



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 22, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2620, an Act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2620

AN ACT

RELATING TO THE CONDUCT OF ELECTIONS AND VOTER REGISTRATION,
MAKING PENALTIES APPLICABLE, AND INCLUDING EFFECTIVE DATE,
APPLICABILITY DATE, AND TRANSITION PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ELECTION OF SCHOOL CORPORATION BOARDS OF DIRECTORS

Section 1. Section 39.24, Code 2007, is amended to read as follows:

39.24 SCHOOL OFFICERS.

Members of boards of directors of community and independent school districts, and boards of directors of merged areas shall be elected at the school election. Their terms of office shall be ~~three~~ four years, except as otherwise provided by section 260C.11 ~~or~~, 260C.13, 275.23A, 275.37, or 275.37A.

Sec. 2. Section 260C.11, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the ~~annual~~ regular school elections for members whose terms expire. The term of a member of the board of directors is ~~three~~ four years and commences at the organization meeting. Vacancies on the board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the

board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 3. Section 260C.12, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The board of directors of the merged area shall organize at the first regular meeting in October ~~of each year~~ following the regular school election. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in section 291.2 and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under chapter 291 and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

Sec. 4. Section 260C.13, subsection 1, Code 2007, is amended to read as follows:

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than June 1 ~~for the regular school election to be held the next following September~~ of the regular school election. As soon as possible after adoption of the boundary changes, notice of changes in the director district boundaries shall be submitted by the merged area to the county commissioner of elections in all counties included in whole or in part in the merged area.

Sec. 5. Section 260C.15, subsection 1, Code 2007, is amended to read as follows:

1. Regular elections held ~~annually~~ by the merged area for the election of members of the board of directors as required by section 260C.11, for the renewal of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22, or for any other matter authorized by law and designated for election by the board of

directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 ~~to~~ through 53 and section 277.20.

Sec. 6. Section 260C.22, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. In addition to the tax authorized under section 260C.17, the voters in any a merged area may at the ~~annual~~ regular school election vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was voted.

Sec. 7. Section 273.8, subsections 1 and 7, Code 2007, are amended to read as follows:

1. BOARD OF DIRECTORS. The board of directors of an area education agency shall consist of not less than five nor more than nine members, each a resident of and elected in the manner provided in this section from a director district that is approximately equal in population to the other director districts in the area education agency. Each director shall serve a ~~three-year~~ four-year term which commences at the organization meeting.

7. BOUNDARY LINE CHANGES. To the extent possible the board shall provide that changes in the boundary lines of director districts of area education agencies shall not lengthen or diminish the term of office of a director of an area education agency board. Initial terms of office shall be set by the board so that as nearly as possible the terms of ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

Sec. 8. Section 273.8, subsection 2, paragraphs a and b, Code 2007, are amended to read as follows:

a. Notice of the election shall be published by the area education agency administrator not later than July 15 of the odd-numbered year in at least one newspaper of general circulation in the director district. The cost of publication shall be paid by the area education agency.

b. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary not later than August 15 of the odd-numbered year, on forms prescribed by the department of education. The statement of candidacy shall include the candidate's name, address, and school district. The list of candidates shall be sent by the secretary of the area education agency in ballot form by certified mail to the presidents of the boards of directors of all school districts within the director district not later than September 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on September 30 or be clearly postmarked by an officially authorized postal service not later than September 29 and received by the secretary not later than noon on the first Monday following September 30.

Sec. 9. Section 273.8, subsection 4, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The board of directors of each area education agency shall meet and organize at the first regular meeting in October ~~of each-year~~ following the regular school election at a suitable place designated by the president. Directors whose terms commence at the organization meeting shall qualify by taking the oath of office required by section 277.28 at or before the organization meeting.

Sec. 10. Section 274.7, Code 2007, is amended to read as follows:

274.7 DIRECTORS.

The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent school districts shall be chosen for a term of ~~three~~ four years.

Sec. 11. Section 275.1, subsections 2 and 5, Code 2007, are amended to read as follows:

2. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or 275.41 and functions until the organizational meeting following the ~~fourth~~ third regular school election held after the effective date of the reorganization.

5. "Regular board" means the board of a reorganized district that begins to function at the organizational meeting following the ~~fourth~~ third regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.

Sec. 12. Section 275.12, subsection 2, Code 2007, is amended to read as follows:

2. The petition filed under subsection 1 shall also state the name of the proposed school district and the number of directors which may be either five or seven and the method of election of the school directors of the proposed district. The method of election of the directors shall be one of the following optional plans:

a. Election at large from the entire district by the electors of the entire district.

b. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which ~~director-districts~~ shall be represented on the school board by one or more directors who shall be residents of the director district but who shall be elected by the vote of the electors of the entire school district. The boundaries of the director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the ~~annual~~ regular school election. ~~Insofar As~~ far as ~~may-be~~ practicable, the boundaries of the districts

shall follow established political or natural geographical divisions.

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member or multimember director districts into which the entire school district shall be divided on the basis of population for each director. In such case, all directors shall be elected by the electors of the entire school district. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the ~~annual~~ regular school election.

d. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which ~~director-districts~~ shall be represented on the school board by one or more directors who shall be residents of the director district and who shall be elected by the voters of the director district. Place of voting in the director districts shall be designated by the commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the ~~annual~~ regular school election.

e. In districts having seven directors, election of three directors at large by the electors of the entire district, one no more than two at each ~~annual~~ regular school election, and election of the remaining directors as residents of and by the electors of individual geographic subdistricts established on the basis of population and identified as director districts, no more than two at each regular school election. Boundaries of the subdistricts shall follow precinct boundaries, ~~insofar as far~~ as far as practicable, and shall not be changed less than sixty days prior to the ~~annual~~ regular school election.

Sec. 13. Section 275.25, subsection 3, Code 2007, is amended to read as follows:

3. The directors who are elected and qualify to serve shall serve until their successors are elected and qualify. At the special election, the three newly elected ~~director~~ directors receiving the most votes shall be elected to serve until ~~the-director's-successor-qualifies~~ their successors qualify after the ~~fourth~~ third regular school election date

occurring after the effective date of the reorganization, and the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the ~~third~~ second regular school election date occurring after the effective date of the reorganization, ~~and the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the second regular school election date occurring after the effective date of the reorganization.~~ However, in districts that include all or a part of a city of fifteen thousand or more population and in districts in which the proposition to establish a new corporation provides for the election of seven directors, ~~the three newly elected directors receiving the most votes shall be elected to serve until the directors' successors qualify after the fourth regular school election date occurring after the effective date of the reorganization~~ timelines specified in this subsection for the terms of office apply to the four newly elected directors receiving the most votes and then to the three newly elected directors receiving the next largest number of votes.

Sec. 14. Section 275.37, Code 2007, is amended to read as follows:

275.37 INCREASE IN NUMBER OF DIRECTORS.

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

Sec. 15. Section 275.37A, Code 2007, is amended to read as follows:

275.37A DECREASE IN NUMBER OF DIRECTORS.

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

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

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

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

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

Sec. 16. Section 275.38, Code 2007, is amended to read as follows:

275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

If change in the method of election of school directors is approved at a regular or special school election, the directors who were serving unexpired terms or were elected concurrently with approval of the change of method shall serve out the terms for which they were elected. If the plan adopted is that described in section 275.12, subsection 2, paragraph ~~"b", "c", "d", or "e"~~ "b", "c", "d", or "e", the board shall at the earliest practicable time designate the

districts from which residents are to be elected as school directors at each of the next ~~three~~ two succeeding ~~annual~~ regular school elections, arranging so far as possible for elections of directors as residents of the respective districts to coincide with the expiration of terms of incumbent members residing in those districts. If an increase in the size of the board from five to seven members is approved concurrently with the change in method of election of directors, the board shall make the necessary adjustment in the manner prescribed in section 275.37, as well as providing for implementation of the districting plan under this section.

