsection 2.

~~3.~~ 4. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing city-county consolidation or the community commonwealth form, additional members shall be appointed to the commission in order to comply with section 331.233A. The life of the commission shall be extended up to six months after the appointment of the additional members.

### **331.236**

**2010 Acts, Ch. 1061, Sec. 126.** Section 331.236 is amended to read as follows:

#### **331.236 Ballot requirements.**

1. Unless otherwise provided, the question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Should the (charter or amendment) described below be adopted for (insert name of local government)?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

### **331.238**

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.238, subsection 2, is editorially amended to read as follows:

2. *a.* An alternative form of county government shall provide for the exercise of home rule power and authority not inconsistent with state law and may include provisions for any of the following:

(1) A board of an odd number of members which may exceed the number of members specified in sections 331.201, 331.203, and 331.204.

(2) A supervisor representation plan for the county which may differ from the supervisor representation plans as provided in division II, part 1.

(3) The initial compensation for members of the board which, thereafter, shall be determined as provided in section 331.215.

(4) The method of selecting officers of the board and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211.

(5) Determining meetings of the board and rules of procedure which may differ from the requirements of section 331.213, except the meetings shall be scheduled and conducted in compliance with chapter 21.

(6) The combining of duties of elected officials or the elimination of elected offices and the assumption of the duties of those offices by appointed officials.

(7) The organization of county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a board or a commission and the assumption of its powers and duties by the board of supervisors or another officer. This paragraph does not apply to the board of trustees of a county hospital.

(8) In lieu of the election or appointment of township trustees, a method providing for the exercise of their powers and duties by the board of supervisors or other governing body of the county or another office.

- (9) Consolidating city-county government or government functions.
- (10) Consolidating county-county government or government functions.
- b. This subsection does not apply to the board of trustees of a county hospital.

### 331.247

**2010 Acts, Ch. 1061, Sec. 127.** Section 331.247, subsection 7, paragraph c, is amended to read as follows:

c. (1) If an election is held, the governing body shall submit the question of amending the charter to the electors in substantially the following form:

Should the amendment described below be adopted for the city-county consolidated charter of (insert name of county and of each consolidated city)?

(2) The ballot must contain a brief description and summary of the proposed amendment.

### 331.248

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.248, subsection 4, is editorially amended to read as follows:

4. *α.* The consolidation charter may include other provisions which the commission elects to include and which are not irreconcilable with state law. These provisions may include but are not limited to the following:

(1) Provide for a method of selecting officers of the governing body and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211 and the provisions of chapter 372.

(2) Provide for meetings of the governing body and rules of procedure which may differ from the requirements of section 331.213, except that the meetings shall be scheduled and conducted in compliance with chapter 21.

(3) Provide for combining the duties of elected officials of the county, for eliminating elected offices and the assumption of the duties of those offices by appointed officials, and for adding to, deleting from, or otherwise changing the duties of officials, elected or otherwise, of the county and each consolidated city. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until new officers have been elected at the general election in the even-numbered year and have qualified for office. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date specified in the charter.

(4) Provide for the organization of city and county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a department, agency, board, or commission and the assumption of its powers and duties by the governing body or by another department, agency, board, or commission.

(5) Provide for a method for the governing body or another office to exercise the powers and duties of the township trustees, in lieu of their election or appointment.

(6) Provide for a chief executive officer, a method of selecting that officer, the compensation for that officer, a method of changing the compensation, and the powers and duties of that officer.

(7) If the charter provides for a chief executive office, provide for the appointment of a chief executive officer pro tem, the compensation for that officer, a method of changing the compensation, and the manner in which that officer would exercise the powers and duties of the chief executive officer.

(8) Provide for the appointment of a city manager, a method for determining and changing the compensation for the city manager, and the powers and duties of the city manager.

*b.* This subsection does not apply to the board of trustees of a county hospital or to the board of trustees of a city hospital.

### 331.249

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.249, subsections 2 and 7, are editorially amended to read as follows:

2. *a.* The city-county consolidated form of government may include an area which is located in another county, but which is within the corporate boundaries of one of the consolidated cities. Services may be provided in the extra-county area and taxes to fund those services may be collected in the extra-county area by the consolidated government, to the extent permitted by the Constitution of the State of Iowa. In addition to the right to vote in the county of residence, electors residing in the extra-county area shall have the right to vote on any matter related to the city-county consolidated government, including election of its governing body and its chief executive officer, if any.

*b.* If a city-county consolidation charter is proposed, within ninety days following the final report of the commission, a resident or property owner of the commission area proposed to be consolidated may bring an action in district court for declaratory judgment to determine the legality of the proposed charter and to otherwise declare the effect of the charter. The court shall expedite its review and determination in this matter. The referendum on the proposed charter shall be stayed during pendency of the action and for such additional time during which the proposed charter or its enabling legislation does not conform to the Constitution or laws of the State of Iowa. If in its final judgment the court determines that the proposed charter fails to conform to the Constitution or laws of this state, the commission shall have a period of six months in which to revise and resubmit the proposed charter.

