

House File 566 - Enrolled

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AN ACT

RELATING TO POLITICAL SUBDIVISION ELECTIONS BY CHANGING THE DATE OF THE ELECTION OF DIRECTORS OF LOCAL SCHOOL DISTRICTS, MERGED AREAS, AND AREA EDUCATION AGENCY BOARDS, BY PROVIDING FOR THE COMBINED ADMINISTRATION OF REGULAR AND SPECIAL SCHOOL AND CITY ELECTIONS, MAKING CHANGES TO THE ADMINISTRATION OF ELECTIONS FOR POLITICAL SUBDIVISIONS LOCATED IN MORE THAN ONE COUNTY, ESTABLISHING REQUIREMENTS FOR BALLOT ARRANGEMENT AND PLACEMENT FOR POLITICAL SUBDIVISION OFFICES, AND INCLUDING EFFECTIVE DATE AND APPLICABILITY AND TRANSITION PROVISIONS.

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

DIVISION I

ELECTION DAY FOR REGULAR SCHOOL ELECTIONS

Section 1. Section 39.2, subsection 4, paragraph c, Code 2017, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in ~~February~~ March, the first Tuesday in ~~April~~ May, the ~~last~~ first Tuesday in ~~June~~ August, or the ~~second first~~ first Tuesday after the first Monday in ~~September~~ November. For a school district or merged area, in the even-numbered year, the first Tuesday in ~~February~~ March, the first Tuesday in ~~April~~ May, the ~~second first~~ first Tuesday in ~~September~~ August, or the first Tuesday in December.

Sec. 2. Section 260C.12, subsection 1, Code 2017, is amended to read as follows:

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

Sec. 3. Section 260C.13, subsection 1, Code 2017, is amended to read as follows:

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

Sec. 4. Section 260C.15, subsection 5, Code 2017, is amended to read as follows:

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is responsible under [section 47.2](#) for conducting elections held for a merged area, the county board of supervisors shall convene on the last Monday in ~~September~~ November or at the last regular board meeting in ~~September~~ November, canvass the

abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in [section 277.28](#).

Sec. 5. Section 273.8, subsection 2, paragraphs a and b, Code 2017, are amended to read as follows:

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

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

Sec. 6. Section 273.8, subsection 4, paragraph a, Code 2017, is amended to read as follows:

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

organizational meeting.

Sec. 7. Section 273.8, subsection 6, Code 2017, is amended to read as follows:

6. *Change in directors.* The board of an area education agency may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than July September 1 of ~~a fiscal~~ the odd-numbered year for the director district conventions to be held the following ~~September~~ November.

Sec. 8. Section 277.1, Code 2017, is amended to read as follows:

277.1 Regular election.

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

Sec. 9. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

Sec. 10. APPLICABILITY.

1. This division of this Act applies to regular school elections held on or after November 5, 2019, and to the terms of office of directors of local school districts, merged areas, and area education agencies commencing on or after that date.

2. Under this division of this Act, the regular school elections previously scheduled to be held in September 2019 shall be held in November 2019.

DIVISION II

COMBINED ADMINISTRATION OF CITY AND SCHOOL ELECTIONS

Sec. 11. Section 39.2, subsection 1, paragraph b, Code 2017, is amended to read as follows:

b. A special election shall not be held in conjunction with the primary election. ~~A special election shall not be held in conjunction with a school election unless the special election is for a school district or community college.~~ A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election.

Sec. 12. Section 39.2, subsection 2, Code 2017, is amended

to read as follows:

2. Except as otherwise provided in [subsection 1](#), a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of [section 47.6, subsection 2](#). A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties, except that a special election for a city, school district, or merged area shall not be scheduled to coincide with the general election.

Sec. 13. Section 39.2, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. ~~For a city, on the day of the general election, on the day of the regular city election, on the date of a special election held to fill a vacancy in the same city, or on in~~ the odd-numbered year, the first Tuesday in March, the first Tuesday in May, or the first Tuesday in August of each year, or the first Tuesday after the first Monday in November. For a city, in the even-numbered year, the first Tuesday in March, the first Tuesday in May, the first Tuesday in August, or the first Tuesday in December.