Sec. 17. Section 275.41, subsection 3, Code 2007, is amended to read as follows:

3. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the ~~second~~ first regular school election held after the effective date of the merger and is completed at the ~~fourth~~ third regular school election held after the effective date of the merger, to replace the initial board with the regular board. If the petition specifies a number of directors on the regular board to be different from the number of directors on the initial board, the plan shall provide that the number specified in the petition for the regular board is in place by the time the regular board is formed. The plan shall provide that as nearly as possible ~~one-third~~ one-half of the members of the board shall be elected ~~each-year~~ biennially, and if a special election was held to elect a member to create an odd number of members on the board, the term of that member shall end at the organizational meeting following the ~~fourth~~ third regular school election held after the effective date.

Sec. 18. Section 277.1, Code 2007, is amended to read as follows:

277.1 REGULAR ELECTION.

The regular election shall be held ~~annually~~ biennially on the second Tuesday in September of each odd-numbered year in each school district for the election of officers of the district and merged area and for the purpose of submitting to the voters any matter authorized by law.

Sec. 19. Section 277.25, Code 2007, is amended to read as follows:

277.25 DIRECTORS IN NEW DISTRICTS.

At the first election in newly organized districts the directors shall be elected as follows:

1. In districts having three directors, ~~one-director~~ two directors shall be elected for ~~one-year, one-for~~ two years, and one for ~~three~~ four years.

2. In districts having five directors, ~~two~~ three shall be elected for ~~one-year, two-for~~ two years, and one two for ~~three~~ four years.

3. In districts having seven directors, ~~two~~ four shall be elected for ~~one-year, two-for~~ two years, and three for ~~three~~ four years.

Sec. 20. Section 278.2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Petitions filed under this section shall be filed with the secretary of the school board at least seventy-five days before the date of the ~~annual~~ regular school election, if the question is to be included on the ballot at that election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Sec. 21. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION. This division of this Act, being deemed of immediate importance, takes effect upon enactment, for purposes of the transition from election of directors of community and independent school districts, merged areas, and area education agencies annually for terms of three years each to the staggered election of such directors biennially for terms of four years each. This Act shall be applied so that the first election at which directors, due to the expiration of predecessor director terms, shall be elected to serve regular four-year terms is the regular school election held in September 2009 or the director district conventions held in September 2009.

The board of directors of each affected school district and each merged area and area education agency shall review the expiration dates of the terms of office of its directors and shall adopt by resolution a plan for shortening or lengthening terms of members for the annual school election or director district convention held in September 2007 and September 2008 so that all members whose terms expire at the regular school election or director district convention held in September 2009 will be elected to four-year terms with the remaining

members of the board having their terms expire at the regular school election or director district convention held in September 2011. The board shall submit a copy of the resolution adopting its plan to the office of the state commissioner of elections no later than August 1, 2008. In developing the plan, the board of directors shall take into consideration the terms for which the members were elected and the number of votes the members received in relation to the number of votes other candidates received at the applicable election or director district convention.

DIVISION II

VOTING CENTERS FOR CERTAIN ELECTIONS

Sec. 22. Section 49.9, Code 2007, is amended to read as follows:

49.9 PROPER PLACE OF VOTING.

~~No~~ Except as provided in section 49.11, subsection 1A, a person shall not vote in any precinct but that of the person's residence.

Sec. 23. Section 49.11, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. a. Establish voting centers for the regular city election, city primary election, city runoff election, regular school election, and special elections. Any registered voter who is eligible to vote in the regular city election may vote at any voting center in the city. Any registered voter who is eligible to vote at the regular school election may vote at any voting center in the school district. Any registered voter who is eligible to vote in a special election may vote at any voting center established for that special election. For purposes of section 48A.7A, a voting center shall be considered the polling place for the precinct in which a person resides.

b. The county commissioner of elections shall designate the location of each voting center to be used in the election.

c. A voting center designated under this subsection is subject to the requirements of section 49.21 relating to accessibility to persons who are elderly and persons with disabilities and relating to the posting of signs. The location of each voting center shall be published by the county commissioner of elections in the same manner as the location of polling places is required to be published.

d. Pursuant to section 39A.2, subsection 1, paragraph "b", subparagraph (3), a person commits the crime of election misconduct in the first degree if the person knowingly votes or attempts to vote at more than one voting center for the same election.

DIVISION III

DATES OF SPECIAL ELECTIONS

Sec. 24. Section 39.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Unless otherwise provided by law, special elections on public measures are limited to the following dates:

a. For a county, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same county, or on the first Tuesday in March, the first Tuesday in May, or the first Tuesday in August of each year.

b. For a city, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on the first Tuesday in March, the first Tuesday in May, or the first Tuesday in August of each year.

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district or merged area, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the second Tuesday in September, or the first Tuesday in December.

Sec. 25. Section 47.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The governing body of any a political subdivision which has authorized a special election to which section 39.2 is, subsections 1, 2, and 3, are applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. If a public measure will appear on the ballot at the special election the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

Sec. 26. Section 47.6, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. A city council or a county board of supervisors that has authorized a public measure to be submitted to the voters at a special election held pursuant to section 39.2, subsection 4, shall file the full text of the public measure with the commissioner no later than five p.m. on the forty-sixth day before the election.

b. If there are vacancies in county offices to be filled at the special election, candidates shall file their nomination papers with the commissioner not later than five p.m. on the forty-sixth day before the election.

c. If there are vacancies in city offices to be filled at the special election, candidates shall file their nomination papers with the city clerk not later than five p.m. on the forty-seventh day before the election. The city clerk shall deliver the nomination papers to the commissioner not later than five p.m. on the forty-sixth day before the election. Candidates for city offices in cities in which a primary election may be necessary shall file their nomination papers with the city clerk not later than five p.m. on the fifty-fourth day before the election. The city clerk shall deliver the nomination papers to the commissioner not later than five p.m. on the fifty-third day before the election.

Sec. 27. Section 69.12, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. A vacancy shall be filled at the next pending election if it occurs:

(1) Seventy-four or more days before the election, if it is a general election.

(2) Fifty-two or more days before the election, if it is a regularly scheduled or special city election. However, for those cities which may be required to hold a primary election, the vacancy shall be filled at the next pending election if it occurs seventy-three or more days before a regularly scheduled city election or fifty-nine or more days before a special city election.

(3) Forty-five or more days before the election, if it is a regularly scheduled school election.

(4) ~~Forty~~ Sixty or more days before the election, if it is a special election.

Sec. 28. Section 69.12, subsection 1, paragraph b, subparagraph (2), Code 2007, is amended to read as follows:

(2) The candidate filing deadline specified in section 376.4 for ~~a-regularly-scheduled~~ the regular city election or the filing deadline specified in section 372.13, subsection 2, for a special city election.

Sec. 29. Section 75.1, unnumbered paragraph 3, Code 2007, is amended to read as follows:

When a proposition to authorize an issuance of bonds has been submitted to the electors under this section and the proposal fails to gain approval by the required percentage of votes, such proposal, or any proposal which incorporates any portion of the defeated proposal, shall not be submitted to the electors for a period of six months from the date of such regular or special election and may only be submitted on a date specified in section 39.2, subsection 4, paragraph "a", "b", or "c", as applicable.

Sec. 30. Section 99F.7, subsection 11, paragraphs a and c, Code Supplement 2007, are amended to read as follows:

a. A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the registered voters of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted ~~at-a-general-election-or at a-special~~ an election called-for-that-purpose held on a date specified in section 39.2, subsection 4, paragraph "a". To be submitted at a general election, the petition must be received by the board of supervisors at least five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued.

c. If a licensee of a pari-mutuel racetrack who held a valid license issued under chapter 99D as of January 1, 1994, requests a license to operate gambling games as provided in

this chapter, the board of supervisors of a county in which the licensee of a pari-mutuel racetrack requests a license to operate gambling games shall submit to the county electorate a proposition to approve or disapprove the operation of gambling games at pari-mutuel racetracks at ~~a special~~ an election at the earliest-practicable-time held on a date specified in section 39.2, subsection 4, paragraph "a". If the operation of gambling games at the pari-mutuel racetrack is not approved by a majority of the county electorate voting on the proposition at the election, the commission shall not issue a license to operate gambling games at the racetrack.