7. *a.* Members of the governing body of the county shall continue in office after the effective date of the charter until the members of the governing body and the chief executive officer, if any, of the city-county consolidated government have been elected and qualified, at which time the offices of the former governing body of the county shall be abolished and the terms of the members of the former governing body shall be terminated. Members of the governing body and the mayor of each consolidated city shall continue in office after the effective date of the charter until the members of the governing body of the city-county consolidated government and the chief executive officer, if any, have been elected and qualified, at which time the office of mayor and of the former governing body of each consolidated city shall be abolished and the term of the members of each governing body and the term of each mayor shall be terminated.

*b.* During the period between the effective date of the charter and the election and qualification of the members of the governing body of the city-county consolidated government and the election and qualification of the chief executive officer, if any, the former governing bodies of the county and each city and the mayor of each city shall continue to exercise the power of, and to perform the duties for, their respective county and

city. The charter shall provide that these incumbent officers assist in planning and carrying out the transition to the city-county consolidated form of government. The board of supervisors shall include in its budget for the fiscal year in which the charter becomes effective funds sufficient to provide for the operating expenses of a transition committee and for expenses incurred in initially establishing districts if the charter provides for representation by districts and for salaries for newly elected officers of the city-county consolidated government, after consultation with the transition committee.

### **331.252**

**2010 Acts, Ch. 1061, Sec. 128.** Section 331.252 is amended to read as follows:

#### **331.252 Form of ballot — city-county consolidation.**

1. The question of city-county consolidation shall be submitted to the electors in substantially the following form:

Should the charter described below be adopted for (insert name of county and each city proposing to consolidate)?

2. The ballot must contain a brief description and summary of the proposed charter.

### **331.254**

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.254 is editorially amended to read as follows:

#### **331.254 Charter of consolidation.**

1. When multicounty consolidation is recommended, the consolidation charter shall provide for all of the following:

*a.* Adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service.

*b.* Establishment of subordinate service districts.

*c.* The transfer or other disposition of property and other rights, claims, assets, and franchises of the counties consolidated under the charter.

*d.* The official name of the consolidated county.

*e.* The transfer, reorganization, abolition, absorption, and adjustment of boundaries of existing boards, subordinate service districts, local improvement districts, and agencies of the consolidated counties.

*f.* The merger of the elective offices of each consolidating county with the election of new officers within sixty days after the effective date of the charter. The elections shall be conducted by the county commissioner of elections of each county. No primary election shall be held. Nominations shall be made pursuant to section 43.78 and chapters 44 and 45, as applicable, except that the filing deadline shall be forty days before the election.

*g.* The merger of the appointive offices of each consolidating county.

2. The consolidation charter may include other provisions that are not inconsistent with state law.

### **331.255**

**2010 Acts, Ch. 1061, Sec. 129.** Section 331.255 is amended to read as follows:

**331.255 Form of ballot — multicounty consolidation.**

1. The question of multicounty consolidation shall be submitted to the electors in substantially the following form:

Should the consolidation charter described below be adopted for (name of applicable county)?

2. The ballot must contain a brief description and summary of the proposed charter.

**331.260**

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.260, subsection 2, is editorially amended to read as follows:

2. *a.* A charter proposing a community commonwealth as an alternative form of government may be submitted to the voters only by a commission established under section 331.232. A majority vote by the commission is required for the submission of a charter proposing a community commonwealth as an alternative form of local government. The commission submitting a community commonwealth form of government shall issue a final report and proposal. Adoption of the proposed community commonwealth charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. A city named on the ballot is included in the community commonwealth only if the proposed community commonwealth charter is approved by a majority of the votes cast in the city.

*b.* The question of forming a community commonwealth shall be submitted to the electorate in substantially the same form as provided in section 331.252. The effective date of the charter and election of new officers of the community commonwealth shall be as provided in section 331.247, subsection 5.

**331.261**

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.261 is editorially amended to read as follows:

**331.261 Charter — community commonwealth.**

1. The community commonwealth charter shall provide for the following:

*a.* The official name of the community commonwealth government.

*b.* An elective legislative body established in the manner provided for county boards of supervisors under sections 331.201 through 331.216 and section 331.248, subsection 2, the initial compensation for members of that body, and for a method of changing the compensation.

*c.* Appointment of a manager pursuant to sections 331.241 through 331.243.

*d.* Adjustment of existing bonded indebtedness and other obligations to the extent it relates to the delivery of services.

*e.* The transfer or other disposition of property and other rights, claims, assets, and franchises as they relate to the delivery of services.

*f.* The transfer, reorganization, abolition, adjustment, and absorption of existing boards, existing subordinate service districts, local improvement districts, and agencies of the participating county and cities.

*g.* A system of delivery of services to the entire community commonwealth pursuant to section 331.263.

*h.* A formula for the transfer of taxing authority from member cities to the community commonwealth governing body to fund the delivery of regional services.

