



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

April 10, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**House File 475**, an Act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date 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 475

AN ACT

MAKING TECHNICAL CHANGES TO THE LAWS RELATING TO ELECTIONS AND VOTER REGISTRATION, MAKING A PENALTY APPLICABLE, AND INCLUDING EFFECTIVE DATE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 2.27, Code 2009, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election. When the canvass is completed, the oath of office shall be administered

to the persons ~~or person~~ so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

Sec. 2. Section 8A.412, subsection 11, Code 2009, is amended to read as follows:

11. Professional employees under the supervision of the attorney general, the state public defender, the secretary of state, the auditor of state, the treasurer of state, and the public employment relations board. However, employees of the consumer advocate division of the department of justice, other than the consumer advocate, are subject to the merit system.

Sec. 3. Section 39A.2, subsection 1, paragraph f, Code 2009, is amended to read as follows:

f. VOTING EQUIPMENT TAMPERING. Intentionally alters or damages any computer software or any physical part of a voting machine equipment, automatic tabulating equipment, or any other part of a voting system.

Sec. 4. Section 43.4, unnumbered paragraph 4, Code 2009, is amended to read as follows:

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

Sec. 5. Section 43.5, Code 2009, is amended to read as follows:

43.5 APPLICABLE STATUTES.

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

Sec. 6. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT -- IMPLEMENTATION BY RULE.

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

Sec. 7. Section 43.45, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 8. Section 43.77, subsection 4, Code 2009, is amended to read as follows:

4. A vacancy has occurred in the office of senator in the Congress of the United States, ~~lieutenant-governor~~, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

Sec. 9. Section 44.5, Code 2009, is amended to read as follows:

44.5 NOTICE OF OBJECTIONS.

When objections are filed notice shall ~~forthwith~~ immediately be given to the affected candidate ~~affected thereby~~. The notice shall be addressed to the candidate's place of residence as given in the certificate of nomination, stating that objections have been made to said the certificate, also stating. The notice shall include the time and place such of the hearing at which the objections will be considered. The hearing shall be held not later than one week after the objection is filed.

Sec. 10. Section 45.1, subsections 2, 3, 4, 5, and 6, Code 2009, are amended to read as follows:

2. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than the number of eligible electors equal to the number of signatures required in subsection 1 divided by the number of congressional districts. Signers of the petition shall be eligible electors who are residents of the congressional district.

3. Nominations for candidates for the state senate may be made by nomination petitions signed by not less than one hundred eligible electors who are residents of the senate district.

4. Nominations for candidates for the state house of representatives may be made by nomination petitions signed by not less than fifty eligible electors who are residents of the representative district.

5. Nominations for candidates for offices filled by the voters of a whole county may be made by nomination petitions signed by eligible electors who are residents of the county equal in number to at least one percent of the number of registered voters in the county on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least two hundred fifty eligible electors who are residents of the county, whichever is less.

6. Nominations for candidates for the office of county supervisor elected by the voters of a supervisor district may be made by nomination petitions signed by eligible electors who are residents of the supervisor district equal in number to at least one percent of the number of registered voters in the supervisor district on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least one hundred fifty eligible electors who are residents of the supervisor district, whichever is less.

Sec. 11. Section 46.22, Code 2009, is amended to read as follows:

46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot, or optical scan ballot, ~~or-by-voting-machine~~ in the space provided for public measures. If separate paper ballots are used, the election judges shall offer a ballot to each voter. If optical scan ballots are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots are not required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 12. Section 47.3, Code 2009, is amended to read as follows:

47.3 ELECTION EXPENSES.

1. The costs of conducting a special election called by the governor, general election, and the primary election held prior to the general election shall be paid by the county.

2. The cost of conducting other elections shall be paid by the political subdivision for which the election is held. The costs shall include, but not be limited to, the printing of the ballots and the election register, publication of notices, printing of declaration of eligibility affidavits,

compensation for precinct election boards, canvass materials, and the preparation and installation of voting machines equipment. The county commissioner of elections shall certify to the county board of supervisors a statement of cost for an election. The cost shall be assessed by the county board of supervisors against the political subdivision for which the election was held.

3. a. Costs of registration and administrative and clerical costs shall not be charged as a part of the election costs.

b. If ~~voting-machines-are~~ automatic tabulating equipment is used in any election, the county commissioner of elections shall not charge any political subdivision of the state a rental fee for the use of any ~~voting-machines~~ automatic tabulating equipment.

4. The cost of maintenance of voter registration records and of preparation of election registers and any other voter registration lists required by the commissioner in the discharge of the duties of that office shall be paid by the county. Administrative and clerical costs, incurred by the registrar in discharging the duties of that office shall be paid by the state.

Sec. 13. Section 47.6, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. A city council ~~or a~~, county board of supervisors, school district board of directors, or merged area board of directors 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 5:00 p.m. on the forty-sixth day before the election.

Sec. 14. Section 48A.2, subsection 5, Code 2009, is amended to read as follows:

5. "Voter registration form" means an application to register to vote which must be completed by or on behalf of any person registering to vote. The voter registration form may also be used to make changes to an existing voter registration record.

Sec. 15. Section 48A.8, subsection 1, Code 2009, is amended to read as follows:

1. An eligible elector may ~~register-to-vote-by-completing a-mail request that a voter~~ request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides. A separate voter registration form shall be signed by each individual registrant.