Sec. 14. Section 44.11, Code 2017, is amended to read as follows:

44.11 Vacancies filled.

If a candidate named under [this chapter](#) withdraws before the deadline established in [section 44.9](#), declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations

required to be filed with the commissioner, not less than ~~thirty-five~~ forty-two days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

Sec. 15. Section 47.2, subsection 2, Code 2017, is amended to read as follows:

2. When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of each of those counties shall conduct that election within the commissioner's county. However, the commissioner for the county having the greatest taxable base within the political subdivision shall conduct that election serve as the controlling commissioner for the election. The controlling commissioner shall receive all nomination papers and public measures for the political subdivision. By the forty-first day prior to the election, the controlling 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 required to conduct elections for the political subdivision. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the ~~county~~ controlling ~~commissioner of elections who is conducting the election.~~

Sec. 16. Section 47.6, subsection 2, Code 2017, is amended to read as follows:

2. For the purpose of this section, a conflict between two elections exists only when ~~one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when~~ some but not all of the registered voters of any precinct would be entitled to vote in one of the elections and all of the registered voters of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even

though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 17. Section 49.9, Code 2017, is amended to read as follows:

49.9 Proper place of voting.

Except as provided in [section 49.11, subsection 3](#), paragraph “b”, and as required by the designation of a commissioner pursuant to section 49.21, subsection 1, a person shall not vote in any precinct but that of the person’s residence.

Sec. 18. Section 49.21, subsection 1, Code 2017, is amended to read as follows:

1. a. It is the responsibility of the commissioner to designate a polling place for each precinct in the county. Notwithstanding any provision of law to the contrary, for city and school elections the commissioner shall, whenever practicable, designate polling places so that an eligible elector will be assigned to vote at the same polling place at which the eligible elector would be assigned to vote at the general election. However, if a city does not have a polling place designated for the general election precinct, the commissioner may designate an additional polling place for the precinct in that city.

b. Each polling place designated shall be accessible to persons with disabilities. However, if the commissioner is unable to provide an accessible polling place for a precinct, the commissioner shall apply for a temporary waiver of the accessibility requirement. The state commissioner shall adopt rules in accordance with [chapter 17A](#) prescribing standards for determining whether a polling place is accessible and the process for applying for a temporary waiver of accessibility.

Sec. 19. Section 49.30, Code 2017, is amended to read as follows:

49.30 All candidates and issues on one ballot — exceptions.

1. 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 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. If printed on the same ballot, the offices of political subdivisions shall, if applicable, be printed in the following order:

- a. Those of a county.
- b. Those of a city.
- c. Those of a school district.
- d. Those of a merged area.
- e. Those of any other political subdivision.

3. If printed on the same ballot, the public measures of political subdivisions shall be printed in the same order as provided for offices of the political subdivisions.

Sec. 20. Section 49.31, subsection 2, paragraph b, Code 2017, is amended to read as follows:

b. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in [this subsection](#) or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. ~~The procedure for arrangement of names on ballots provided in [this section](#) shall likewise be substantially followed in elections in political subdivisions of less than a county.~~

Sec. 21. Section 49.31, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *d.* On the regular and special city election and school election ballots the names of candidates for city, school district, and merged area offices shall be arranged by drawing lots for position. The commissioner shall hold

the drawing on the second business day following the deadline for filing of nomination papers or petitions under sections 260C.15, 277.4, and 376.4. If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

Sec. 22. Section 49.31, subsection 3, Code 2017, is amended to read as follows:

3. ~~The~~ Except as otherwise provided in subsection 2, paragraph "d", the ballots for any ~~city elections, school elections,~~ special election, or any other election at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. ~~When~~ Except as otherwise provided in subsection 2, paragraph "d", when a ~~city election, school election,~~ special election, or any other election at which an office is to be filled on a nonpartisan basis, is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by [subsection 2](#) unless there are no more candidates for an office than the number of persons to be elected to that office.