*i.* The transfer into the community commonwealth of areawide services which had been provided by other boards, commissions, and local governments, except that formation of a community commonwealth shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

*j.* A process by which the governing body of the community commonwealth and the governing bodies of the member cities provide by mutual agreement for the delivery of specified services to the community commonwealth.

*k.* The partisan election of community commonwealth government officials.

2. The community commonwealth charter may include other provisions which the commission elects to include and which are not irreconcilable with state law, including, but not limited to, those provisions in section 331.248, subsection 4.

### **331.262**

**2010 Acts, Ch. 1061, Sec. 130.** Section 331.262, subsections 1 and 9, are amended to read as follows:

1. *a.* As a political subdivision of the state, the community commonwealth unit of local government shall have the statutory and constitutional status of a county and of a city to the extent the community commonwealth governing body assumes the powers and duties of cities as those powers and duties relate to the delivery of services. For each service provided by the community commonwealth, the community commonwealth shall assume the same statutory rights, powers, and duties relating to the provision of the service as if the member city were itself providing the service to its citizens.

*b.* On its effective date, the community commonwealth charter operates to replace the existing county government structure. The governments of participating cities shall remain in existence to render those services not transferred to the community commonwealth government.

9. *a.* A city or county wishing to terminate its membership in the community commonwealth government must do so pursuant to the existing charter procedure under this chapter or chapter 372, whichever is applicable.

*b.* A city or county may join an existing community commonwealth government by resolution of the board or council, whichever is applicable, or upon petition of eligible electors of the city or county, whichever is applicable, equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the applicable governing body shall adopt a resolution in favor of participation and shall immediately forward the resolution to the governing body of the community commonwealth. If a majority of the community commonwealth governing body approves the resolution, the question of joining the community commonwealth shall be submitted to the electorate of the petitioning city or county within sixty days after approval of the resolution.

**331.301**

**2010 Acts, Ch. 1061, Sec. 131.** Section 331.301, subsection 10, paragraph e, subparagraph (1), is amended to read as follows:

(1) (a) The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease-purchase contract does not exceed the following limits:

~~—(a)—~~ (i) Four hundred thousand dollars in a county having a population of twenty-five thousand or less.

~~—(b)—~~ (ii) Five hundred thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

~~—(c)—~~ (iii) Six hundred thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

~~—(d)—~~ (iv) Eight hundred thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

~~—(e)—~~ (v) One million dollars in a county having a population of more than two hundred thousand.

(b) However, if the principal amount of a lease or lease-purchase contract pursuant to this subparagraph (1) is less than twenty-five thousand dollars, the board may authorize the lease or lease-purchase contract without following the authorization procedures of section 331.443.

**2010 Acts, Ch. 1061, Sec. 132.** Section 331.301, subsection 10, paragraph e, subparagraph (2), subparagraph division (b), is amended to read as follows:

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the lease or lease-purchase contract, a petition is filed with the auditor in the manner provided by section 331.306, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the lease or lease-purchase contract to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the lease or lease-purchase contract. However, for purposes of this subparagraph (2), the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of . . . . enter into a lease or lease-purchase contract in an amount of \$. . . . for the purpose of . . . . ?

(iii) Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

**2010 Acts, Ch. 1061, Sec. 177.** Section 331.301, subsection 12, is amended to read as follows:

12. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); and section 331.441, subsection 2, paragraph “b”. Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by subsection 11 of this section; section 331.424, subsection 1, paragraph ~~“f”~~ “a”, subparagraph (6); or section 331.441, subsection 2, paragraph “b”.

### 331.323

**2010 Acts, Ch. 1061, Sec. 180.** Section 331.323, subsection 1, is editorially amended to read as follows:

1. *a.* A county may combine the duties of two or more of the following county officers and employees as provided in this subsection:

- (1) Sheriff
- (2) Treasurer
- (3) Recorder
- (4) Auditor
- (5) Medical examiner
- (6) General assistance director
- (7) County care facility administrator
- (8) Commission on veteran affairs
- (9) Director of social welfare
- (10) County assessor
- (11) County weed commissioner.

*b.* If a petition of electors equal in number to twenty-five percent of the votes cast for the county office receiving the greatest number of votes at the preceding general election is filed with the auditor no later than five working days before the filing deadline for candidates for county offices as specified in section 44.4 for the next general election, the board shall direct the commissioner of elections to call an election for the purpose of voting on the proposal. If the petition contains more than one proposal for combining duties, each proposal shall be listed on the ballot as a separate issue. If the majority of the votes cast is in favor of a proposal, the board shall take all steps necessary to combine the duties as specified in the petition.

*c.* The petition shall state the offices and positions to be combined and the offices or positions to be abolished. Offices and positions that have been combined may be subsequently separated by a petition and election in the same manner.

*d.* If an appointive officer or position is abolished, the term of office of the incumbent shall terminate one month from the day the proposal is approved. If an elective office is abolished, the incumbent shall hold office until the completion of the term for which elected, except that if a proposal is approved at a general election which fills the abolished office, the person elected shall not take office.