Sec. 31. Section 145A.7, Code 2007, is amended to read as follows:

145A.7 SPECIAL ELECTION.

When a protesting petition is received, the officials receiving the petition shall call a special election of all registered voters of that political subdivision ~~for the purpose~~ upon the question of approving or rejecting the order setting out the proposed merger plan. The election shall be held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", as applicable. The vote will be taken by ballot in the form provided by sections 49.43 to 49.47, and the election shall be initiated and held as provided in chapter 49. A majority vote of those registered voters voting at ~~said~~ the special election shall be sufficient to approve the order and thus include the political subdivision within the merged area.

Sec. 32. Section 257.18, subsection 1, Code 2007, is amended to read as follows:

1. An instructional support program that provides additional funding for school districts is established. A board of directors that wishes to consider participating in the instructional support program shall hold a public hearing on the question of participation. The board shall set forth its proposal, including the method that will be used to fund the program, in a resolution and shall publish the notice of the time and place of a public hearing on the resolution. Notice of the time and place of the public hearing shall be published not less than ten nor more than twenty days before the public hearing in a newspaper which is a newspaper of general circulation in the school district. At the hearing, or no later than thirty days after the date of the hearing,

the board shall take action to adopt a resolution to participate in the instructional support program for a period not exceeding five years or to direct the county commissioner of elections to submit the question of participation in the program for a period not exceeding ten years to the registered voters of the school district at ~~the next regular school election or at a special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". If the board submits the question at an election and a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and certify the results of the election to the department of management.

Sec. 33. Section 257.18, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If the board does not provide for an election and adopts a resolution to participate in the instructional support program, the district shall participate in the instructional support program unless within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that ~~an election be called~~ the question to approve or disapprove the action of the board in adopting the instructional support program be submitted to the voters of the school district. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at ~~the next following regular school election or a special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not participate in the instructional support program. If a majority of those voting on the question favors approval of the action, the board shall certify the results of the election to the department of management and the district shall participate in the program.

Sec. 34. Section 257.29, unnumbered paragraph 1, Code 2007, is amended to read as follows:

An educational improvement program is established to provide additional funding for school districts in which the regular program district cost per pupil for a budget year is one hundred ten percent of the regular program state cost per pupil for the budget year and which have approved the use of the instructional support program established in section 257.18. A board of directors that wishes to consider participating in the educational improvement program shall hold a hearing on the question of participation and the maximum percent of the regular program district cost of the district that will be used. The hearing shall be held in the manner provided in section 257.18 for the instructional support program. Following the hearing, the board may direct the county commissioner of elections to submit the question to the registered voters of the school district at ~~the next following regular school election or a special~~ an election held not later than the following February 1 on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question favors participation in the program, the board shall adopt a resolution to participate and shall certify the results of the election to the department of management and the district shall participate in the program. If a majority of those voting on the question does not favor participation, the district shall not participate in the program.

Sec. 35. Section 257.29, unnumbered paragraph 5, Code 2007, is amended to read as follows:

Once approved at an election, the authority of the board to use the educational improvement program shall continue until the board votes to rescind the educational improvement program or the voters of the school district by majority vote order the discontinuance of the program. The board shall ~~each~~ submit at an election to vote on held on a date specified in section 39.2, subsection 4, paragraph "c", the proposition whether to discontinue the program upon the receipt of a petition signed by not less than one hundred eligible electors or thirty percent of the number of electors voting at the last preceding school election, whichever is greater.

Sec. 36. Section 260C.28, subsection 3, Code 2007, is amended to read as follows:

3. If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county

commissioner of elections to ~~call-an-election-to~~ submit the question of such authorization for the board at ~~a-regular-or special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election. If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board ~~shall-not~~ may submit the question to the voters again ~~until-three hundred-fifty-five-days-have-elapsed-from-the~~ at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 37. Section 260C.39, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Any merged area may combine with any adjacent merged area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at ~~a-special~~ an election to-be held on a date specified in section 39.2, subsection 4, paragraph "c" and held on the same day in each area. The special-election-shall-not-be-held-within-thirty-days-of-any general-election. Prior to the ~~special~~ election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located who shall publish notice of the election according to section 49.53. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 to 53. The votes cast in the election shall be canvassed by the county board of supervisors and the county ~~commissioners~~ commissioner of elections ~~who-conducted-the-election~~ of each county in the merged areas shall certify the results to the board of directors of each merged area.

Sec. 38. Section 275.18, unnumbered paragraph 1, Code 2007, is amended to read as follows:

When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of the proposed school corporation have been determined as provided in this chapter,

the area education agency administrator with whom the petition is filed shall give written notice of the ~~proposed date of the~~ election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base. ~~The proposed date shall be as soon as possible pursuant to section 39.2, subsections 1 and 2, and section 47.6, subsections 1 and 2, but not later than November 30 of~~ question shall be submitted to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c" in the calendar year prior to the calendar year in which the reorganization will take effect.

Sec. 39. Section 275.23A, subsection 2, Code 2007, is amended to read as follows:

2. Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 1 according to the most recent federal decennial census. In addition to the authority granted to voters to change the number of directors or method of election as provided in sections 275.35, 275.36, and 278.1, the board of directors of a school district may, following a federal decennial census, by resolution and in accordance with this section, authorize a change in the method of election as set forth in section 275.12, subsection 2, or a change to either five or seven directors after the board conducts a hearing on the resolution. If the board proposes to change the number of directors from seven to five directors, the resolution shall include a plan for reducing the number of directors. If the board proposes to increase the number of directors to seven directors, two directors shall be added according to the procedure described in section 277.23, subsection 2. If necessary, the board of directors shall redraw the director district boundaries. The director district boundaries shall be described in the resolution adopted by the school board. The resolution shall be adopted no earlier than November 15 of the year immediately following the year in which the federal decennial census is taken nor later than May 15 of the second year immediately following the year in which the federal decennial census is taken. A copy of the plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside. If the board does not provide for an election as provided in sections 275.35, 275.36, and 278.1

and adopts a resolution to change the number of directors or method of election in accordance with this subsection, the district shall change the number of directors or method of election as provided unless, within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the resolution. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at ~~the next following regular school election or a special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not change the number of directors or method of election. If a majority of those voting on the question does not favor disapproval of the action, the board shall certify the results of the election to the department of management and the district shall change the number of directors or method of election as provided in this subsection. At the expiration of the twenty-eight-day period, if no petition is filed, the board shall certify its action to the department of management and the district shall change the number of directors or method of election as provided in this subsection.

Sec. 40. Section 275.24, Code 2007, is amended to read as follows:

275.24 EFFECTIVE DATE OF CHANGE.

When a school district is enlarged, reorganized, or changes its boundary pursuant to sections 275.12 to 275.22, the change shall take effect on July 1 following the date of the reorganization election held pursuant to section 275.18 ~~if the election was held by the prior November 30. Otherwise the change shall take effect on July 1 one year later.~~

Sec. 41. Section 275.35, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~Any existing or hereafter created or enlarged~~ A school district may change the number of directors to either five or

seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election, by the school board of such district to the electors at ~~any-regular-or-special-school~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 ~~to~~ through 53 by the county commissioner of elections. Such proposal shall be adopted if it is approved by a majority of the votes cast on the proposition.