Sec. 16. Section 48A.25A, subsection 1, Code 2009, is amended to read as follows:

1. a. Upon receipt of an application for voter registration ~~by-mail~~, the ~~state-registrar-of-voters commissioner of registration~~ shall compare the Iowa driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation. To be verified, the voter registration record shall contain the same name, date of birth, and Iowa driver's license number or Iowa nonoperator's identification card number or whole or partial social security number as the records of the state department of transportation. If the information cannot be verified, the application shall be rejected recorded and ~~the-registrant shall-be-notified-of-the-reason-for-the-rejection~~ the status of the voter's record shall be designated as pending status. The commissioner of registration shall notify the applicant that the applicant is required to present identification described in section 48A.8, subsection 2, before voting for the first time in the county. If the information can be verified, a record shall be made of the verification and the ~~application-shall-be-accepted~~ status of the voter's record shall be designated as active status.

b. This subsection shall not apply to applications received from registrants pursuant to section 48A.7A.

Sec. 17. Section 48A.26, subsections 1 and 3, Code 2009, are amended to read as follows:

1. a. ~~Within~~ Except as otherwise provided in paragraph "b", within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

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

3. If the registration form is missing required information pursuant to section 48A.11, subsection 8, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration ~~by-mail~~ form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. ~~If the incomplete application is received during the twelve days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.~~ If the incomplete registration form is received during the period in which registration is closed pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general and primary elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under section 48A.7A.

Sec. 18. Section 48A.27, subsection 4, paragraphs b and c, Code 2009, are amended to read as follows:

b. If the information provided by the vendor indicates that a registered voter has moved to another address within the county, the commissioner shall change the registration records to show the new residence address, and shall also mail a notice of that action to ~~both the former and new addresses~~ address. The notice shall be sent by forwardable mail, and shall include a postage prepaid preaddressed return form by which the registered voter may verify or correct the address information.

c. If the information provided by the vendor indicates that a registered voter has moved to an address outside the county, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at ~~both the former and new addresses~~ address.

(1) The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

(2) The notice shall contain a statement in substantially the following form:

"Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.~~---To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service.~~"

Sec. 19. Section 48A.31, Code 2009, is amended to read as follows:

48A.31 DECEASED PERSONS RECORD.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen and one-half years of age and older in the state whose deaths have been reported to the bureau of vital records of the Iowa department of public health since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters~~, who shall determine whether each listed decedent was registered to vote in this state. If the decedent was registered in a county which uses its own data processing facilities for voter registration recordkeeping, the registrar shall notify the~~

~~commissioner-in-that-county-who-shall-cancel-the-decedent's registration.--If-the-decedent-was-registered-in-a-county-for which-voter-registration-recordkeeping-is-performed-under contract-by-the-registrar,-the-registrar-shall-immediately cancel-the-registration-and-notify-the-commissioner-of-the county-in-which-the-decedent-was-registered-to-vote-of-the cancellation.~~ The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

Sec. 20. Section 48A.37, subsection 2, Code 2009, is amended to read as follows:

2. Electronic records shall include a status code designating whether the records are active, inactive, incomplete, 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. Incomplete records are records missing required information pursuant to section 48A.11, subsection 8. 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 requests an absentee ballot, votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. An incomplete record shall be made active when a completed application is received from the applicant and verified pursuant to section 48A.25A. A pending record shall be made active upon verification or upon the voter providing identification pursuant to section 48A.8.

Sec. 21. Section 48A.38, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The registrar shall update information on participation in an election no later than sixty days after each election.

Sec. 22. Section 49.19, Code 2009, is amended to read as follows:

49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL FOR CERTAIN CITY ELECTIONS.

The commissioner may appoint unpaid election precinct officials to election boards, as provided by sections 49.15, 49.16, and 49.20, or elect not to use ~~voting-machines~~ automatic tabulating equipment even though ~~they-are~~ it is available, as permitted by section 49.26, or both, for any election held for a city, even if the city has a population of more than three thousand five hundred, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

Sec. 23. Section 49.25, subsections 1, 2, and 3, Code 2009, are 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~~ The commissioner shall determine pursuant to section 49.26, ~~subsection 2,~~ in advance of ~~each an~~ 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 ballots voted in that election shall be counted by machine automatic tabulating equipment or by paper-ballot precinct election officials. ~~In-counties-in-which conventional-paper-ballots-are-not-used~~ If automatic tabulating equipment will be used, the commissioner shall furnish voting equipment for use by voters with disabilities.

2. The commissioner shall furnish to each precinct, in advance of each election, ~~voting-machines-meeting-the requirements-of-chapter-52-or~~ voting booths, as-the-case-may be, in the following number:

a. At each regularly scheduled election, at least one for every three hundred fifty voters who voted in the last preceding similar election held in the precinct.

b. At any special election at which the ballot contains only a single public measure or only candidates for a single office or position, the number determined by the commissioner.