*e.* When the duties of an officer or employee are assigned to one or more elected officers, the board shall set the initial salary for each elected officer. Thereafter, the salary shall be determined as provided in section 331.907.

### 331.383

**2010 Acts, Ch. 1060, Sec. 7.** Section 331.383 is amended to read as follows:

**331.383 Duties and powers relating to elections.**

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may ~~authorize additional precinct election officials as provided in section 51.1,~~ provide for the use of an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

**331.402**

**2010 Acts, Ch. 1061, Sec. 135.** Section 331.402, subsection 3, paragraph d, subparagraph (2), subparagraph division (b), is amended to read as follows:

(b) ~~(i)~~ If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the auditor in the manner provided by section 331.306 asking that the question of entering into the loan agreement be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this subparagraph ~~(2)~~, the petition shall not require signatures in excess of one thousand persons.

~~(ii)~~ The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of . . . . enter into a loan agreement in amount of \$. . . . for the purpose of.....?

~~(iii)~~ Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

**331.424**

**2010 Acts, Ch. 1061, Sec. 136.** Section 331.424, subsection 1, is amended to read as follows:

1. ~~a.~~ For general county services, an amount sufficient to pay the charges for the following:

~~a.~~ ~~(1)~~ To the extent that the county is obligated by statute to pay the charges for:

~~(1)~~ ~~(a)~~ The costs of inpatient or outpatient substance abuse admission, commitment, transportation, care, and treatment at any of the following:

~~(a)~~ ~~(i)~~ The alcoholic treatment center at Oakdale. However, the county may require that an admission to the center shall be reported to the board by the center within five days as a condition of the payment of county funds for that admission.

~~—(b)—~~ (ii) A state mental health institute, or a community-based public or private facility or service.

~~—(2)—~~ (b) Care of children admitted or committed to the Iowa juvenile home at Toledo.

~~—(3)—~~ (c) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the university of Iowa hospitals and clinics' center for disabilities and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

~~—b.—~~ (2) Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court, including court-ordered costs for a guardian ad litem under section 232.71C.

~~—e.—~~ (3) Elections, and voter registration pursuant to chapter 48A.

~~—d.—~~ (4) Employee benefits under chapters 96, 97B, and 97C, which are associated with salaries for general county services.

~~—e.—~~ (5) Joint county and city building authorities established under section 346.27, as provided in subsection 22 of that section.

~~—f.—~~ (6) Tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the county, costs of a self-insurance program, costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

~~—g.—~~ (7) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

~~—h.—~~ (8) Court-ordered costs of conciliation procedures under section 598.16.

~~—i.—~~ (9) Establishment and maintenance of a joint county indigent defense fund pursuant to an agreement under section 28E.19.

~~—j.—~~ (10) The maintenance and operation of a local emergency management agency established pursuant to chapter 29C.

b. The board may require a public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and legal residence including township and county of each person who has received services from that facility for which payment has been made from county funds under ~~paragraphs "a" and "b"~~ paragraph "a", subparagraphs (1) and (2). However, the facility shall not disclose to anyone the name or street or route address of a person receiving services for which commitment is not required, without first obtaining that person's written permission.

c. Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

### 331.425

**2010 Acts, Ch. 1033, Sec. 44.** Section 331.425, subsection 4, is amended to read as follows:

4. The canvass shall be held ~~beginning at one o'clock~~ on the second day ~~which~~ that is not a holiday following the special levy election, and shall begin no earlier than 1:00 p.m. on that day.

### 331.461

**2010 Acts, Ch. 1079, Sec. 13.** Section 331.461, subsection 2, paragraph g, is amended to read as follows:

g. Housing for persons who are elderly or persons with ~~physical~~ disabilities.

### 331.501

**2010 Acts, Ch. 1033, Sec. 45.** Section 331.501, subsection 1, is amended to read as follows:

1. The office of auditor is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

### 331.551

**2010 Acts, Ch. 1033, Sec. 46.** Section 331.551, subsection 1, is amended to read as follows:

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

### 331.601

**2010 Acts, Ch. 1033, Sec. 47.** Section 331.601, subsection 1, is amended to read as follows:

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

### 331.651

**2010 Acts, Ch. 1061, Sec. 138.** Section 331.651 is amended to read as follows:

#### **331.651 Office of county sheriff.**

1. The office of sheriff is an elective office. However, if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section. 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.

2. A person elected or appointed sheriff shall meet all the following qualifications:

a. Have no felony convictions.

- b. Be age twenty-one or over at the time of assuming the office of sheriff.
  - c. Be a certified peace officer recognized by the Iowa law enforcement academy council under chapter 80B or complete the basic training course provided at the Iowa law enforcement academy's central training facility or a location other than the central training facility within one year of taking office. A person shall be deemed to have completed the basic training course if the person meets all course requirements except the physical training requirements.
- ~~—2.—~~ 3. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.
- ~~—3.—~~ 4. The term of office of the sheriff is four years.