Sec. 42. Section 275.36, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If a petition for a change in the number of directors or in the method of election of school directors is filed with the school board of a school district pursuant to the requirements of section 278.2, the school board shall submit such proposition to the voters at ~~the-regular-school~~ an election or a special-election-held-not-later-than-February-1 held on a date specified in section 39.2, subsection 4, paragraph "c". The petition shall be accompanied by an affidavit as required by section 275.13. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this section within the next six years.

Sec. 43. Section 275.38, Code 2007, is amended to read as follows:

275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

If change in the method of election of school directors is approved at ~~a-regular-or-special-school~~ an election, the directors who were serving unexpired terms or were elected concurrently with approval of the change of method shall serve out the terms for which they were elected. If the plan adopted is that described in section 275.12, subsection 2, paragraph ~~"b","c","d", or "e"~~ "b", "c", "d", or "e", the board shall at the earliest practicable time designate the

districts from which residents are to be elected as school directors at each of the next three succeeding annual school elections, arranging so far as possible for elections of directors as residents of the respective districts to coincide with the expiration of terms of incumbent members residing in those districts. If an increase in the size of the board from five to seven members is approved concurrently with the change in method of election of directors, the board shall make the necessary adjustment in the manner prescribed in section 275.37, as well as providing for implementation of the districting plan under this section.

Sec. 44. Section 275.55, unnumbered paragraphs 1 and 2, Code 2007, are amended to read as follows:

~~The~~ After the final hearing on the dissolution proposal, the board of the school district shall ~~call a special election to be held not later than forty days following the date of the final hearing on the dissolution proposal~~ submit the proposition to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c". ~~The special election may be held at the same time as the regular school election.~~ The proposition submitted to the voters residing in the school district ~~at the special election~~ shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will be attached. In addition to the description, a map may be included in the summary of the question on the ballot.

The board shall give written notice of the proposed date of the election to the county commissioner of elections. ~~The proposed date shall be pursuant to section 39.2, subsections 1 and 2 and section 47.6, subsections 1 and 2.~~ The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

Sec. 45. Section 277.2, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

277.2 ELECTIONS ON PUBLIC MEASURES.

Unless otherwise stated, the date of an election on a public measure authorized to be held by a school district is limited to the dates specified in section 39.2, subsection 4, paragraph "c".

Sec. 46. Section 278.1, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The board may, with approval of sixty percent of the voters, voting in ~~a-regular-or-special~~ an election in the school district, make extended time contracts not to exceed twenty years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed or placed on real estate owned by the school district, these contracts may include lease-purchase option agreements, the amounts to be paid out of the physical plant and equipment levy fund. The election shall be held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 47. Section 279.39, Code 2007, is amended to read as follows:

279.39 SCHOOL BUILDINGS.

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district and may at the regular or a special meeting ~~call-a-special-election~~ resolve to submit to the registered voters of the district at an election held on a date specified in section 39.2, subsection 4, paragraph "c", the question of voting a tax or authorizing the board to issue bonds, or both.

Sec. 48. Section 297.11, Code 2007, is amended to read as follows:

297.11 USE FORBIDDEN.

If ~~at-any-time~~ the voters of such district at a regular election forbid such use of any such schoolhouse or grounds, the board shall not ~~thereafter~~ permit such use until the ~~said~~ action of such voters ~~shall-have-been~~ is rescinded by the voters at ~~a-regular~~ an election, ~~or-at-a-special-election called-for-that-purpose~~ held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 49. Section 298.9, Code 2007, is amended to read as follows:

298.9 SPECIAL LEVIES.

If the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is ~~voted-at-a-special~~ approved by the voters at the regular school election and certified to the board of supervisors after the regular levy is made, the board shall at

its next regular meeting levy the tax and cause it to be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to May 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after May 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification.

Sec. 50. Section 298.18, unnumbered paragraphs 4 and 6, Code 2007, are amended to read as follows:

The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand of the assessed value of the taxable property within any school corporation, provided that the registered voters of such school corporation have first approved such increased amount at ~~a special election, which may be held at the same time as the regular school~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c". The proposition submitted to the voters at such ~~special~~ election shall be in substantially the following form:

Notice of the election shall be given by the county commissioner of elections according to section 49.53. ~~The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice.--At such election the ballot used for the submission of said proposition shall be in substantially the form for submitting special questions at general elections.~~ The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 ~~to~~ through 53 and certify the results to the board of directors. ~~Such~~ The proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against ~~said~~ the proposition at ~~said~~ the election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

Sec. 51. Section 298.18A, subsection 2, Code 2007, is amended to read as follows:

2. The adjustment shall not result in a total amount levied in excess of the two dollar and seventy cent per thousand dollars of assessed valuation limit provided in section 298.18. An adjustment in excess of the two dollar and seventy cent per thousand dollars of assessed valuation limit shall be subject to the ~~special~~ election provisions for increases of up to four dollars and five cents per thousand dollars of assessed valuation provisions of section 298.18.

Sec. 52. Section 298.21, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The board of directors of any school corporation when authorized by the voters at ~~the-regular~~ an election ~~or-at-a special-election-called-for-that-purpose~~ held on a date specified in section 39.2, subsection 4, paragraph "c", may issue the negotiable, interest-bearing school bonds of ~~said~~ the corporation for borrowing money for any or all of the following purposes:

Sec. 53. Section 300.2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at least twenty-five percent of the number of voters at the last preceding school election, shall, direct the county commissioner of elections to submit to the registered voters of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under this chapter. ~~If at-the-time-of-filing-the-petition, it-is-more-than-three months-until-the-next-regular-school-election, the-board-of directors-shall-submit-the-question-at-a-special-election within-sixty-days.--Otherwise, the~~ The question shall be submitted at ~~the-next-regular-school~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c".

Sec. 54. Section 330.17, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The council of any city or county which owns or acquires an airport may, and upon the council's receipt of a valid petition as provided in section 362.4, or receipt of a petition by the board of supervisors as provided in section 331.306 shall, ~~at-a-regular-city-election-or-a-general election-if-one-is-to-be-held-within-seventy-four-days-from~~

~~the-filing-of-the-petition, or otherwise~~ at ~~a special~~ an election ~~called-for-that-purpose~~ held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", as applicable, submit to the voters the question as to whether the management and control of the airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

Sec. 55. NEW SECTION. 331.309 ELECTIONS ON PUBLIC MEASURES.

Unless otherwise stated, the dates of elections on public measures authorized in this chapter are limited to those specified for counties in section 39.2.

Sec. 56. Section 346.27, subsection 10, unnumbered paragraph 1, Code 2007, is amended to read as follows:

After the incorporation of an authority, and before the sale of any issue of revenue bonds, except refunding bonds, the authority shall ~~call-an-election-to-decide~~ submit to the voters the question of whether the authority shall issue and sell revenue bonds. The ballot shall state the amount of the bonds and the purposes for which the authority is incorporated. All registered voters of the county shall be entitled to vote on the question. The question may be submitted at ~~a-general-election-or-at-a-special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", as applicable. An affirmative vote of a majority of the votes cast on the question is required to authorize the issuance and sale of revenue bonds.