Sec. 23. Section 49.41, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A person shall not be a candidate for more than one office to be filled at the same election, except that a person may be a candidate for a city office and school board office at the same election. A person who has been nominated for more than one office and is prohibited from being a candidate for more than one office shall file a written notice declaring the office for which the person wishes to appear on the ballot.

Sec. 24. Section 49.51, Code 2017, is amended to read as follows:

49.51 Commissioner to control printing.

The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, ~~unless~~

~~the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section 47.2 for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the registered voters of that political subdivision. Only one facsimile signature, that of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under the commissioner's direction conforms to all applicable requirements of [this chapter](#).~~

Sec. 25. Section 49.73, subsection 1, paragraphs a and b, Code 2017, are amended by striking the paragraphs.

Sec. 26. Section 49.73, subsection 2, Code 2017, is amended to read as follows:

~~2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than 7:00 a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under [chapter 260C](#). The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. The polling places shall be closed at 9:00 p.m. for state primary and general elections and other partisan elections, and for any other election held concurrently therewith, and at 8:00 p.m. for all other elections.~~

Sec. 27. Section 50.11, Code 2017, is amended to read as follows:

50.11 Proclamation of result.

1. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for

which the person is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people. A precinct election official shall communicate the election results by telephone or in person to the commissioner who is conducting the election immediately upon completion of the canvass.

2. Election results may be transmitted electronically from voting equipment to the commissioner's office only after the precinct election officials have produced a written report of the election results. The devices used for the electronic transmission of election results shall be approved for use by the board of examiners pursuant to [section 52.41](#). The state commissioner of elections shall adopt rules establishing procedures for the electronic transmission of election results.

3. The commissioner shall remain on duty until such information is communicated to the commissioner from each polling place in the commissioner's county. For an election for a political subdivision that is located in more than one county, the commissioner shall, if applicable, communicate that county's election results for the political subdivision to the controlling commissioner for that political subdivision under section 47.2, and the controlling commissioner shall remain on duty until such information is communicated to the controlling commissioner from each commissioner for the political subdivision.

Sec. 28. Section 50.24, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. For a regular or special city election or a city runoff election, if the city is located in more than one county, the controlling commissioner for that city under section 47.2 shall conduct a second canvass on the second Monday or Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the city pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that city to the controlling commissioner

for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office and on each question on the ballot for the city election. The combined city abstract shall further indicate the name of each person who received votes for each office on the ballot, 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 five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

NEW SUBSECTION. 3B. *a.* For a regular or special school election, if the school district is located in more than one county, the controlling commissioner for that school district under section 47.2 shall conduct a second canvass on the second Monday or Tuesday after the day of election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the school district pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that school district, along with individual tallies for each write-in candidate. At the second canvass the county board of supervisors of the controlling county shall canvass the abstracts received pursuant to this subsection and shall prepare a combined school district abstract stating the number of votes cast in the school district for each office and on each question on the ballot for the school election. The combined school district abstract shall further indicate the name of each person who received votes for each office on the ballot, 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 five percent of the total votes cast in the school district for an office shall be reported collectively under the heading "scattering".

b. The second canvass of votes for a merged area shall be conducted pursuant to section 260C.15, subsection 5, and each commissioner conducting a canvass for the merged area pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that merged area, along with individual tallies for each write-in candidate.

Sec. 29. Section 50.48, subsection 1, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The county board of canvassers shall order a recount of the votes cast for a particular office or nomination in one or more specified election precincts in that county if a written request ~~therefor~~ for a recount is made not later than 5:00 p.m. on the third day following the county board's canvass of the election in question. For a city runoff election held pursuant to section 376.9, the written request must be made not later than 5:00 p.m. on the day following the county board's canvass of the city runoff election. The request shall be filed with the commissioner of that county, ~~or with the commissioner responsible for conducting the election if section 47.2, subsection 2, is applicable,~~ and shall be signed by either of the following:

Sec. 30. Section 52.25, subsection 2, paragraph b, Code 2017, is amended to read as follows:

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 controlling commissioner ~~responsible~~ under [section 47.2](#) for ~~conducting~~ that election.