### 331.751

**2010 Acts, Ch. 1033, Sec. 48.** Section 331.751, subsection 1, is amended to read as follows:

- 1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

### 336.2

**2010 Acts, Ch. 1031, Sec. 322 and 2010 Acts, Ch. 1061, Sec. 139.** Section 336.2 is amended to read as follows:

#### **336.2 Library districts formed.**

- 1. A library district may be established composed of one or more counties, one or more cities, or any combination of cities and counties.
- 2. a. Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district, the total number of board members, and how representation on the board shall be divided among the jurisdictions.
- b. The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the question to the registered voters within their respective counties and cities at the next general election. The petition shall be filed not less than eighty-two days before the election.
- 3. a. A library district shall be established if a majority of the electors voting on the question and residing in the proposed library district favor its establishment.
- b. 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 question favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.
- 4. After the establishment of a library district other areas may be included ~~by mutual agreement~~ subject to the approval of the board of trustees of the library district and the ~~governing body~~ passage of a referendum by the electors of the area sought to be included.

### 336.16

**2010 Acts, Ch. 1031, Sec. 331 and 2010 Acts, Ch. 1061, Sec. 140.** Section 336.16, is amended to read as follows:

#### **336.16 Withdrawal from district — termination.**

1. A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

2. A county may withdraw from the district after a majority of the voters of the unincorporated area of the county voting on the issue favor the withdrawal. The board of supervisors shall call for the election which shall be held at the next general election.

3. A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the public library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

4. 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 general or other county election.~~ If the vote favors termination, the termination shall be effective on the succeeding July 1.

5. An election for withdrawal from or termination of a library district shall not be held more than once each four years.

### 336.18

**2010 Acts, Ch. 1031, Sec. 332.** Section 336.18, subsection 4, paragraphs c and d, are amended to read as follows:

~~c. If a majority of those voting upon the 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.~~

~~d. The board of trustees may contract with any a library for library use or service for the benefit of the residents and area represented by it.~~

### 336.19

**2010 Acts, Ch. 1031, Sec. 333.** Add new section 336.19 as follows:

#### **336.19 Contracts for use of public library.**

1. *Contracting.* The board of library trustees may contract with any other board of

trustees of a free public library or any other city, school corporation, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

2. *Termination.* A contract entered into pursuant to subsection 1 may be terminated as follows:

a. By mutual consent of the contracting parties.

b. By a majority vote of the electors represented by either of the contracting parties.

Upon a written petition of a number of eligible electors equaling five percent or more of the number of electors voting at the last general election within the jurisdiction of the contracting party, a termination proposition shall be submitted to the electors by the governing body of the contracting party. The petition shall be presented to the governing body not less than forty days prior to the next general election or special election held throughout the jurisdiction of the party seeking to terminate the contract. The proposition shall be submitted at the next general election or next special election held throughout the jurisdiction of the party seeking to terminate the contract.

### 357J.16

**2010 Acts, Ch. 1033, Sec. 49.** Section 357J.16 is amended to read as follows:

#### **357J.16 Bonds in anticipation of revenue.**

A district may anticipate the collection of taxes by the levy authorized in section 357J.10, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53. The commission shall give the county commissioner of elections ~~thirty-two~~ forty-six days' notice of the special election.

### 358.2

**2010 Acts, Ch. 1061, Sec. 145.** Section 358.2 is amended to read as follows:

#### **358.2 Petition — deposit.**

1. Any twenty-five or more eligible electors resident within the limits of any proposed sanitary district may file a petition in the office of the county auditor of the county in which the proposed sanitary district, or the major portion thereof, is located, requesting that there be submitted to the registered voters of such proposed district the question whether the territory within the boundaries of such proposed district shall be organized as a sanitary district under this chapter. Such petition shall be addressed to the board of supervisors of the county wherein it is filed and shall set forth:

~~1.~~ a. An intelligible description of the boundaries of the territory to be embraced in such district.

~~2.~~ b. The name of such proposed sanitary district.

~~3.~~ c. That the public health, comfort, convenience, or welfare will be promoted by the establishment of such sanitary district.

~~4.~~ d. The signatures of the petitioners.

2. No territory shall be included within more than one sanitary district organized under this chapter, and if any proposed sanitary district shall fail to receive a majority of votes cast at any election thereon as hereinafter provided, no petition shall be filed for

establishment of such a sanitary district within one year from the date of such previous election.

3. a. There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

b. No preliminary expense shall be incurred before the establishment of the proposed sanitary district by the board in excess of the amount of bond filed by the petitioners. In case it is necessary to incur any expense in addition to the amount of the bond, the board of supervisors shall require the filing of an additional security until the additional bond is filed in sufficient amount to cover the expense.