Sec. 57. Section 347.13, subsection 12, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Submit to the voters at ~~any-regular-or-special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "a", a proposition to sell or lease any sites and buildings, excepting those described in subsection 11 hereof, and upon such proposition being carried by a majority of the total number of votes cast at such election, may proceed to sell such property at either public or private sale, and apply the proceeds only for:

Sec. 58. Section 347.14, subsection 15, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Submit to the voters at ~~a-regular-or-special~~ an election held on a date specified in section 39.2, subsection 4, paragraph "a", a proposition to sell or lease a county public hospital for use as a private hospital or as a merged area hospital under chapter 145A or to sell or lease a county hospital in conjunction with the establishment of a merged area hospital. The authorization of the board of hospital trustees submitting the proposition may, but is not required to, contain conditions which provide for maintaining hospital care within the county, for the retention of county public hospital employees and staff, and for the continuation of the board of trustees for the purpose of carrying out provisions of contracts. The property listed in section 347.13, subsection 11, may be included in the proposition, but the proceeds from the property shall be used for the purposes listed in section 347.13, subsection 12, or for the purpose of providing health care for residents of the county. Proceeds from the sale or lease of the county hospital or other assets of the board of trustees shall not be used for the prepayment of health care services for residents of the county with the purchaser or lessee of the county hospital or to underwrite the sale or lease of the county hospital. The proposition submitted to the voters of the county shall not be set forth at length, but it shall be in substantially the following form:

Sec. 59. Section 347.23, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Any hospital organized and existing as a city hospital may become a county hospital organized and managed as provided for in this chapter, upon a proposition for such purpose being submitted to and approved by a majority of the electors of both the city in which such hospital is located and of the county under whose management it is proposed that such hospital be placed, ~~at-any-general-or-special-election-called-for-such-purpose~~. The proposition shall be placed upon the ballot by the board of supervisors when requested by a petition signed by eligible electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. The proposition ~~may~~ shall be submitted at ~~the-next-general-election-or-at-a-special~~ an election called ~~for-that-purpose~~ held on a date specified in section 39.2,

subsection 4, paragraph "a". Upon the approval of the proposition the hospital, its assets and liabilities, will become the property of the county and this chapter will govern its future management. The question shall be submitted in substantially the following form: "Shall the municipal hospital of, Iowa, be transferred to and become the property of, and be managed by the county of, Iowa?"

Sec. 60. Section 347.23A, subsection 1, Code 2007, is amended to read as follows:

1. A hospital established as a memorial hospital under chapter 37 or a county hospital supported by revenue bonds and organized under chapter 347A may become, in accordance with the provisions of this section, a county hospital organized and managed as provided for in this chapter. If the hospital is established by a city as a memorial hospital, the city must be located in the county which will own and manage the hospital. A proposition for the change must be submitted to and approved by a majority of the electors of the county which will own and manage the hospital as provided for in this chapter. In addition, if the hospital is a memorial hospital organized by a city under chapter 37, the proposition must also be approved by a majority of the electors of that city. The proposition ~~may~~ shall be submitted to the electors at ~~any general-or-special~~ an election called by the county board of supervisors ~~for-this-purpose~~ and held on a date specified in section 39.2, subsection 4, paragraph "a".

Sec. 61. NEW SECTION. 362.11 ELECTIONS ON PUBLIC MEASURES.

Unless otherwise stated, the dates of elections on public measures authorized in the city code are limited to those specified for cities in section 39.2.

Sec. 62. Section 368.19, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall ~~set-a-date-not-less-than-thirty-days-nor-more-than-ninety-days-after-approval-for-a-special~~ submit the proposal at an election ~~on-the-proposal~~ held on a date specified in section 39.2, subsection 4, paragraph "a" or "b", whichever is applicable, and the county

commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, registered voters of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, registered voters of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it. In a case of consolidation, registered voters of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 49.53 and shall conduct the election in the same manner as other special city elections.

Sec. 63. Section 372.2, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Within fifteen days after receiving a valid petition, the council shall publish notice of the date that a special city election will be held to determine whether the city shall change to a different form of government. The election date shall be ~~not more than sixty days after the publication as specified in section 39.2, subsection 4, paragraph "b".~~ If the next election date specified in that paragraph is more than sixty days after the publication, the council shall publish another notice fifteen days before the election. The notice shall include a statement that the filing of a petition for appointment of a home rule charter commission will delay the election until after the home rule charter commission has filed a proposed charter. Petition requirements and filing deadlines shall also be included in the notice.

Sec. 64. Section 372.3, Code 2007, is amended to read as follows:

372.3 HOME RULE CHARTER.

If a petition for appointment of a home rule charter commission is filed with the city clerk not more than ten days after the council has published the first notice announcing the date of the special election on adoption of another form of government, the special election shall not be held until the charter proposed by the home rule charter commission is filed. Both forms must be published as provided in section 372.9 and submitted to the voters at the special election.

Sec. 65. Section 372.9, subsection 3, Code 2007, is amended to read as follows:

3. The proposed home rule charter must be submitted at a special city election on a date ~~selected-by-the-mayor-and council~~ specified in section 39.2, subsection 4, paragraph "b", and in accordance with section 47.6. However, the date of the ~~election~~ last publication must be not less than thirty nor more than sixty days ~~after~~ before the ~~last-publication-of the-proposed-home-rule-charter~~ election.

Sec. 66. Section 372.13, subsection 11, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Council members shall be elected according to the council representation plans under sections 372.4 and 372.5. However, the council representation plan may be changed, by petition and election, to one of those described in this subsection. Upon receipt of a valid petition, as defined in section 362.4, requesting a change to a council representation plan, the council shall submit the question at a special city election ~~to-be-held-within-sixty-days~~. If a majority of the persons voting at the special election approves the changed plan, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed plan, the council shall not submit another proposal to change a plan to the voters within the next two years.

Sec. 67. Section 376.2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

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

Sec. 68. Section 423B.1, subsection 5, Code Supplement 2007, is amended to read as follows:

5. The county commissioner of elections shall submit the question of imposition of a local option tax at ~~a state general election or at a special~~ an election held at any time other than the time of a city regular election on a date specified in section 39.2, subsection 4, paragraph "a". The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and in the case of a vehicle tax the classes that will be exempt and in the case of a local sales and services tax the date it will be imposed which date shall not be earlier than ninety days following the election. The ballot proposition shall also specify the approximate amount of local option tax revenues that will be used for property tax relief and shall contain a statement as to the specific purpose or purposes for which the revenues shall otherwise be expended. If the county board of supervisors decides under subsection 6 to specify a date on which the local option sales and services tax shall automatically be repealed, the date of the repeal shall also be specified on the ballot. The rate of the vehicle tax shall be in increments of one dollar per vehicle as set by the petition seeking to impose the tax. The rate of a local sales and services tax shall not be more than one percent as set by the governing body. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

Sec. 69. Section 423E.2, subsection 2, paragraph a, Code Supplement 2007, is amended to read as follows:

a. Upon receipt by a county board of supervisors of a petition requesting imposition of a local sales and services tax for infrastructure purposes, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding state general election, the board shall within thirty days direct the county commissioner of elections to submit the question of imposition of the tax to the registered voters of the whole county at an election held on a date specified in section 39.2, subsection 4, paragraph "a".

Sec. 70. Section 423E.2, subsection 3, Code Supplement 2007, is amended to read as follows:

3. The county commissioner of elections shall submit the question of imposition of a local sales and services tax for school infrastructure purposes at ~~a state general election or at a special~~ an election held ~~at any time other than the time of a city regular election~~ on a date specified in section 39.2, subsection 4, paragraph "a". The election shall not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the rate of tax, the date the tax will be imposed and repealed, and shall contain a statement as to the specific purpose or purposes for which the revenues shall be expended. The content of the ballot proposition shall be substantially similar to the petition of the board of supervisors or motions of a school district or school districts requesting the election as provided in subsection 2, as applicable, including the rate of tax, imposition and repeal ~~date~~ dates, and the specific purpose or purposes for which the revenues will be expended. The dates for the imposition and repeal of the tax shall be as provided in subsection 1. The rate of tax shall not be more than one percent. The state commissioner of elections shall establish by rule the form for the ballot proposition which form shall be uniform throughout the state.

Sec. 71. APPLICABILITY DATE. This division of this Act applies to elections held on or after January 1, 2009.

DIVISION IV

VOTER REGISTRATION

Sec. 72. NEW SECTION. 44.18 AFFILIATION ON VOTER REGISTRATION FORM.

1. A nonparty political organization that nominated a candidate whose name appeared on the general election ballot for a federal office, for governor, or for any other statewide elective office in any of the preceding ten years may request registration of voters showing their affiliation with the nonparty political organization pursuant to this section.

2. The organization shall file the following documents with the state registrar of voters on or before December 1 of an even-numbered year:

a. A petition in the form prescribed by the registrar and signed by no fewer than eight hundred fifty eligible electors residing in at least five counties in the state. The petition shall include the official name of the organization; the organization's name as the organization requests it to appear

on the voter registration form if different from the organization's official name; and the name, address, and telephone number of the contact person for the organization. Each person who signs the petition shall include the person's signature, printed name, residence address with house number, street name, city, and county, and the date the person signed the petition.

b. A copy of the nonparty political organization's articles of incorporation, bylaws, constitution, or other document relating to establishment of the organization. Such copy shall be certified as a true copy of the original by the custodian of the original document.

c. An application form prescribed by the state registrar of voters. The form shall include all of the following:

(1) The official name of the nonparty political organization.

(2) The name, address, and telephone number of the contact person for the organization who is responsible for the application.

(3) The signature of the chief executive officer of the organization approving the application.

(4) The organization's name as the organization requests it to appear on the voter registration form if different from the organization's official name.

3. The nonparty political organization's name and its name as listed on the voter registration form shall conform to the requirements of section 43.121. The registrar shall not invalidate the application solely because the registrar finds the official name of the organization or the name to be included on the voter registration form to be unacceptable. If the registrar finds the name to be unacceptable, the registrar shall contact the organization and provide assistance in identifying an appropriate official name for the organization and for identifying the organization on the voter registration form. A determination by the registrar that the official name or voter registration form name requested is acceptable for use within the voter registration system is final.

4. The registrar and the voter registration commission may require biennial filings to update contact information.

5. Beginning in January 2011, and each odd-numbered year thereafter, the registrar and the voter registration

commission may review the number of voters registered as affiliated with a nonparty political organization. If the number of registrants, including both active and inactive voters, is fewer than 150, the commission shall declare the organization to be dormant for purposes of voter registration and may revise the voter registration form and instructions and electronic voter registration system to remove the organization from the list of nonparty political organizations with which a voter may register as affiliated. However, a change shall not be made to the record of political affiliation of individual registrants unless the registrant requests the change.

6. If a political party, as defined in section 43.2, fails to receive a sufficient number of votes in a general election to retain status as a political party and the former political party organizes as a nonparty political organization, the organization may request registration of voters showing their affiliation with the organization. A change shall not be made to the record of political party affiliation of individual registrants unless the registrant requests the change.

Sec. 73. Section 48A.7A, subsection 1, paragraph b, subparagraph (2), unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

If the photographic identification presented does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct:

Sec. 74. Section 48A.7A, subsection 3, Code Supplement 2007, is amended to read as follows:

3. At any time before election day, and after the deadline for registration in section 48A.9, a person who appears in person at the commissioner's office or at a satellite absentee voting station ~~after-the-deadline-for-registration-in-section 48A.9~~, or whose ballot is delivered to a health care facility pursuant to section 53.22 may register to vote and vote an absentee ballot by following the procedure in this section for registering to vote on election day. A person who wishes to vote in person at the polling place on election day and who has not registered to vote before the deadline for registering in section 48A.9, is required to register to vote at the polling place on election day following the procedure in this section. However, the person may complete the voter

registration application at the commissioner's office and, after the commissioner has reviewed the completed application, may present the application to the appropriate precinct election official along with proof of identity and residency.

Sec. 75. Section 48A.7A, subsection 4, paragraph b, Code Supplement 2007, is amended to read as follows:

b. The form of the written oath required of a person attesting to the identity and residency of the registrant shall read as follows:

I, (name of registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. I have not signed an oath attesting to the identity and residence of any other person in this election.

I am a resident of the ... precinct, ... ward or township, city of, county of, Iowa.

I reside at (street address) in (city or township).

I personally know (name of registrant), and I personally know that (name of registrant) is a resident of the ... precinct, ward or township, city of, county of, Iowa.

I understand that any false statement in this oath is a class "D" felony punishable by no more than five years in confinement and a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....
Signature of Registered Voter

Subscribed and sworn before me on (date).

.....
Signature of Precinct Election Official

Sec. 76. Section 48A.11, subsection 1, paragraph i, Code Supplement 2007, is amended to read as follows:

i. Political party ~~registration~~ affiliation as defined in section 43.2 or nonparty political organization affiliation if approved for inclusion on the form pursuant to section 44.18.

Sec. 77. Section 48A.11, subsection 1, paragraph k, Code Supplement 2007, is amended by striking the paragraph.

Sec. 78. Section 48A.12, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The mail voter registration form prescribed by the federal election assistance commission shall be accepted for voter registration in Iowa if all required information is provided, if it is signed by the registrant, and if the form is timely received.

Sec. 79. Section 48A.26, subsection 4, Code 2007, is amended to read as follows:

4. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the question in section 48A.11, subsection 3, paragraph "a", the application shall be processed, ~~but the registration shall be designated as valid only for elections that do not include candidates for federal offices on the ballot.~~ The acknowledgment shall ~~advise the applicant that the status of the registration is local and the reason for the registration being assigned local status.~~ ~~The commissioner shall enclose a new registration by mail form for the applicant to use.~~ ~~If the original application is received during the twelve days before the close of registration for an election that includes candidates for federal offices on the ballot, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.~~ If the application is complete and proper in all other respects and information on the application is verified, as required by section 48A.25A, the applicant shall be registered to vote and sent an acknowledgment.

Sec. 80. Section 48A.27, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. If a registered voter submits a change of name, telephone number, or address ~~is submitted~~ under this subsection, the commissioner shall not change the political party or nonparty political organization affiliation in the ~~elector's~~ registered voter's prior registration other than that indicated by the ~~elector~~ registered voter.

Sec. 81. Section 48A.37, subsection 2, Code Supplement 2007, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, inactive, ~~local,~~ or pending, or canceled. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, subsection 3, and who have not returned the card or otherwise responded to the notice, and those records

have been designated inactive pursuant to section 48A.29. Inactive records are also records of registered voters to whom notices have been sent pursuant to section 48A.26A and who have not responded to the notice. ~~Local records are records of applicants who did not answer either "yes" or "no" to the question in section 48A.117 subsection 3, paragraph "a".~~ Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. Canceled records are records that have been canceled pursuant to section 48A.30. All other records are active records. An inactive record shall be made active when the registered voter votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. A pending record shall be made active upon verification. ~~A local record shall be valid for any election for which no candidates for federal office appear on the ballot.--A registrant with only a local record shall not vote in a federal election unless the registrant submits a new voter registration application before election day indicating that the applicant is a citizen of the United States.~~

Sec. 82. Section 49.74, Code 2007, is amended to read as follows:

49.74 REGISTERED VOTERS ENTITLED TO VOTE AFTER CLOSING TIME.

Every registered voter who is on the premises of the voter's precinct polling place at the time the polling place is to be closed for any election shall be permitted to vote in that election. Wherever possible, when there are persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed, the election board shall cause those persons to move inside the structure in which the polling place is located and shall then shut the doors of the structure and shall not admit any additional persons to the polling place for the purpose of voting. If it is not feasible to cause persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed to move inside the structure in which the polling place is located, the election board shall cause those persons to be designated in some reasonable manner and shall not receive votes after that time from any persons except those registered

voters so designated.

DIVISION V

CHALLENGES AND PROVISIONAL VOTING

Sec. 83. Section 39A.3, subsection 1, paragraph a, Code 2007, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Files a challenge containing false information under section 48A.14 or 49.79.

Sec. 84. Section 39A.5, subsection 1, paragraph b, subparagraph (3), Code Supplement 2007, is amended by striking the subparagraph.

Sec. 85. Section 48A.14, subsections 3 and 4, Code 2007, are amended to read as follows:

3. A challenge shall contain a statement signed by the challenger in substantially the following form: "I am a registered voter in (name of county) County, Iowa. I swear or affirm that information contained on this challenge is true. I understand that knowingly filing a challenge containing false information is an aggravated misdemeanor."