3. The commissioner shall furnish to each precinct where ~~voting-is-to-be-by-paper-ballot-or-optical-scan-ballot, rather than-by-voting-machine,~~ the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall ~~be-approved-by-the-board-of-examiners-for voting-machines-and-optical-scan-voting-systems-and-shall~~ provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. ~~If-the-lighting-in-the-polling-place-is inadequate, the-voting-booths-used-in-that-precinct-shall include-lights,~~ Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in section 51.7 or to provide necessary service to a malfunctioning ~~portable-vote tallying-device~~ automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 24. Section 49.26, Code 2009, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING -- COUNTING OF BALLOTS.

1. In all elections regulated by this chapter, the voting shall be by paper ballots printed and distributed as provided by law, or by voting ~~machines~~ systems meeting the requirements of chapter 52.

2. a. ~~When-voting-machines-are-available-for-an-election precinct, the~~ The commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or for any school district ~~in-which voting-occurs-in-that-precinct-whether-voting-there-shall-be by-machine-or-paper-ballot~~ whether the ballots will be counted by automatic tabulating equipment or by the precinct election officials. ~~If~~ In making such a determination, the commissioner ~~concludes, on-the-basis-of~~ shall consider voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election,.

b. If the commissioner concludes that voting will probably be so light as to make ~~preparation-and-use-of-paper~~ counting of ballots by the precinct elections officials less expensive than preparation and use of ~~a-voting-machine~~ automatic

tabulating equipment, paper ballots shall be used. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

~~3.--In-counties-in-which-automatic-tabulating-equipment-is available, the commissioner shall determine in advance of each election whether the ballots will be counted by the automatic tabulating equipment or by the precinct election officials. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.~~

Sec. 25. Section 49.28, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 26. Section 49.43, Code 2009, is amended to read as follows:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

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

~~In-precincts-using-paper-ballots-all-public-measures-to-be voted-upon-by-a-voter-at-a-given-election-shall-be-printed upon-one-ballot-of-some-color-other-than-white.--In-precincts using-voting-machines-all-public-measures-shall-be-placed-on the-machine.~~

2. Constitutional amendments and other public measures may be summarized by the commissioner as provided in sections 49.44 and 52.25.

Sec. 27. Section 49.44, unnumbered paragraph 2, Code 2009, is amended by striking the paragraph.

Sec. 28. Section 49.48, Code 2009, is amended to read as follows:

49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL AMENDMENTS.

The state commissioner of elections shall prescribe a notice to inform voters of the location on the ballot of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the ~~voting machine-or-to-the~~ ballot.

Sec. 29. Section 49.53, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 30. Section 49.56, Code 2009, is amended to read as follows:

49.56 MAXIMUM COST OF PRINTING.

The cost of printing the official election ballots and printed supplies ~~for-voting-machines~~ shall not exceed the usual and customary rates that the printer charges its regular customers.

Sec. 31. Section 49.57, subsections 5 and 6, Code 2009, are amended to read as follows:

5. On ballots that will be counted by ~~electronic~~ automatic tabulating equipment, ballots shall include a voting target next to the name of each candidate. The position, shape, and size of the targets shall be appropriate for the equipment to be used in counting the votes. Where paper ballots are used, a square may be printed at the beginning of each line in which

the name of a candidate is printed, except as otherwise provided.

6. A portion of the ballot, ~~which can be shown to the precinct officials without revealing any of the marks made by the voter,~~ shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 32. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT -- IMPLEMENTATION BY RULE.

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

Sec. 33. Section 49.77, subsection 3, paragraph b, Code 2009, is amended to read as follows:

b. A precinct election official may require of the voter unknown to the official, identification ~~upon which the voter's signature or mark appears~~ in the form prescribed by the state commissioner by rule. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

Sec. 34. Section 49.84, Code 2009, is amended to read as follows:

49.84 MARKING AND RETURN OF BALLOT.

1. a. After receiving the ballot, the voter shall immediately go ~~alone to one of~~ the next available voting booths booth, and without delay mark the ballot. All voters shall vote in booths. ~~No special lines shall be used to separate voters who state that they wish to vote only a portion of the ballot.~~

b. Before leaving the voting booth, the voter ~~shall fold the ballot or~~ may enclose it the ballot in a secrecy folder to conceal the marks on the ballot. ~~The voter shall deliver the ballot to one of the precinct election officials.~~ ~~No identifying mark or symbol shall be endorsed on the back of the voter's ballot.~~

c. If the precinct has ~~a portable vote tallying system~~ which automatic tabulating equipment that will not permit more than one ballot to be inserted at a time, the voter may insert

the ballot into the tabulating device; otherwise, the election official shall place the ballot in the ballot box. An identifying mark or symbol shall not be endorsed on the voter's ballot.

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

Sec. 35. Section 49.90, Code 2009, is amended to read as follows:

49.90 ASSISTING VOTER.

Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle. ~~If an elector with a disability cannot cast a ballot on a voting machine, the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 50.16. To preserve so far as possible the confidentiality of each ballot of an elector with a disability, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, and counted in the usual manner.~~

Sec. 36. Section 49.99, subsection 2, Code 2009, is amended to read as follows:

2. If a voter writes the name of a person more than once in the proper places on a ballot ~~or on a voting machine~~ for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

Sec. 37. Section 49.127, Code 2009, is amended to read as follows:

49.127 COMMISSIONER TO EXAMINE MACHINES EQUIPMENT.

It shall be the duty of each commissioner to determine that all voting ~~machines are~~ equipment is operational and functioning properly and that all materials necessary for the conduct of the election are in the commissioner's possession and are correct.