**358.7**

**2010 Acts, Ch. 1061, Sec. 146.** Section 358.7 is amended to read as follows:

**358.7 Election.**

1. Each registered voter resident within such proposed sanitary district shall have the right to cast a ballot at such election and no person shall vote in any precinct but that of the person's residence. Ballots at such election shall be in substantially the following form, to wit:

- For Sanitary District
- Against Sanitary District

2. The board of supervisors shall cause a statement of the result of such election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed sanitary district shall thenceforth be deemed an organized sanitary district under this chapter and established as conducive to the public health, comfort, convenience, and welfare.

**359.11**

**2010 Acts, Ch. 1033, Sec. 50.** Section 359.11 is amended to read as follows:

**359.11 Officers to be elected.**

At ~~said the~~ election there shall be elected ~~one trustee~~ two trustees for a term of two years, ~~one trustee for a term of three years,~~ and one trustee for a term of four years, and ~~other officers as provided by law~~ one clerk for a term of four years.

**362.3**

**2010 Acts, Ch. 1061, Sec. 180.** Section 362.3 is editorially amended to read as follows:

**362.3 Publication of notices.**

- 1. Unless otherwise provided by state law:
  - a. If notice of an election, hearing, or other official action is required by the city code, the notice must be published at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action.

b. A publication required by the city code must be in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, or in the case of ordinances and amendments to be published in a city in which no newspaper is published, a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.

2. In the case of notices of elections, a city with a population of two hundred or less meets the publication requirement of this section by posting notices of elections in three public places which have been designated by ordinance.

### 368.11

**2010 Acts, Ch. 1061, Sec. 180.** Section 368.11, subsection 3, paragraph m, is editorially amended to read as follows:

m. (1) In the discretion of a city council, a provision for a transition for the imposition of city taxes against property within an annexation area. The provision shall allow for an exemption from taxation of the following percentages of assessed valuation according to the following schedule:

- (a) For the first and second years, seventy-five percent.
- (b) For the third and fourth years, sixty percent.
- (c) For the fifth and sixth years, forty-five percent.
- (d) For the seventh and eighth years, thirty percent.
- (e) For the ninth and tenth years, fifteen percent.

(2) An alternative schedule may be adopted by the city council. However, an alternative schedule shall not allow a greater exemption than that provided in this paragraph. The exemption shall be applied in the levy and collection of taxes. The provision may also allow for the partial provision of city services during the time in which the exemption from taxation is in effect. If the city council provides for a transition for the imposition of city taxes against property in an annexation area, all property owners included in the annexation area must receive the transition upon completion of the annexation.

### 368.20

**2010 Acts, Ch. 1061, Sec. 149.** Section 368.20 is amended to read as follows:

#### **368.20 Procedure after approval.**

1. After the county commissioner of elections has certified the results to the board, the board shall:

~~1.~~ a. Serve and publish notice of the result as provided in section 362.3.

~~2.~~ b. File with the secretary of state and the clerk of each city incorporated or involved in a boundary adjustment, and record with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings.

2. Upon proper filing and expiration of time for appeal, the incorporation, discontinuance, or boundary adjustment is complete. However, if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided, unless a

subsequent date is provided in the proposal. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed incorporation or corporate boundary adjustment completed under sections 368.11 through 368.22 or approved annexation within an urbanized area.

## 368.22

**2010 Acts, Ch. 1061, Sec. 150.** Section 368.22 is amended to read as follows:

### **368.22 Appeal.**

1. a. A city, or a resident or property owner in the territory or city involved may appeal a decision of the board or a committee, or the legality of an election, to the district court of a county which contains a portion of any city or territory involved.

b. Appeal must be filed within thirty days of the filing of a decision or the publication of notice of the result of an election.

c. Appeal of an approval of a petition or plan does not stay the election.

2. The judicial review provisions of this section and chapter 17A shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of that agency action. The court's review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence. The court may reverse and remand a decision of the board or a committee, with appropriate directions.

3. The following portions of section 17A.19 are not applicable to this chapter:

~~1. a.~~ The part of subsection 2 which relates to where proceedings for judicial review shall be instituted.

~~2. b.~~ Subsection 5.

~~3. c.~~ Subsection 8.

~~4. d.~~ Subsection 9.

~~5. e.~~ Subsection 10.

~~6. f.~~ Subsection 11.

## 372.1

**2010 Acts, Ch. 1061, Sec. 180.** Section 372.1 is editorially amended to read as follows:

### **372.1 Forms of cities.**

1. The forms of city government are:

a. Mayor-council, or mayor-council with appointed manager.

b. Commission.

c. Council-manager-at-large.

d. Council-manager-ward.

e. Home rule charter.

f. Special charter.

g. City-county consolidated form as provided in sections 331.247 through 331.252.

h. Community commonwealth as provided in sections 331.260 through 331.263.

2. A city when first incorporated has the mayor-council form. A city retains its form of government until it adopts a different form as provided in this division.