4. A challenge may be filed at any time. A challenge filed less than seventy days before a regularly scheduled election shall not be processed until after the pending election unless the challenge is filed within twenty days of the commissioner's receipt of the challenged registrant's registration form or notice of change to an existing registration. A challenge filed against a person registering to vote pursuant to section 48A.7A is considered a challenge to a person offering to vote and must be filed under section 49.79.

Sec. 86. Section 49.79, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. The challenged person is not a resident at the address where the person is registered. However, a person who is reporting a change of address at the polls on election day pursuant to section 48A.27, subsection 2, paragraph "a", subparagraph (3), or who is registering to vote pursuant to section 48A.7A, shall not be challenged for this reason.

Sec. 87. Section 49.79, Code Supplement 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 3. a. The state commissioner of elections shall prescribe a form to be used for challenging a prospective voter at the polls. The form shall include a space for the challenger to provide the challenger's printed

name, signature, address, and telephone number. The 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."

b. The special precinct board shall reject a challenge that lacks the name, address, telephone number, and signature of the challenger.

NEW SUBSECTION. 4. A separate written challenge shall be made against each prospective voter challenged.

NEW SUBSECTION. 5. A challenger may withdraw a challenge at the polling place on election day or at any time before the meeting of the special precinct counting board by notifying the commissioner in writing of the withdrawal.

Sec. 88. Section 49.81, Code 2007, is amended to read as follows:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL BALLOT.

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, or section 49.80 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 ~~challenged~~ voter the opportunity to vote in secret. The marked-ballot, folded voter shall mark the ballot, fold it or insert it in a secrecy envelope as required by section 49.84, shall-be-delivered-to-a-precinct election-official-who-shall 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 be-deposited deposit it in an envelope marked "provisional ballots" and. The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

2. Each person who casts a provisional ballot under this section shall receive a printed statement in ~~substantially-the following-form:~~

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

- I.
- II.
- III.

You must show identification before your ballot can be counted. Please bring or mail a copy of a current and valid photo identification card to the county commissioner's office or bring or mail a copy of one of the following current documents that show your name and address:

- a. Utility bill.
- b. Bank statement.
- c. Paycheck.
- d. Government check.
- e. Other government document.

Your right to vote will be reviewed by the special precinct counting board on You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as a registered voter. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received before a.m./p.m. on at

If your ballot is not counted you will receive, by mail, notification of this fact and the reason that the ballot was not counted a form prescribed by the state commissioner by rule adopted in accordance with chapter 17A. The statement shall contain, at a minimum, the following information:

- a. The reason the person is casting a provisional ballot.
- b. If the person is casting a provisional ballot because the person failed to provide a required form of identification, a list of the types of acceptable identification and notification that the person must show identification before the ballot can be counted.
- c. If the person is casting a provisional ballot because the person's qualifications as a registered voter have been challenged, the allegations contained in the written challenge, a description of the challenge process, and the person's right to address the challenge.
- d. A statement that if the person's ballot is not counted, the person will receive, by mail, notification of this fact and the reason the ballot was not counted.

e. Other information deemed necessary by the state commissioner.

3. Any eligible elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

4. The individual envelopes used for each provisional ballot cast pursuant to subsection 1 shall have space for the voter's name, date of birth, and address and shall have printed on them the following:

I am a United States citizen, at least eighteen years of age. I believe I am a registered voter of this county and I am eligible to vote in this election. ~~I registered to vote in county on or about at My name at that time was I have not moved to a different county since that time. I am a United States citizen, at least eighteen years of age.~~

.....
(signature of voter) (date)

The following information is to be provided by the precinct election official:

Reason for ~~challenge~~ casting provisional ballot:

.....
.....

~~Did not present required identification form.~~

.....
(signature of precinct election official)

The precinct election official shall attach a completed voter registration form from each provisional voter unless the person's registration status is listed in the election register as active or pending. If a voter is casting a provisional ballot because the voter's qualifications as a registered voter have been challenged, the precinct election official shall attach the signed challenge to the provisional ballot envelope.

DIVISION VI

GENERAL CHANGES TO ELECTIONS PROVISIONS

Sec. 89. Section 39A.2, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. DURESS. Intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, a person to do or to refrain from doing any of the following:

(1) To register to vote, to vote, or to attempt to register to vote.

(2) To urge or aid a person to register to vote, to vote, or to attempt to register to vote.

(2A) To sign a petition nominating a candidate for public office or a petition requesting an election for which a petition may legally be submitted.

(3) To exercise a right under chapters 39 through 53. Sec. 90. Section 39A.2, subsection 1, Code Supplement 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. VOTING EQUIPMENT TAMPERING.

Intentionally altering or damaging any computer software or any physical part of a voting machine, automatic tabulating equipment, or any other part of a voting system.

Sec. 91. Section 49.20, Code 2007, is amended to read as follows:

49.20 COMPENSATION OF MEMBERS.

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than ~~three-dollars-and-fifty-cents-per-hour~~ 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 school district or a city of three thousand five hundred or less population, shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

Sec. 92. Section 49.21, Code 2007, is amended to read as follows:

49.21 POLLING PLACES -- ACCESSIBILITY -- SIGNS.

1. It is the responsibility of the commissioner to designate a polling place for each precinct in the county. Each polling place designated shall be accessible to persons with disabilities. However, if the commissioner is unable to provide an accessible polling place for a precinct, the commissioner shall apply for a temporary waiver of the accessibility requirement. The state commissioner shall adopt rules in accordance with chapter 17A prescribing standards for determining whether a polling place is accessible and the process for applying for a temporary waiver of accessibility.

2. a. Upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of this state shall make available the necessary space therein for the purpose of holding elections, without charge for the use thereof.

b. Except as otherwise provided by law, the polling place in each precinct in the state shall be located in a central location if a building is available. However, first consideration shall be given to the use of public buildings supported by taxation.

~~In-the-selection-of-polling-places,-preference-shall-also-be-given-to-the-use-of-buildings-accessible-to-persons-who-are-elderly-and-persons-with-disabilities-~~

3. a. On the day of an election, the commissioner shall post a sign stating "vote here" at the entrance to each driveway leading to the building where a polling place is located. The sign must be visible from the street or highway fronting the driveway, but shall not encroach upon the right-of-way of such street or highway.

b. The commissioner shall post a sign at the entrance to the polling place indicating the election precinct number or name, and displaying a street map showing the boundaries of the precinct.

Sec. 93. Section 49.25, subsection 1, Code Supplement 2007, is amended to read as follows:

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for a city of three thousand five hundred or less population, or any school district, and individually for each precinct, whether voting

in that election shall be by machine or by paper ballot. In counties in which conventional paper ballots are not used, the commissioner shall furnish voting equipment for use by voters with disabilities.

Sec. 94. Section 49.68, Code 2007, is amended to read as follows:

49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.

1. The state commissioner with the approval of the attorney general shall prepare, and from time to time revise, written instructions to the voters relative to voting the rights of voters, and shall furnish each commissioner with copies of the instructions. Such instructions shall cover the following matters:

a. The procedure for registering to vote after the registration deadline has passed.

b. Instructions for voters who are required by law to show identification before voting.

c. General information on voting rights under applicable federal and state laws, including the following:

(1) Information on the right of an individual to cast a provisional ballot and the procedure for casting a provisional ballot.

(2) Federal and state laws regarding prohibitions on acts of fraud, misrepresentation, coercion, or duress.

d. Instructions on how to contact the appropriate officials if a voter believes the voter's rights have been violated.

2. The state commissioner shall prepare instructions relative to voting for each voting system in use in the state and shall furnish the county commissioner with copies of the instructions. Such instructions shall cover the following matters:

1- a. The manner of obtaining ballots.

2- b. The manner of marking ballots.

3- c. That unmarked or improperly marked ballots will not be counted.