Sec. 38. Section 50.15A, subsection 1, Code 2009, is amended to read as follows:

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. The unofficial canvass shall also report the total number of ballots cast at the general election.

Sec. 39. Section 50.22, unnumbered paragraph 3, Code 2009, is amended to read as follows:

If a provisional ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the provisional ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The provisional ballots which are accepted shall be counted in the manner prescribed by section ~~53.24~~ 53.23, subsection 5. The commissioner shall make public the number of provisional ballots rejected and not counted, at the time of the canvass of the election.

Sec. 40. Section 50.24, Code 2009, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS.

1. The county board of supervisors shall meet to canvass the vote on the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 34, controls.

2. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating ~~in words written at length~~ the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than ~~two~~ five percent of the votes cast for an office shall be reported collectively under the heading "scattering".

3. The board shall certify an election canvass summary report prepared by the commissioner. The election canvass summary report shall include the results of the election, including scatterings, overvotes, and undervotes, by precinct for each contest and public measure that appeared on the ballot of the election being canvassed.

4. The board shall ~~also~~ prepare a certificate showing the total number of people who cast ballots in the election. For general elections and elections held pursuant to section 69.14, a copy of the certificate shall be forwarded to the state commissioner.

5. Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

Sec. 41. Section 50.30, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The commissioner shall, within ~~ten~~ thirteen days after the election, forward to the state commissioner one of the duplicate abstracts of votes for each of the following offices:

Sec. 42. NEW SECTION. 50.30A ELECTION CANVASS SUMMARY FORWARDED TO STATE COMMISSIONER.

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

Sec. 43. Section 50.39, Code 2009, is amended to read as follows:

50.39 ABSTRACT.

It shall make an abstract stating, ~~in words written at length,~~ the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom it declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

Sec. 44. Section 50.48, subsection 4, paragraphs a and c, Code 2009, are amended to read as follows:

a. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots ~~or voting machine documents~~ to ensure that the ballots ~~and other documents~~ are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified to be recounted in the request or by the recount board. The board shall recount only the ballots which were voted and counted for the office in question, including any disputed ballots returned as required in section 50.5. If ~~an electronic~~ automatic tabulating ~~system~~ equipment was used to count the ballots, the recount board may request the commissioner to retabulate the

ballots using the electronic automatic tabulating system equipment. The same program used for tabulating the votes on election day shall be used at the recount unless the program is believed or known to be flawed. ~~If a voting machine was used, the paper record required in section 52.7, subsection 2, shall be the official record used in the recount. However, if the commissioner believes or knows that the paper records produced from a machine have been compromised due to damage, mischief, malfunction, or other cause, the printed ballot images produced from the internal audit log for that machine shall be the official record used in the recount.~~

c. The ballots ~~or voting machine documents~~ shall be resealed by the recount board before adjournment and shall be preserved as required by section 50.12. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

Sec. 45. Section 51.15, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

51.15 APPLICABILITY OF LAW.

This chapter shall apply to all elections in which the commissioner has determined that paper ballots shall be used and counted by precinct election officials pursuant to section 49.26.

Sec. 46. Section 52.1, subsection 1, Code 2009, is amended to read as follows:

1. At all elections conducted under chapter 49, and at any other election unless ~~specifically prohibited by the statute authorizing the election~~ the commissioner directs otherwise pursuant to section 49.26, votes ~~may~~ shall be cast, registered, recorded, and counted by means of ~~either voting machines or~~ optical scan voting systems, in accordance with this chapter.

Sec. 47. Section 52.1, subsection 2, paragraph g, Code 2009, is amended by striking the paragraph.

Sec. 48. Section 52.3, Code 2009, is amended to read as follows:

52.3 TERMS OF PURCHASE -- TAX LEVY.

The county board of supervisors, on the adoption and purchase of ~~a-voting-machine-or~~ an optical scan voting system, may issue bonds under section 331.441, subsection 2, paragraph "b", subparagraph (1).

Sec. 49. Section 52.4, Code 2009, is amended to read as follows:

52.4 EXAMINERS -- TERM -- REMOVAL.

1. The state commissioner of elections shall appoint three members to a board of examiners for voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for staggered terms of six years, subject to removal at the pleasure of the state commissioner of elections.

2. At least one of the examiners shall have been trained in computer programming and operations. The other two members shall be directly involved in the administration of elections and shall have experience in the use of ~~voting-machines-and~~ optical scan voting systems.

Sec. 50. Section 52.5, Code 2009, is amended to read as follows:

52.5 TESTING AND EXAMINATION OF VOTING EQUIPMENT.

1. A person or corporation owning or being interested in a ~~voting-machine-or~~ an optical scan voting system may request that the state commissioner call upon the board of examiners to examine and test the ~~machine-or~~ system. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test.

2. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any ~~voting-machine-or~~ optical scan voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the ~~machine-or~~ system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall provide that all optical scan voting systems ~~and-voting-machines~~ approved for use by the examiners after April 9, 2003, shall meet voting systems performance and test standards, as adopted by the federal election commission

on April 30, 2002, and as deemed adopted by Pub. L. No. 107-252, § 222. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system ~~or-machine~~ is found not to comply with performance standards adopted by the state commissioner.