3. Within thirty days of the date that this section becomes effective, a city shall adopt by ordinance a charter embodying its existing form of government, which must be one of the

forms provided in this division, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

### 372.4

**2010 Acts, Ch. 1061, Sec. 180.** Section 372.4, subsection 1, is editorially amended to read as follows:

1. *a.* A city governed by the mayor-council form has a mayor and five council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The council may, by ordinance, provide for a city manager and prescribe the manager's powers and duties, and as long as the council contains an odd number of council members, may change the number of wards, abolish wards, or increase the number of council members at large without changing the form.

*b.* However, a city governed, on July 1, 1975, by the mayor-council form composed of a mayor and a council consisting of two council members elected at large and one council member from each of four wards, or a special charter city governed, on July 1, 1975, by the mayor-council form composed of a mayor and a council consisting of two council members elected at large and one council member elected from each of eight wards, may continue until the form of government is changed as provided in section 372.2 or section 372.9. While a city is thus operating with an even number of council members, the mayor may vote to break a tie vote on motions not involving ordinances, resolutions or appointments made by the council alone, and in a special charter city operating with ten council members under this section, the mayor may vote to break a tie vote on all measures.

### 372.5

**2010 Acts, Ch. 1061, Sec. 151.** Section 372.5 is amended to read as follows:

#### **372.5 Commission form.**

1. A city governed by the commission form has five departments as follows:

- ~~1.~~ *a.* Department of public affairs.
- ~~2.~~ *b.* Department of accounts and finances.
- ~~3.~~ *c.* Department of public safety.
- ~~4.~~ *d.* Department of streets and public improvements.
- ~~5.~~ *e.* Department of parks and public property.

2. *a.* A city governed by the commission form has a council composed of a mayor and four council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The mayor administers the department of public affairs and each other council member is elected to administer one of the other four departments.

*b.* However, a city governed, on July 1, 1975, by the commission form and having a council composed of a mayor and two council members elected at large may continue with a council of three until the form of government is changed as provided in section 372.2 or section 372.9 or without changing the form, may submit to the voters the question of increasing the council to five members assigned to the five departments as set out in this section.

3. The mayor shall supervise the administration of all departments and report to the council all matters requiring its attention. The mayor is a member of the council and may vote on all matters before the council.

4. The council member elected to administer the department of accounts and finances is mayor pro tem.

5. The council may appoint a city treasurer or may, by ordinance, provide for election of that officer.

### **373.2**

**2010 Acts, Ch. 1061, Sec. 180.** Section 373.2, subsection 2, is editorially amended to read as follows:

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and gender balanced and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area.

3. *a.* A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

*b.* The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with this subsection. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with this subsection.

### **373.7**

**2010 Acts, Ch. 1061, Sec. 152.** Section 373.7 is amended to read as follows:

#### **373.7 Form of ballot.**

1. The question of metropolitan consolidation shall be submitted to the electors in substantially the following form:

Should the cities of . . . and . . . unite to form one joint metropolitan corporation government?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

### **373.11**

**2010 Acts, Ch. 1061, Sec. 180.** Section 373.11, subsection 1, is editorially amended to read as follows:

1. The charter of consolidation shall provide for the transfer into the metropolitan consolidated corporation of areawide services which had been provided by other boards, commissions, and local governments. The metropolitan council shall have the authority to determine the boundaries of the service areas, except that formation of a consolidated metropolitan corporation shall not affect the assignment of electric utility service

territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

a. For each service provided by the consolidated metropolitan corporation, the consolidated metropolitan corporation shall assume the same statutory rights, powers, and duties, except taxing authority, relating to the provision of such service as if the member city were itself providing the service to its citizens. However, the consolidated metropolitan corporation shall not assume any of the governmental functions of its member cities except as the functions relate to the delivery of services and except as provided in section 373.8.

b. If a service is being provided by the consolidated metropolitan corporation to any member city that member city shall not invoke any statutory right, power, or duty relating to the delivery of the service to its citizens.

#### 376.4

**2010 Acts, Ch. 1033, Sec. 51.** Section 376.4, subsection 5, is amended to read as follows:

5. Nomination papers filed with the city clerk shall be available for public inspection. The city clerk shall deliver all nomination papers together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections ~~not later than 5:00 p.m.~~ on the day following the last day on which nomination petitions can be filed, and not later than 5:00 p.m. on that day.

#### 376.6

**2010 Acts, Ch. 1061, Sec. 180.** Section 376.6 is editorially amended to read as follows:

##### **376.6 Primary or other method of nomination — certification.**

1. An individual for whom a valid petition is filed becomes a candidate in the regular city election for the office for which the individual has filed, except that a primary election must be held for offices for which the number of individuals for whom valid petitions are filed is more than twice the number of positions to be filled. However:

a. The council may by ordinance choose to have a runoff election, as provided in section 376.9, in lieu of a primary election.

b. If the council has by ordinance chosen to have nominations made in the manner provided by chapter 44 or 45, neither a primary election nor a runoff election is required.

2. 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 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.

