



## OFFICE OF THE GOVERNOR

CHESTER J. CULVER  
GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

March 10, 2010

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

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2194**, an Act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

The above Senate 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





Senate File 2194

AN ACT

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

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

Section 1. Section 43.4, unnumbered paragraph 4, Code Supplement 2009, is amended to read as follows:

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

Sec. 2. Section 43.30, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

**43.30 Sample ballots.**

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

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

Sec. 3. Section 43.38, Code 2009, is amended to read as follows:

**43.38 Voter confined to party ticket.**

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

Sec. 4. Section 43.39, Code 2009, is amended to read as follows:

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

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

Sec. 5. Section 43.43, Code 2009, is amended to read as follows:

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

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

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

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

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

.....

Signature of voter

.....

Address

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

Approved:

Election board member ..... Date

Sec. 6. Section 43.45, subsection 2, Code Supplement 2009, is amended by striking the subsection.

Sec. 7. Section 43.46, Code 2009, is amended to read as follows:

**43.46 Delivering returns.**

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

Sec. 8. Section 43.49, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

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

Sec. 9. Section 43.49, subsection 1, paragraph c, Code 2009, is amended to read as follows:

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

Sec. 10. Section 43.61, Code 2009, is amended to read as follows:

**43.61 Returns filed and abstracts recorded.**

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

Sec. 11. Section 43.72, Code 2009, is amended to read as follows:

**43.72 State returns filed and recorded.**

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

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

Sec. 12. Section 47.6, subsection 1, paragraph a, subparagraph (1), subparagraph division (b), Code Supplement 2009, is amended to read as follows:

(b) If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than 5:00 p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least ~~thirty-two~~ forty-six days in advance of the date of the proposed special election.

Sec. 13. Section 48A.5, subsection 2, paragraph c, Code 2009, is amended to read as follows:

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

Sec. 14. Section 48A.27, subsection 2, paragraph a, subparagraph (1), Code Supplement 2009, is amended to read as follows:

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

Sec. 15. Section 49.3, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Election precincts shall be drawn and named or numbered by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law

for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

Sec. 16. Section 49.13, subsection 2, Code Supplement 2009, is amended to read as follows:

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

Sec. 17. Section 49.26, subsection 2, paragraph b, Code Supplement 2009, is amended to read as follows:

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

Sec. 18. Section 49.30, Code 2009, is amended to read as follows:

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

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

1. ~~Where optical scan ballots are used, if when it is not possible to include all offices and public measures on a single ballot. In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.~~

2. ~~Where conventional paper ballots are used, separate paper ballots shall be used.~~

a. ~~For the election of township officers in precincts~~

~~including both incorporated and unincorporated areas or more than one township.~~

~~b. For public measures.~~

~~c. For judges.~~

Sec. 19. Section 49.43, subsection 1, Code Supplement 2009, is amended to read as follows:

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

Sec. 20. Section 49.70, Code 2009, is amended to read as follows:

**49.70 Precinct election officials furnished instructions.**

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

Sec. 21. Section 49.77, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

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

**"VOTER'S DECLARATION  
OF ELIGIBILITY**

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

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

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

.....

Signature of Voter

.....

Address

.....

Telephone (optional)

Approved:

.....  
Board Member"

Sec. 22. Section 49.77, subsection 2, Code Supplement 2009, is amended to read as follows:

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

Sec. 23. Section 49.79, subsection 3, paragraph a, Code 2009, is amended to read as follows:

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

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

Sec. 24. Section 50.19, Code 2009, is amended to read as follows:

**50.19 Preservation and destruction of books.**

1. The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists and abstracts of votes which have not been electronically recorded, six months after the election if a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election

registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with chapter 48A, subchapter V. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

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

Sec. 25. Section 50.24, subsection 3, Code Supplement 2009, is amended to read as follows:

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

Sec. 26. Section 50.24, subsection 4, Code Supplement 2009, is amended by striking the subsection.

Sec. 27. Section 50.30A, Code Supplement 2009, is amended to read as follows:

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

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

Sec. 28. Section 50.46, Code 2009, is amended to read as follows:

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

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of no earlier than 1:00 p.m. on the second day after the election, and canvass the votes cast at the election. If the second day after the election is a public holiday, section 4.1, subsection 34, controls. The

commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 29. Section 53.2, subsection 7, Code Supplement 2009, is amended to read as follows:

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

Sec. 30. Section 53.39, Code 2009, is amended to read as follows:

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

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

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

Sec. 31. Section 53.40, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. A request in writing for a ballot may be made by any

member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held ~~through the next two general elections during a calendar year.~~ The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. ~~If the applicant does not specify which elections the request is for, the county commissioner shall send the applicant a ballot for each federal election held after the application is received and through the next two general elections until the end of the calendar year in which the request is received.~~ ~~If the applicant requests ballots for all elections to be held in a calendar year, the commissioner, if necessary, shall forward a copy of the absentee ballot request to other commissioners who are responsible under section 47.2, subsection 2, for conducting elections in which the applicant is eligible to vote.~~

Sec. 32. Section 53.40, subsection 2, Code Supplement 2009, is amended to read as follows:

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

Sec. 33. Section 260C.13, subsection 2, Code 2009, is amended to read as follows:

2. The board of the merged area shall redraw boundary lines of director districts in the merged area after each federal

~~decennial census to compensate for changes in population if changes in population have taken place.~~

Sec. 34. Section 260C.13, subsection 3, paragraph e, Code 2009, is amended to read as follows:

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

Sec. 35. Section 260C.15, subsection 3, Code Supplement 2009, is amended to read as follows:

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

Sec. 36. Section 275.23A, subsection 1, paragraph e, Code 2009, is amended to read as follows:

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

Sec. 37. Section 275.37A, subsection 1, Code 2009, is amended to read as follows:

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

a. If at the first election in the district there are four

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

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

Sec. 38. Section 277.4, Code 2009, is amended to read as follows:

**277.4 Nominations required.**

1. Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days before the election. Nomination petitions shall be filed not later than ~~five~~ 5:00 p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until ~~five~~ 5:00 p.m.

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

b. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed

with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

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

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

Sec. 39. Section 279.1, Code 2009, is amended to read as follows:

**279.1 Organization.**

1. The board of directors of each school corporation shall meet and organize at the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board.

2. Such organization shall be effected by the election of a president from the members of the board to serve for one year, and who shall be entitled to vote as a member.

Sec. 40. Section 279.7, Code 2009, is amended to read as follows:

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

1. If a vacancy or vacancies occur among the elective

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

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

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

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

Sec. 41. Section 279.33, Code 2009, is amended to read as follows:

**279.33 Annual settlements.**

1. At a regular or special meeting held on or after August 31 ~~of each year~~, and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer

fails to make proper reports for the settlement, the board shall take action to obtain the balance information.

2. In the even-numbered year, the board shall, at the meeting described in subsection 1, elect a president for a term of one year.

Sec. 42. Section 298.2, subsection 4, paragraph a, Code Supplement 2009, is amended to read as follows:

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

Sec. 43. Section 331.207, subsections 2 and 5, Code 2009, are amended to read as follows:

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered year, subject to subsection 6. The special election shall be held ~~within sixty days after the day the petition was received on the first Tuesday in August of the odd-numbered year.~~ Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election ~~which shall be held not~~

~~less than five nor more than twenty days from the date of last publication. The last in the series of publications shall occur not less than four nor more than twenty days before the election.~~

5. If the plan adopted by a plurality of the ballots cast in the special election represents a change from plan "one" to plan "two" or "three", or from plan "two" to plan "three", as each plan is defined in section 331.206, the temporary county redistricting commission shall divide the county into districts as provided in sections 331.209 and 331.210. The plan shall be completed not later than ~~September 15 November 1~~ following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective the following January 1.

Sec. 44. Section 331.425, subsection 4, Code Supplement 2009, is amended to read as follows:

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

Sec. 45. Section 331.501, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 46. Section 331.551, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 47. Section 331.601, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 48. Section 331.751, subsection 1, Code 2009, is amended to read as follows:

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

Sec. 49. Section 357J.16, Code 2009, is amended to read as follows:

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

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

Sec. 50. Section 359.11, Code 2009, is amended to read as follows:

**359.11 Officers to be elected.**

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

Sec. 51. Section 376.4, subsection 5, Code Supplement 2009, is amended to read as follows:

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

Sec. 52. Section 376.7, Code 2009, is amended to read as follows:

**376.7 Date of primary.**

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

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

placed on the ballot for the regular city election as candidates for that office.

Sec. 53. Section 376.9, Code 2009, is amended to read as follows:

**376.9 Runoff election.**

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

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

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

Sec. 54. Section 376.11, Code 2009, is amended to read as follows:

**376.11 Write-in votes.**

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

2. Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of

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

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

4. In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the city clerk or commissioner of elections not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the

runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner or the city clerk not later than ~~five o'clock~~ 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

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

Sec. 55. Section 384.12, subsection 20, paragraphs a and d, Code Supplement 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 forty-six~~ days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

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

Sec. 56. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The sections of this Act amending sections 43.30, 43.38, 43.39, 43.45, 43.49, 43.61, 43.72, 47.6, 48A.5, 49.26, 49.70, 49.79,

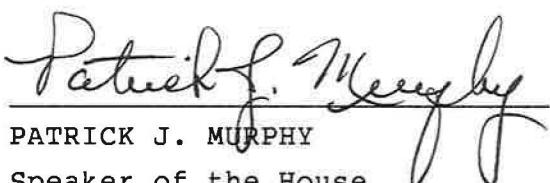
Senate File 2194, p. 21

53.2, 53.39, 53.40, 357J.16, and 384.12, being deemed of immediate importance, take effect upon enactment and apply to elections held on or after May 15, 2010.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

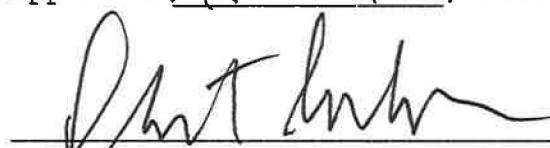
I hereby certify that this bill originated in the Senate and is known as Senate File 2194, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved March 10<sup>th</sup>, 2010

  
CHESSTER J. CULVER

Governor