3. The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the ~~voting-machine-or~~ optical scan voting system, the examiners shall report to the state commissioner describing the testing and examination of the ~~machine-or~~ system and upon the capacity of the ~~machine-or~~ system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of ~~machine-or~~ system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the ~~machine-or~~ system can be so used, it shall be deemed approved by the examiners, and ~~machines-or~~ systems of its kind may be adopted for use at elections as provided in this section. Any form of ~~voting machine-or~~ system not so approved cannot be used at any election.

4. Before actual use by a county of a particular optical scan voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

Sec. 51. Section 52.6, Code 2009, is amended to read as follows:

52.6 COMPENSATION.

1. Each examiner is entitled to one hundred fifty dollars for compensation and expenses in making ~~such an~~ an examination and report under section 52.5, to be paid by the person or corporation applying for ~~such the~~ the examination. ~~No-examiner~~

~~shall have any interest whatever in any machine or system reported upon. --- Provided that~~ However, each examiner shall receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned in to the state treasury.

2. An examiner shall not have any interest whatever in any optical scan voting system reported upon.

Sec. 52. Section 52.8, Code 2009, is amended to read as follows:

52.8 EXPERIMENTAL USE.

The board of supervisors of any county may provide for the experimental use at an election in one or more districts, of a ~~voting machine or~~ an optical scan voting system which it might lawfully adopt, without a formal adoption ~~thereof~~ of the system; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 53. Section 52.19, Code 2009, is amended to read as follows:

52.19 INSTRUCTIONS.

In case any elector after entering the voting ~~machine~~ booth shall ask for further instructions concerning the manner of voting, two precinct election officials of opposite political parties shall give such instructions to the elector; but no precinct election official or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question, or proposition. After receiving such instructions, ~~such~~ the elector shall vote as in the case of an unassisted voter.

Sec. 54. Section 52.23, Code 2009, is amended to read as follows:

52.23 WRITTEN STATEMENTS OF ELECTION ~~--- OTHER PAPERS.~~

~~±~~ After the total vote for each candidate has been ascertained, and before leaving the room or voting place, the precinct election officials shall make and sign the tally list required in section 50.16. One copy of the printed results from each tabulating device shall be signed by all precinct election officials present and shall be attached to the tally list from the precinct. The printed results attached to the

tally list shall reflect all votes cast in the precinct, including overvotes and undervotes, for each candidate and public measure on the ballot.

~~2.--The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed.--This envelope shall be preserved, unopened, for twenty-two months following elections for federal offices and for six months following elections for all other offices unless a recount is requested pursuant to section 50.48 or an election contest is pending.--The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered to the commissioner with the other supplies from the election pursuant to section 50.17.~~

Sec. 55. Section 52.24, Code 2009, is amended to read as follows:

52.24 WHAT STATUTES APPLY--- SEPARATE BALLOTS.

~~All of the provisions of the election law not inconsistent with the provisions of this chapter shall apply with full force to all counties adopting the use of voting machines.~~ Nothing in this chapter shall be construed as prohibiting the use of a separate ballot for public measures.

Sec. 56. Section 52.25, Code 2009, is amended to read as follows:

52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

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

~~1.~~ a. The entire convention question, amendment, or public measure shall be printed and displayed prominently in at least ~~four places~~ one place within the voting precinct, and inside each voting booth, the printing to be in conformity with the provisions of chapter 49.

~~2.~~ b. The question, amendment, or measure, and summaries thereof, shall be printed on the ~~special-paper~~ ballots ~~or on~~

~~the-inserts-used-in-the-voting-machines.~~ In no case shall the font size be less than ten point type.

3- 2. The public measure shall be summarized by the commissioner, except that:

a. In the case of the question of a constitutional convention, or of an amendment or measure to be voted on in the entire state, the summary shall be worded by the state commissioner of elections as required by section 49.44.

b. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section 47.2 for conducting that election.

Sec. 57. Section 52.27, Code 2009, is amended to read as follows:

52.27 COMMISSIONER TO PROVIDE OPTICAL SCAN VOTING EQUIPMENT.

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

Sec. 58. Section 52.28, Code 2009, is amended to read as follows:

52.28 OPTICAL SCAN VOTING SYSTEM BALLOT FORMS.

The commissioner of each county in which the use of an optical scan voting system in one or more precincts has been authorized shall print optical scan ballots using black ink on white paper and shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the

physical characteristics of the optical scan voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of optical scan voting system ballots.

Sec. 59. Section 52.29, Code 2009, is amended to read as follows:

52.29 OPTICAL SCAN VOTING SYSTEM SAMPLE BALLOTS.

The commissioner shall provide for each precinct where an optical scan voting system is in use at least ~~four~~ one sample optical scan ~~ballots~~ ballot which shall be an exact copies copy of the official ballots as printed for that precinct. ~~The sample ballots shall be arranged in the form of a diagram showing the optical scan ballot as it will appear to the voter in that precinct on election day.~~ The sample ballots ballot shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day. If the ballot used on election day has offices or questions appearing on the back of the ballot, both sides of the sample ballot shall be displayed.

Sec. 60. Section 52.41, Code 2009, is amended to read as follows:

52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

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

Sec. 61. Section 53.2, subsections 5, 6, and 7, Code 2009, are amended to read as follows:

5. An application for a primary election ballot which specifies a party different from that recorded on the registered voter's voter registration record, or if the voter's voter registration record does not indicate a party affiliation, shall be accepted as a change or declaration of party affiliation. The commissioner shall approve the change or declaration and enter a notation of the change on the registration records at the time the absentee ballot request is noted on the voter's registration record. A notice shall

be sent with the ballot requested informing the voter that the voter's registration record will be changed to show that the voter is now affiliated with the party whose ballot the voter requested. If an application for a primary election ballot does not specify a party and the voter registration record of the voter from whom the application is received shows that the voter is affiliated with a party, the voter shall be mailed the ballot of the party indicated on the voter's registration record.

6. If an application for an absentee ballot is received from an eligible elector who is not a registered voter the commissioner shall send the eligible elector a voter registration form under-section-48A-8 and an another absentee ballot application form to-the-eligible-elector. ~~If-the application-is-received-so-late-that-it-is-unlikely-that-the registration-form-can-be-returned-in-time-to-be-effective-on election-day,-the-commissioner-shall-enclose-with-the-absentee ballot-a-notice-to-that-effect,-informing-the-voter-of-the registration-time-limits-in-section-48A.9.--The-commissioner shall-record-on-the-electors-application-that-the-elector-is not-currently-registered-to-vote.--If-the-registration-form-is properly-returned-by-the-time-provided-by-section-48A.9,-the commissioner-shall-record-on-the-electors-application-the date-of-receipt-of-the-registration-form-and-enter-a-notation of-the-registration-on-the-registration-records.~~ If the application is received after the time registration closes pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general and primary elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall notify the applicant by mail of the election day and in-person absentee registration provisions of section 48A.7A. In addition to notification by mail, the commissioner shall also attempt to contact the applicant by any other method available to the commissioner.

7. A registered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the absentee ballot application form prescribed-in-section-48A-8 when casting requesting an absentee ballot. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 62. Section 53.8, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 63. Section 53.8, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed ~~carrier~~ return envelope may be mailed to the commissioner by the registered voter or the voter's designee or may be personally delivered to the commissioner's office by the registered voter or the voter's designee. The statement shall also inform the voter that the voter may request that the voter's designee complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

Sec. 64. Section 53.17, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The sealed envelope containing the absentee ballot shall be enclosed in a ~~carrier~~ return envelope which shall be securely sealed. The sealed ~~carrier~~ return envelope shall be returned to the commissioner by one of the following methods:

a. The sealed ~~carrier~~ return envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection 1, to the commissioner's office no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it

from the voter or before the closing of the polls on election day, whichever is earlier.

b. The sealed ~~carrier~~ return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked not later than the day before the election, whichever is earlier.

2. In order for the ballot to be counted, the ~~carrier~~ return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

Sec. 65. Section 53.18, subsections 1 and 2, Code 2009, are amended to read as follows:

1. When the return ~~carrier~~ envelope containing the completed absentee ballot is received by the commissioner, the commissioner shall at once record receipt of such ballot. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters precinct board.

2. If the commissioner receives the return ~~carrier~~ envelope containing the completed absentee ballot by ~~five~~ 5:00 p.m. on the Saturday before the election for general and primary elections and by ~~five~~ 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall open the envelope to review the affidavit for any deficiencies. If the affidavit contains a deficiency that would cause the ballot to be rejected, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may correct the deficiency by ~~five~~ 5:00 p.m. on the day before the election.

Sec. 66. Section 53.20, subsection 2, Code 2009, is amended to read as follows:

2. Results from the special precinct shall be reported separately from the results of the ballots cast at the polls on election day. The commissioner shall for general elections also report the results of the special precinct by the

resident precincts of the voters who cast absentee and provisional ballots. For all other elections, the commissioner may report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, or may report the absentee results as a single precinct. ~~The separate residence precinct reports shall be provided in one of the following ways:~~

~~a.--The commissioner may manually sort the absentee ballots by precinct upon receipt of completed ballots.--Each group of ballots from an individual precinct shall be tallied together.~~

~~b.--The commissioner may prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters. For the general election and for any election in which the commissioner determines in advance of the election to report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.~~

Sec. 67. Section 53.21, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. The voter shall enclose one copy of the above statement in the return ~~carrier~~ envelope with the affidavit envelope and retain a copy for the voter's records.

Sec. 68. Section 53.22, subsection 5, paragraph b, Code 2009, is amended to read as follows:

b. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the ~~carrier~~ return envelope must be received by the time the polls close, or clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

Sec. 69. Section 53.25, Code 2009, is amended to read as follows:

53.25 REJECTING BALLOT.

1. If the absentee voter's affidavit ~~is found to be insufficient~~ lacks the voter's signature, if the applicant is not a duly registered voter on election day in ~~such the~~ precinct where the absentee ballot was cast, if the affidavit envelope contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall ~~not be accepted or counted~~ rejected by the absentee and special voters precinct board. If the affidavit envelope is open, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope, and an affidavit envelope with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote shall ~~not be accepted or counted~~ rejected by the absentee and special voters precinct board.

2. If the absentee ballot is rejected prior to the opening of the affidavit envelope, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 70. Section 53.30, Code 2009, is amended to read as follows:

53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION PRESERVED.

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

Sec. 71. Section 53.40, subsection 1, paragraph c, Code 2009, is amended to read as follows:

c. A request shall show the residence (including street address, if any) of the voter, and the age of the voter, ~~and length-of-residence-in-the-city-or-township, county-and-state,~~ and shall designate the address to which the ballot is to be

~~sent, and in.~~ In the case of the primary election, the request shall also show the party affiliation of such the voter. ~~Such~~ The request shall be made to the commissioner of the county of the voter's residence, ~~provided that.~~ However, if the request is made by the voter to any elective state, city, or county official, the ~~said~~ official shall forward it to the commissioner of the county of the voter's residence, and such request so forwarded shall have the same force and effect as if made ~~direct~~ directly to the commissioner by the voter.

Sec. 72. Section 53.53, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. The voter's application for a regular absentee ballot was received by the commissioner less than fourteen days prior to the election. However, if the voter's application for a regular absentee ballot is not received by the commissioner and if the federal write-in absentee ballot is not prohibited by another provision of this subsection, a federal write-in absentee ballot cast by the voter and received by the commissioner is valid.

Sec. 73. Section 69.8, subsection 2, Code 2009, is amended to read as follows:

2. STATE OFFICES. In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position of trust or profit in the state, by the governor, except when some other method is specially provided. An appointment by the governor to fill a vacancy in the office of lieutenant governor shall be for the balance of the unexpired term. An appointment made under this subsection to a state office subject to section 69.13 shall be for the period until the vacancy is filled by election pursuant to law.

Sec. 74. Section 256.11, subsection 5, paragraph b, Code 2009, is amended to read as follows:

b. Five units of the social studies including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting ~~machines~~ systems in the election process, and the method of acquiring and casting an absentee ballot. All students shall complete a minimum of one-half unit of United States government and one unit of United States history. The one-half unit of United

States government shall include the voting procedure as described in this lettered paragraph and section 280.9A. The government instruction shall also include a study of the Constitution of the United States and the Bill of Rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the Bill of Rights.

Sec. 75. Section 260C.15, subsection 1, Code 2009, is amended to read as follows:

1. Regular elections held 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. However, elections held for the renewal of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22 shall be held either on the date of the school election as fixed by section 277.1 or at a special election held on the second Tuesday in September of the even-numbered year. 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 through 53 and section 277.20.

Sec. 76. Section 260C.22, subsection 1, paragraph a, Code 2009, is amended to read as follows:

a. In addition to the tax authorized under section 260C.17, the voters in a merged area may at the regular school election or at a special election held on the second Tuesday in September of the even-numbered year 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. 77. Section 275.18, subsection 3, Code 2009, is amended to read as follows:

3. The area education agency administrator shall furnish to the commissioner a map of the proposed reorganized area which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least ~~four-places~~ one place within the voting precinct, and inside each voting booth ~~7-or-on-the-left-hand-side-inside-the-curtain~~ of-each-voting-machine.

Sec. 78. Section 280.9A, subsections 1 and 2, Code 2009, are amended to read as follows:

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting ~~machines~~ systems in the election process, and the method of acquiring and casting an absentee ballot.

2. The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting ~~machines~~ equipment or sample ballots that are generally used within the county, at times when ~~these machines~~ this equipment or sample ballots are not in use for their recognized purpose.

Sec. 79. Section 294.8, Code 2009, is amended to read as follows:

294.8 PENSION SYSTEM.

~~Any~~ A school district located in whole or in part within a city having a population of twenty-five thousand one hundred

or more may establish a pension and annuity retirement system for the public school teachers of such district ~~provided-said system~~. However, in cities having a population less than seventy-five thousand, establishment of the system shall be ratified by a vote of the people at a general regular school election.

Sec. 80. Section 298.2, subsection 4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 81. Section 298.9, Code 2009, 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 approved by the voters at ~~the-regular-school~~ an election held on a date specified in section 39.2, subsection 4, paragraph "c", 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. 82. Section 301.24, Code 2009, is amended to read as follows:

301.24 PETITION -- ELECTION.

Whenever a petition signed by one hundred eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary ~~thirty~~ sixty days or more before the regular school election, asking that the question of providing free textbooks for the use of pupils in the school district's attendance centers be submitted to the voters at the next regular school election, the secretary shall cause notice of ~~such~~ the proposition to be given in the notice of ~~such~~ the election.

Sec. 83. Section 331.201, subsection 3, Code 2009, is amended to read as follows:

3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor ~~shall~~ may be appointed to the unexpired term as provided in ~~chapter-69~~ section 69.14A.

Sec. 84. Section 331.383, Code 2009, is amended to read as follows:

331.383 DUTIES AND POWERS RELATING TO ELECTIONS.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 to 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 to 49.8, and

49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board may authorize additional precinct election officials as provided in section 51.1, provide for the use of ~~a-voting-machine-or~~ an optical scan voting system as provided in sections 52.2, 52.3, and 52.8, and exercise other election powers as provided by state law.

Sec. 85. Section 331.425, subsection 2, Code 2009, is amended to read as follows:

2. The election shall be held on the ~~second~~ first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

Sec. 86. Section 331.427, subsection 3, paragraph c, Code 2009, is amended to read as follows:

c. Purchase of voting ~~machines~~ systems and equipment under chapter 52.

Sec. 87. Section 331.441, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) ~~Voting-machines-or-an~~ An optical scan voting system.

Sec. 88. Section 331.502, subsection 17, Code 2009, is amended to read as follows:

17. Make available to schools, voting ~~machines~~ equipment or sample ballots for instructional purposes as provided in section 280.9A.

Sec. 89. Section 364.2, subsection 4, paragraph b, Code 2009, is amended to read as follows:

b. Such an ordinance shall not become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of

those voting approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot if conventional paper ballots are used. If an optical scan voting system ~~or-voting-machine~~ is used, the proposal shall be stated on the optical scan ballot ~~and-on the-machine~~, and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

Sec. 90. Section 368.19, subsection 2, Code 2009, is amended to read as follows:

2. The city shall provide to the commissioner of elections a map of the area to be incorporated, discontinued, annexed, severed, or consolidated, which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least ~~four-places~~ one place within the voting precinct, and inside each voting booth, ~~or-on-the left-hand-side-inside-the-curtain-of-each-voting-machine.~~

Sec. 91. Section 372.13, subsection 2, paragraph b, Code 2009, is amended to read as follows:

b. (1) By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. The council shall give the county commissioner at least thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called. However, a nomination petition must be filed not less than twenty-five days before the date of the special election and, where a primary election may be required, a nomination petition must be filed not less than ~~fifty-two~~ fifty-three days before the date of the special election.

(2) If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. 92. Section 373.6, subsection 1, Code 2009, is amended to read as follows:

1. If a proposed charter for consolidation is received not later than ~~sixty~~ seventy-eight days before the next general election, the council of the participating city with the largest population shall, not later than sixty-nine days before the general election, direct the county commissioner of elections to submit to the registered voters of the participating cities at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter shall be published in a newspaper of general circulation in each city participating in the charter commission process at least ten but not more than twenty days before the date of the election. The proposed charter shall be effective in regard to a city only if a majority of the electors of the city voting approves the proposed charter.

Sec. 93. Section 376.4, Code 2009, is amended to read as follows:

376.4 CANDIDACY.

1. a. An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons.

However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. ~~A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.~~ Nomination petitions shall be filed not later than ~~five o'clock~~ 5:00 p.m. on the last day for filing.

b. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

2. a. The petition must include space for the signature signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the city clerk shall remain open until ~~five~~ 5:00 p.m.

4. The city clerk shall review each petition and affidavit of candidacy for completeness following the standards in

section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The clerk shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

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

6. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

Sec. 94. Section 384.12, subsection 20, paragraphs a and b, Code 2009, are amended to read as follows:

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

b. An election under this subsection shall be held on the ~~second~~ first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

Sec. 95. Section 468.511, subsections 2 and 3, Code 2009, are amended to read as follows:

2. For the purpose of this subchapter, applications for ballots shall be made on blanks substantially in the following form:

Application for ballot to be voted at the .....  
(Name of District) District Election on ..... (Date)  
State of ..... )  
..... County ) ss.

I, ..... (Applicant), do solemnly swear that I am a landowner in the ..... (Name of District) District and that I

am a duly qualified voter entitled to vote in said election, and ~~that on account of~~ ~~business, illness, residence outside of the county, etc.~~ ~~I cannot be at the polls on election day,~~ and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same before the day of said election.

Signed .....

Date .....

Residence (street number if any) .....

City ..... State .....

Subscribed and sworn to before me this ... day of ..... (month), ... (year)

3. For the purpose of this subchapter, the affidavit on the reverse side of the envelopes used for enclosing the marked ballots shall be substantially as follows:

State of ..... )  
..... County ) ss.

I, ..... (Applicant), do solemnly swear that I am a landowner in the ..... (Name of District) District and that I am a duly qualified voter to vote in the election of trustees of said district ~~and that I shall be prevented from attending the polls on the day of election because of~~ ~~business, illness, residence outside of the county, etc.~~ and that I have marked the enclosed ballot in secret.

Signed .....

Subscribed and sworn to before me this ... day of ..... (month), ... (year), and that I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that the affiant then in my presence and in the presence of no other person and in such manner that I could not see the affiant's vote, marked such ballot, enclosed and sealed the same in this envelope; and that the affiant was not solicited or advertised by me for or against any candidate or measure.

.....

.....

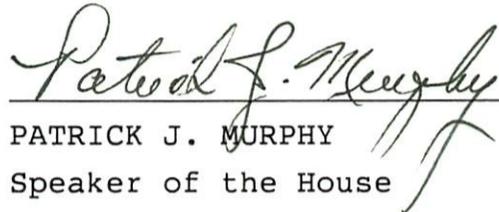
(Official Title)

Sec. 96. Sections 43.26, 48A.40, 49.35, 49.42A, 50.2, 52.7, 52.9, 52.10, 52.17, 52.18, 52.20, and 53.24, Code 2009, are repealed.

Sec. 97. EFFECTIVE AND APPLICABILITY DATES.

1. The section of this Act amending section 48A.27, being deemed of immediate importance, takes effect upon enactment and applies to notices mailed on or after the effective date.

2. The section of this Act amending section 298.9, being deemed of immediate importance, takes effect upon enactment.

  
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 475, Eighty-third General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved April 10<sup>th</sup>, 2009

  
CHESTER J. CULVER  
Governor