#### 376.7

**2010 Acts, Ch. 1033, Sec. 52.** Section 376.7 is amended to read as follows:

### **376.7 Date of primary.**

1. If a primary election is necessary, it shall be held on the Tuesday four weeks before the date of the regular city election. For each office on the ballot, a voter shall only vote for the number of persons to be elected to that office at the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held ~~beginning at one o'clock in the afternoon~~ on the second day following the primary election, and beginning no earlier than 1:00 p.m. on that day.

2. The names of those candidates who receive the highest number of votes for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular city election as candidates for that office.

### **376.8**

**2010 Acts, Ch. 1061, Sec. 153.** Section 376.8, subsection 2, is amended to read as follows:

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection 1, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multimember body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled. In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.

~~In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.~~

### **376.9**

**2010 Acts, Ch. 1033, Sec. 53.** Section 376.9 is amended to read as follows:

#### **376.9 Runoff election.**

1. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, at a meeting to be held ~~beginning at one o'clock in the afternoon~~ on the second day following the regular city election, and beginning no earlier than 1:00 p.m. on that day. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

2. Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

3. Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

**2010 Acts, Ch. 1033, Sec. 54.** Section 376.11 is amended to read as follows:

**376.11 Write-in votes.**

1. Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If the result is a tie vote, lots shall be drawn pursuant to section 50.44. If a person who was elected by write-in votes chooses not to serve in that office the person shall submit a resignation in writing to the city clerk not later than ~~five~~ 5:00 p.m. on the tenth day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

2. Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If there is more than one person who received the next highest number of votes cast for the office, lots shall be drawn pursuant to section 50.44 to determine the person who received the next highest number of votes. If the person accepts the position, the person shall be considered the duly elected officer unless, within ten days after the clerk has given notice, a petition requesting a special election is filed by eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the city clerk within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

3. In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections or the city clerk not later than ~~five o'clock~~ 5:00 p.m. on the day after the canvass of the primary election. If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

4. In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the city clerk or commissioner of elections not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner or the city clerk not later than ~~five o'clock~~ 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was

declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections or the city clerk not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

### 384.12

**2010 Acts, Ch. 1033, Sec. 55.** Section 384.12, subsection 20, paragraphs a and d, are amended to read as follows:

*a.* The election may be held as specified in this subsection if notice is given by the city council, not later than ~~thirty-two~~ forty-six days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

*d.* The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held ~~beginning at one o'clock~~ on the second day that is not a holiday following the special levy election, and beginning no earlier than 1:00 p.m. on that day.

### 384.24

**2010 Acts, Ch. 1079, Sec. 15.** Section 384.24, subsection 2, paragraph k, is amended to read as follows:

*k.* Housing for persons who are elderly or persons with ~~physical~~ disabilities.

### 384.24A

**2010 Acts, Ch. 1061, Sec. 154.** Section 384.24A, subsection 4, paragraph b, subparagraph (2), is amended to read as follows:

(2) (a) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the loan agreement be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this paragraph, the petition shall not require signatures in excess of one thousand persons.

(b) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the city of . . . enter into a loan agreement in amount of \$. . . for the purpose of . . . ?

(c) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

## **389.2**

**2010 Acts, Ch. 1061, Sec. 156.** Section 389.2 is amended to read as follows:

### **389.2 Submission to voters.**

A joint water utility may be established by two or more cities. A proposal to establish a joint water utility or to join an existing joint water utility may be submitted to the voters of a city by the city council upon its own motion, or upon receipt of a valid petition pursuant to section 362.4.

1. If the proposal is to establish a joint water utility, the proposal shall be submitted to the voters of each city proposing to establish the joint water utility. If a majority of the electorate in each of at least two cities approves the proposal, the cities approving the proposal may establish a joint water utility.

2. If the proposal is to join an existing joint water utility, the proposal must first be submitted to the joint water utility board for its approval. If the proposal is approved by the board, the proposal shall be submitted to the electorate of the city wishing to join. The proposal must receive a majority affirmative vote for passage.

## **633.679**

**2010 Acts, Ch. 1143, Sec. 4.** Section 633.679 is amended to read as follows:

### **633.679 Petition to terminate — cases transferred from juvenile court — request for voting rights reinstatement.**

1. ~~At~~ Except as otherwise provided in subsection 2, at any time after the appointment of a guardian or conservator, the person under guardianship or conservatorship may apply to the court by petition, alleging that the person is no longer a proper subject thereof, and asking that the guardianship or conservatorship be terminated.

2. Unless the child or guardian dies or other exceptional circumstances arise, if the court has appointed a guardian for a minor child for whom the court's jurisdiction over the child's guardianship was established pursuant to transfer of the child's case in accordance with section 232.104, a petition shall not be filed asking that the guardianship be terminated or modified until at least six months has elapsed from the date the order was entered appointing the guardian.

3. A person under an order appointing a guardian which order found the person incompetent to vote may include a request for reinstatement of the person's voting rights in a petition to terminate the guardianship or by filing a separate petition for modification of this determination.