Sec. 31. Section 53.40, subsection 1, paragraph a, Code 2017, 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 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 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 260C.15, subsection 3, Code 2017, is amended to read as follows:

3. Nomination papers 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-four~~ seventy-one days nor later than 5:00 p.m. on the ~~fortieth~~ forty-seventh day prior to the election at which members of the board are to be elected. 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 merged area's controlling county commissioner of elections ~~who is responsible under section 47.2 for conducting elections held for the merged area.~~ That controlling 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~~ forty-second day prior to the election.

Sec. 33. Section 260C.15, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. The objection must be filed with the secretary of the board at least ~~thirty-five~~ forty-two days before the day of the election at which members of the board are elected. When objections are filed, notice shall immediately be given to

the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered. The board secretary shall also attempt to notify the candidate by telephone if the candidate provided a telephone number on the candidate's affidavit.

Sec. 34. Section 260C.15, subsection 5, Code 2017, is amended to read as follows:

5. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be certified as required by section 277.20. In each county whose commissioner of elections is ~~responsible~~ the controlling commissioner for a merged area under [section 47.2](#) ~~for conducting elections held for a merged area~~, the county board of supervisors shall convene on the last Monday in September or at the last regular board meeting in September, canvass the abstracts of votes cast from each county in the merged area, and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected, and shall certify to the merged area board in substantially the manner prescribed by section 50.27 the result of the voting on any public question submitted to the voters of the merged area. Members elected to the board of directors of a merged area shall qualify by taking the oath of office prescribed in [section 277.28](#).

Sec. 35. Section 260C.22, subsection 3, Code 2017, is amended to read as follows:

3. A voted tax imposed under [this section](#) may be discontinued, or its maximum rate increased, by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct ~~the~~ each county commissioner of elections responsible under [section 47.2](#) for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the voted tax under [this section](#) or to increase the maximum rate of the voted tax, whichever is applicable. The petition must be signed by eligible electors

equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the tax appeared on the ballot and received by the board of directors by June 1 of the year in which the election is to be held. The question shall be submitted at an election held on a date authorized for an election under [subsection 1](#), paragraph "a". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the tax favors discontinuance, the board shall not impose the tax for any fiscal year beginning after expiration of the period of time for imposing the tax approved at the last election under [subsection 1](#) or the period of time for imposing the tax established by resolution of the board under [subsection 2](#) that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the voted tax is again authorized at election under [subsection 1](#). If the question of whether to discontinue the authority of the board of directors to impose the tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election. If a majority of those voting on the question to increase the maximum rate of the voted tax favors the proposed increase, the new maximum rate shall apply to fiscal years beginning after the date of the election.

Sec. 36. Section 260C.28, subsection 3, paragraph c, Code 2017, is amended to read as follows:

c. The additional tax authorized under [subsection 2](#) may be discontinued by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct ~~the~~ each county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the additional tax under [subsection 2](#). The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of

the imposition of the additional tax appeared on the ballot. The question shall be submitted at an election held on a date specified in [section 39.2, subsection 4](#), paragraph "c". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the additional tax favors discontinuance, the board shall not impose the additional tax for any fiscal year beginning after the expiration of the period of time for imposing the tax approved at the last election under paragraph "a" or the period of time for imposing the additional tax established by resolution of the board under paragraph "b" that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the additional tax is again authorized at election under paragraph "a". If the question of whether to discontinue the authority of the board of directors to impose the additional tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election.