4- d. The method of gaining assistance in marking ballots.

5- e. That any erasures or identification marks, or otherwise spoiling or defacing a ballot, will render it invalid.

6- f. Not to vote a spoiled or defaced ballot.

~~7. g.~~ How to obtain a new ballot in place of a spoiled or defaced one.

~~8. h.~~ Any other matters thought necessary.

Sec. 95. Section 49.70, Code 2007, is amended to read as follows:

49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

Sec. 96. Section 49.71, Code Supplement 2007, is amended to read as follows:

49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.

The precinct election officials, before the opening of the polls, shall cause ~~the~~ each set of instructions ~~for voters~~ required pursuant to section 49.70 to be securely posted as follows:

1. ~~One~~ At least one copy of the instructions for voting prescribed in section 49.68, subsection 2, in each voting booth.

2. ~~Not less than four copies,~~ At least one copy of the instructions for voting prescribed in section 49.68, subsection 2, with an equal number of sample ballots, in and about the polling place.

3. At least one copy of the instructions relating to rights of voters, as prescribed in section 49.68, subsection 1, in and about the polling place.

Sec. 97. Section 49.73, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

At all elections, except as otherwise permitted by this section, the polls shall be opened at seven o'clock a.m. ~~or as soon thereafter as vacancies on the precinct election board have been filled~~ if at least one official from each of the political parties referred to in section 49.13 is present. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at twelve o'clock noon for:

Sec. 98. Section 49.77, subsection 2, Code Supplement 2007, is amended to read as follows:

~~2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5.~~ 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, 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 ~~a listing of those voters who have signed declarations of eligibility.~~ Any of those persons present pursuant to section 49.104, subsection 2, 3, or 5, may upon request view the listing 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.

Sec. 99. Section 49.88, Code 2007, is amended to read as follows:

49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.

1. No more than one person shall be allowed to occupy any voting booth at any time. ~~No person shall occupy such booth for more than three minutes to cast a vote.--Nothing in this section shall prohibit assistance to voters under section 49.90.~~ The use of cameras, cellular telephones, pagers, or other electronic communications devices in the voting booth is prohibited.

2. a. Nothing in this section shall prohibit assistance to voters under section 49.90.

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

Sec. 100. Section 49.104, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Reporters, photographers, and other staff representing the news media. However, representatives of the news media, while present at or in the immediate vicinity of the polling places, shall not interfere with the election process in any way.

Sec. 101. Section 50.9, Code 2007, is amended to read as follows:

50.9 RETURN OF BALLOTS NOT VOTED.

Ballots not voted, or spoiled by voters while attempting to vote, shall be returned by the precinct election officials to the commissioner, and a receipt taken for the ballots. The spoiled ballots shall be preserved for twenty-two months following elections for federal offices and for six months following elections for all other offices. The commissioner shall record the number of ballots sent to the polling places but not voted. The ballots not voted shall be destroyed after the end of the period for contesting the election. However, if a contest is requested, the ballots not voted shall be preserved until the election contest is concluded.

Sec. 102. NEW SECTION. 50.15A UNOFFICIAL RESULTS OF VOTING -- GENERAL ELECTION ONLY.

1. In order to provide the public with an early source of election results before the official canvass of votes, the state commissioner of elections, in cooperation with the commissioners of elections, shall conduct an unofficial canvass of election results following the closing of the polls on the day of a general election. The unofficial canvass shall report election results for national offices, statewide offices, the office of state representative, the office of state senator, and other offices or public measures at the discretion of the state commissioner of elections.

2. After the polls close on election day, the commissioner of elections shall periodically provide election results to the state commissioner of elections as the precincts in the county report election results to the commissioner pursuant to section 50.11. If the commissioner determines that all precincts will not report election results before the office is closed, the commissioner shall report the most complete results available prior to leaving the office at the time the office is closed as provided in section 50.11. The commissioner shall specify the number of precincts included in the report to the state commissioner of elections.

The state commissioner of elections shall tabulate unofficial election results as the results are received from the commissioners of elections and shall periodically make the reports of the results available to the public.

3. Before the day of the general election, the state commissioner of elections shall provide a form and instructions for reporting unofficial election results pursuant to this section.

Sec. 103. Section 50.49, unnumbered paragraph 4, Code 2007, is amended to read as follows:

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

Sec. 104. Section 53.23, subsection 3, paragraph b, Code Supplement 2007, is amended to read as follows:

b. If the board finds any ballot not enclosed in a secrecy envelope and the ballot is folded in such a way that any of the votes cast on the ballot are visible, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot. ~~Each-of-the-special-precinct-election officials-shall-sign-the-secrecy-envelope.~~

Sec. 105. Section 423A.4, subsection 4, Code Supplement 2007, is amended to read as follows:

4. a. A city or county shall impose or repeal a hotel and motel tax or increase or reduce the tax rate only after an election at which a majority of those voting on the question favors imposition, repeal, or change in rate. However, a hotel and motel tax shall not be repealed or reduced in rate if obligations are outstanding which are payable as provided in section 423A.7, unless funds sufficient to pay the principal, interest, and premium, if any, on the outstanding obligations at and prior to maturity have been properly set

aside and pledged for that purpose. ~~The election shall be held at the time of the regular city election or the county's general election or at the time of a special election.~~

b. If the tax applies only within the corporate boundaries of a city, only the registered voters of the city shall be permitted to vote. The election shall be held at the time of the regular city election or at a special election called for that purpose. If the tax applies only in the unincorporated areas of a county, only the registered voters of the unincorporated areas of the county shall be permitted to vote. The election shall be held at the time of the general election or at a special election called for that purpose.

DIVISION VII

LOCAL REDISTRICTING

Sec. 106. Section 68B.32A, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Establish an expedited procedure for reviewing complaints forwarded by the state commissioner of elections to the board for a determination as to whether a supervisor district plan adopted pursuant to section 331.210A was drawn for improper political reasons as described in section 42.4, subsection 5. The expedited procedure shall be substantially similar to the process used for other complaints filed with the board except that the provisions of section 68B.32D shall not apply.

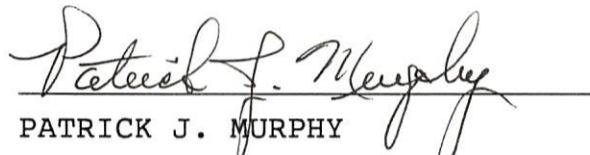
Sec. 107. Section 331.210A, subsection 2, paragraph e, Code 2007, is amended to read as follows:


e. The plan approved by the board of supervisors shall be submitted to the state commissioner of elections for approval. If the state commissioner or the ethics and campaign disclosure board finds that the plan does not meet the standards of section 42.4, the state commissioner shall reject the plan, and the board of supervisors shall direct the commission to prepare and adopt an acceptable plan.

For purposes of determining whether the standards of section 42.4 have been met, an eligible elector may file a complaint with the state commissioner of elections within fourteen days after a plan is approved by the board of supervisors of the county in which the eligible elector resides, on a form prescribed by the commissioner, alleging that the plan was drawn for improper political reasons as described in section 42.4, subsection 5. If a complaint is


filed with the state commissioner of elections, the state commissioner shall forward the complaint to the ethics and campaign disclosure board established in section 68B.32 for resolution.

If, after the initial proposed supervisor district plan or precinct plan has been submitted to the state commissioner for approval, it is necessary for the temporary county redistricting commission to make subsequent attempts at adopting an acceptable plan, the subsequent plans do not require public hearings.

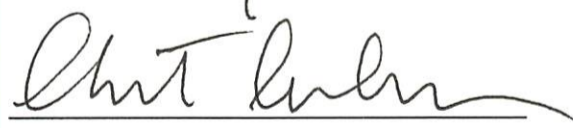

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2620, Eighty-second General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved 4/22, 2008


CHESTER J. CULVER
Governor