Sec. 37. Section 275.22, Code 2017, is amended to read as follows:

275.22 Canvass and return.

~~The precinct election officials shall count the ballots, and make return to and deposit the ballots with the county commissioner of elections, who shall enter the return of record in the commissioner's office. The election tally lists, including absentee ballots, shall be listed by individual school district. The canvass shall be conducted pursuant to section 50.24.~~ The county commissioner of elections or controlling commissioner shall certify the results of the election to the area education agency administrator. If the majority of the votes cast by the registered voters is in favor of the proposition, as provided in [section 275.20](#), a new school corporation shall be organized. If the majority of votes cast is opposed to the proposition, a new petition describing the identical or similar boundaries shall not be filed for at least six months from the date of the election. If territory is excluded from the reorganized district, action pursuant to section 274.37 shall be taken prior to the effective date of

reorganization. The secretary of the new school corporation shall file a written description of the boundaries as provided in [section 274.4](#).

Sec. 38. Section 277.4, subsection 1, Code 2017, is amended to read as follows:

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

Sec. 39. Section 277.5, Code 2017, is amended to read as follows:

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the secretary of the school board at least ~~thirty-five~~ forty-two days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

2. Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the objection. The official's place shall be filled by a member

of the school board against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 40. Section 277.20, Code 2017, is amended to read as follows:

277.20 Canvassing returns.

~~1. On the next Friday after the regular school election, the county board of supervisors shall~~ The canvass the of returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as required by shall be conducted pursuant to [section 50.24](#). Special elections held in school districts shall be canvassed at the time and in the manner required by ~~that~~ [section 50.24](#). The appropriate board of supervisors shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to [section 277.4](#), and the commissioner of elections or controlling commissioner for the district shall at once issue a certificate of election to each person declared elected. The appropriate board shall also declare the results of the voting on any public question submitted to the voters of a single school district, and the commissioner or controlling commissioner shall certify the result as required by [section 50.27](#).

~~2. The abstracts of the votes cast for members of the board of directors of any merged area, and of the votes cast on any public question submitted to the voters of any merged area, shall be promptly certified by the county commissioner of elections to the merged area's controlling county commissioner of elections who is responsible under~~ [section 47.2](#) ~~for conducting the elections held for that merged area.~~

Sec. 41. Section 376.6, subsection 2, Code 2017, is amended to read as follows:

2. Each city clerk shall certify to the city's controlling commissioner of elections ~~responsible under~~ [section 47.2](#) ~~for conducting elections for that city~~ the type of nomination process to be used for the city no later than ninety days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have

nominations made in the manner provided by [chapter 44](#) or [45](#), or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

Sec. 42. Section 376.9, subsection 2, Code 2017, is amended to read as follows:

2. a. 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, except that the county board of supervisors required to canvass the vote of the runoff election pursuant to section 50.24 shall meet to canvass the vote on the Thursday following the runoff election.

b. For a city that is located in more than one county, the county board of supervisors conducting the canvass under paragraph "a" shall transmit abstracts for the offices and public measures of that city, along with individual tallies for each write-in candidate, to the city's controlling commissioner under section 47.2 within twenty-four hours of completing the canvass. The county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection on the first Monday or the first Tuesday after the day of the runoff election and shall proceed as provided in section 50.24, subsection 3A.

Sec. 43. REPEAL. Section 277.6, Code 2017, is repealed.

Sec. 44. EFFECTIVE DATE. This division of this Act takes effect July 1, 2019.

DIVISION III

TRANSITION PROVISIONS

Sec. 45. TERM OF OFFICE — TRANSITION PROVISIONS.

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

a. September 8, 2015, shall expire November 5, 2019.

b. September 12, 2017, shall expire November 2, 2021.

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

a. September 2015 shall expire November 30, 2019.

b. September 2017 shall expire November 30, 2021.

3. Notwithstanding the provisions of section 274.7 designating a term of four years for members of a board of directors of a school district, the term of office for a seat on a board of directors filled at the regular school election held on:

a. September 8, 2015, shall expire November 5, 2019.

b. September 12, 2017, shall expire November 2, 2021.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 566, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor