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Place On Calendar

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HOUSE FILE 1399

By COMMITTEE ON STATE GOVERNMENT

Passed House, Date 3-19-74 (1099) Passed Senate, Date _____
Vote: Ayes 90 Nays 0 Vote: Ayes _____ Nays _____
Approved April 24, 1974

A BILL FOR

1 An Act to revise certain statutes relating to elections which
2 were amended or affected by passage of House File 745, Acts
3 of the Sixty-fifth General Assembly, 1973 Session, and which
4 appear in chapters thirty-nine (39), forty-three (43), forty-
5 four (44), forty-nine (49), fifty (50), fifty-two (52), fifty-
6 three (53), sixty-nine (69), two hundred seventy-three (273),
7 two hundred seventy-five (275), two hundred seventy-seven
8 (277), two hundred seventy-eight (278), two hundred seventy-
9 nine (279), two hundred eighty A (280A), two hundred ninety-
10 six (296), two hundred ninety-eight (298), three hundred
11 sixty-three (363), and six hundred nine (609) of the Code,
12 chapter one thousand eighty-eight (1088), Acts of the Sixty-
13 fourth General Assembly, 1972 Session, and chapter two hundred
14 (200), Acts of the Sixty-fifth General Assembly, 1973 Session,
15 and to revise and clarify a temporary statute appearing in
16 chapter one hundred thirty-six (136), Acts of the Sixty-fifth
17 General Assembly, 1973 Session.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section thirty-nine point four (39.4), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section
4 four (4), is amended to read as follows:

5 39.4 PROCLAMATION CONCERNING REVISION OF CONSTITUTION.

6 In the years in which the Constitution requires, or at other
7 times when the general assembly by law provides for, a vote
8 on the question of calling a convention and revising the Con-
9 stitution, the governor shall at least sixty days before the
10 general election issue a proclamation directing that at the
11 general election there be proposed to the people the following
12 question:

13 "Shall there be a convention to revise the Constitution,
14 and ~~amend-the~~ propose amendment or amendments to same?"

15 Sec. 2. Section forty-three point four (43.4), unnumbered
16 paragraphs one (1) and two (2), Code 1973, are amended to
17 read as follows:

18 Delegates to county conventions of political parties and
19 party committeemen shall be elected at precinct caucuses held
20 not later than the second Monday in May of each ~~election~~ even-
21 numbered year. The state central committee of each political
22 party shall set the date for said caucuses. In accordance
23 therewith, the county central committee of each political
24 party shall issue the call for said caucuses. The county
25 chairman shall file with the county ~~auditer~~ commissioner the
26 meeting place of each precinct caucus at least seven days
27 prior to the date of holding such caucus.

28 There shall be selected among those present at a precinct
29 caucus a chairman and a secretary who shall forthwith certify
30 to the county central committee and the county ~~auditer~~
31 commissioner the names of those elected as party committee-
32 men and delegates to the county convention.

33 Sec. 3. Section forty-three point eleven (43.11), subsec-
34 tion one (1), Code 1973, and subsection two (2), Code 1973,
35 as amended by Acts of the Sixty-fifth General Assembly, 1973

1 Session, chapter one hundred thirty-six (136), section eighteen
2 (18), are amended to read as follows:

3 1. For an elective county office, in the office of the
4 county commissioner ~~of elections at least fifty-five days~~
5 not later than five o'clock p.m. on the fifty-fifth day prior
6 to the day fixed for holding the primary election.

7 2. For United States senator, for an elective state office,
8 for representative in Congress, and for member of the general
9 assembly, in the office of the state commissioner not ~~more~~
10 earlier than eighty-five days nor ~~less than sixty-seven days~~
11 later than five o'clock p.m. on the sixty-seventh day prior
12 to the day fixed for holding ~~said~~ the primary election.

13 Sec. 4. Section forty-three point twenty (43.20), unnum-
14 bered paragraph one (1) and subsections one (1) and two (2),
15 Code 1973, as amended by Acts of the Sixty-fifth General
16 Assembly, 1973 Session, chapter one hundred thirty-six (136),
17 section twenty-two (22), are amended to read as follows:

18 Nomination papers shall be signed by eligible electors
19 as follows:

20 1. If for a state office, or United States senator, by
21 at least one percent of the voters of the candidate's party
22 ~~of such candidates~~, in each of at least ten counties of the
23 state, and in the aggregate not less than one-half of one
24 percent of the total vote of ~~his~~ the candidate's party in
25 the state, as shown by the last general election.

26 2. If for a representative in Congress, in districts com-
27 posed of more than one county, by at least two percent of
28 the voters of ~~his~~ the candidate's party, as shown by the
29 last general election, in each of at least one-half of the
30 counties of the district, and in the aggregate not less than
31 one percent of the total vote of ~~his~~ the candidate's party
32 in such district, as shown by the last general election.

33 If for a representative in the general assembly, not less
34 than fifty voters of the representative district; and if for
35 a senator in the general assembly, not less than one hundred

1 voters of the senatorial district.

2 Sec. 5. Section forty-three point twenty-one (43.21),
3 Code 1973, as amended by Acts of the Sixty-fifth General
4 Assembly, 1973 Session, chapter one hundred thirty-six (136),
5 section twenty-three (23), is amended by striking the section
6 and inserting in lieu thereof the following:

7 43.21 TOWNSHIP OFFICE. The name of a candidate for a
8 township office shall be printed on the official primary
9 ballot of his party if he files his personal affidavit, in
10 the form prescribed by section forty-three point eighteen
11 (43.18) of the Code, with the commissioner not later than
12 five o'clock p.m. of the fifty-fifth day prior to the primary
13 election. If prior to that time there is presented to the
14 commissioner a nomination paper signed by at least ten eligible
15 electors of the township requesting that the name of any
16 person be placed on the primary ballot as a candidate for
17 a township office, and the nomination paper is not accompanied
18 by the candidate's personal affidavit, the commissioner shall
19 advise the candidate that such an affidavit is required before
20 his name may be placed on the ballot.

21 Sec. 6. Section forty-three point forty-six (43.46), Code
22 1973, as amended by Acts of the Sixty-fifth General Assembly,
23 1973 Session, chapter one hundred thirty-six (136), section
24 thirty-three (33), is amended to read as follows:

25 43.46 DELIVERING RETURNS. Said judges and clerks shall
26 deliver the election register, tally sheets, certificates,
27 envelopes containing ballots, and all unused supplies, within
28 ~~twenty-four hours~~ two days after the close of the polls, to
29 the commissioner who shall carefully preserve the returns
30 and envelopes in the condition in which received and deliver
31 them to the county board of canvassers.

32 Sec. 7. Section forty-three point forty-eight (43.48),
33 Code 1973, is amended to read as follows:

34 43.48 ELECTOR MAY ASCERTAIN VOTE CAST. Any elector of
35 the county shall have the right, before the day fixed for

1 canvassing the returns, to ascertain the vote cast for any
2 candidate in any precinct in the county, as shown on the
3 outside of the envelope containing the ~~pollbooks~~ election
4 register.

5 Sec. 8. Section forty-three point sixty-six (43.66), Code
6 1973, as amended by Acts of the Sixty-fifth General Assembly,
7 1973 Session, chapter one hundred thirty-six (136), section
8 forty-four (44), is amended to read as follows:

9 43.66 WRITE-IN CANDIDATES. The fact that the candidate
10 who receives the highest number of votes cast for any party's
11 nomination for an office to which section forty-three point
12 fifty-two (43.52) or 43.65 of the Code is applicable is a
13 person whose name was not printed on the official primary
14 election ballot shall not affect the validity of the person's
15 nomination as a candidate for that office in the general
16 election. However, if there is no candidate on the official
17 primary ballot of a political party for nomination to a
18 particular office, a write-in candidate may obtain the party's
19 nomination to that office in the primary if the candidate
20 receives a number of votes equal to at least thirty-five
21 percent of the total vote cast for all of that party's candi-
22 dates for that office in the last preceding primary election
23 for which the party had candidates on the ballot for that
24 office. When two or more nominees are required, the division
25 procedure prescribed in section forty-three point fifty-two
26 (43.52) of the Code shall be applied to establish the minimum
27 number of write-in votes necessary for nomination. If the
28 primary is inconclusive, the necessary nominations shall be
29 made in accordance with section forty-three point ninety-seven
30 (43.97), forty-three point one hundred one (43.101), or forty-
31 three point one hundred nine (43.109) of the Code, whichever
32 is applicable.

33 Sec. 9. Section forty-three point seventy-three (43.73),
34 Code 1973, as amended by Acts of the Sixty-fifth General
35 Assembly, 1973 Session, chapter one hundred thirty-six (136),

1 section forty-eight (48), is amended to read as follows:

2 43.73 STATE COMMISSIONER TO CERTIFY NOMINEES. Not less
3 than fifty-five days before the general election the state
4 commissioner shall certify to each commissioner, under separate
5 party headings, the name of each person nominated as shown
6 by the official canvass made by the executive council, or
7 as certified to him by the proper persons when any person
8 has been nominated by a convention or by a party committee,
9 or by petition, ~~his-place-of-residence,~~ the office to which
10 he is nominated, and the order in which the tickets of the
11 several political parties shall appear on the official ballot.

12 Sec. 10. Section forty-three point seventy-five (43.75),
13 Code 1973, is amended to read as follows:

14 43.75 TIE VOTE. In case of a tie vote resulting in no
15 nomination for any office, the tie shall forthwith be deter-
16 mined by lot by the board of canvassers, ~~er-judges-of-elec-~~
17 ~~tion,-as-the-case-may-be.~~

18 Sec. 11. Section forty-three point eighty-four (43.84),
19 unnumbered paragraphs one (1) and two (2), Code 1973, are
20 amended to read as follows:

21 There shall be a legislative ~~representative~~ district central
22 committee for each ~~legislative representative~~ district, which
23 committee shall be composed of the same precinct members
24 chosen for each county central committee and who reside within
25 that part of the county located within the ~~legislative~~
26 representative district. A senate legislative central
27 committee shall be composed of the two legislative representa-
28 tive central committees from the two representative districts
29 comprising the senate district. The precinct members of the
30 legislative ~~representative~~ district central committee for
31 the various parts of counties comprising the representative
32 district or senatorial district, as the case may be, shall
33 meet and , organize by election of officers, ~~en-the-next~~
34 ~~Monday-following-their-election~~ and conduct business as
35 appropriate at some convenient place within the legislative

1 district to be chosen by the state chairman.

2 ~~The committee shall meet in convention~~, on call of the
3 state chairman to:

4 Sec. 12. Section forty-three point one hundred one
5 (43.101), unnumbered paragraph one (1), Code 1973, is amended
6 to read as follows:

7 Each political party shall hold a ~~senatorial, representa-~~
8 ~~tional or~~ congressional district convention and shall, if
9 a call is issued by the state chairman pursuant to section
10 forty-three point one hundred two (43.102) of the Code, hold
11 a state senatorial or representative district convention,
12 in districts composed of more than one county:

13 Sec. 13. Section forty-three point one hundred two
14 (43.102), Code 1973, as amended by Acts of the Sixty-fifth
15 General Assembly, 1973 Session, chapter one hundred thirty-
16 six (136), section fifty-seven (57), is amended by striking
17 the section and inserting in lieu thereof the following:

18 43.102 CALL FOR DISTRICT CONVENTION. When a district
19 convention is called for any of the purposes listed in section
20 forty-three point one hundred one (43.101) of the Code, a
21 copy of the call stating the number of delegates to which
22 each county or portion of a county will be entitled, and the
23 time, place and purpose of the convention. The call for the
24 convention shall be issued by:

25 1. The congressional district chairman, as soon as practi-
26 cable after the necessity for a congressional district conven-
27 tion is known.

28 2. The state chairman in case of a state senatorial or
29 representative district convention, except that the state
30 chairman may elect to call a meeting of the legislative
31 district central committee pursuant to section forty-three
32 point eighty-four (43.84) of the Code in lieu of calling a
33 district convention.

34 Sec. 14. Section forty-four point four (44.4), unnumbered
35 paragraph one (1), Code 1973, as amended by Acts of the Sixty-

1 fifth General Assembly, 1973 Session, chapter one hundred
2 thirty-six (136), section seventy-one (71), is amended to
3 read as follows:

4 Nominations made under the provisions of this chapter,
5 chapter 43 and chapter 45 which are required to be filed in
6 the office of the state commissioner shall be filed in said
7 that office not more than eighty-five nor ~~less-than-sixty-~~
8 ~~seven-days~~ later than five o'clock p.m. on the sixty-seventh
9 day prior to the date of the general election to be held in
10 November; and those nominations made for a special election
11 called pursuant to section sixty-nine point fourteen (69.14)
12 of the Code shall be filed not less than twenty days prior
13 to the date of an election called upon at least forty days'
14 notice and not less than seven days prior to the date of an
15 election called upon at least ten days' notice. Nominations
16 made pursuant to this chapter, chapter forty-three (43) and
17 chapter forty-five (45) of the Code which are required to
18 be filed in the office of the commissioner shall be filed
19 in said that office not ~~less~~ later than five o'clock p.m.
20 on the fifty-five-days fifty-fifth day prior to the date of
21 ~~said the~~ general election. ~~Such-nominations~~ Nominations made
22 under this chapter or chapter forty-five (45) of the Code
23 for city office shall be filed not more than sixty-five days
24 nor ~~less~~ later than five o'clock p.m. on the forty-days
25 fortieth day prior to the city election with the city clerk,
26 who shall process them as provided by law.

27 Sec. 15. Section forty-four point eleven (44.11), Code
28 1973, as amended by Acts of the Sixty-fifth General Assembly,
29 1973 Session, chapter one hundred thirty-six (136), section
30 seventy-six (76), is amended to read as follows:

31 44.11 VACANCIES FILLED. If a candidate named under this
32 chapter declines a nomination, or dies before election day,
33 or should any certificate of nomination be held insufficient
34 or inoperative by the officer with whom it is required to
35 be filed, or in case any objection made to any certificate

1 of nomination, or to the eligibility of any candidate therein
2 named, is sustained by the board appointed to determine such
3 questions, the vacancy or vacancies thus occasioned may be
4 filled by the convention, or caucus, or in such manner as
5 such convention or caucus has previously provided. The vacancy
6 or vacancies shall be filled not less than sixty days prior
7 to the election in the case of nominations required to be
8 filed with the state commissioner, not less than fifty days
9 prior to the election in the case of nominations required
10 to be filed with the commissioner, and not less than ~~thirty-~~
11 five thirty days prior to the election in the case of
12 nominations required to be filed in the office of the city
13 clerk.

14 Sec. 16. Section forty-nine point eleven (49.11), Code
15 1973, as amended by Acts of the Sixty-fifth General Assembly,
16 1973 Session, chapter one hundred thirty-six (136), section
17 one hundred sixteen (116), is amended to read as follows:

18 49.11 NOTICE OF BOUNDARIES OF PRECINCTS--MERGER OR
19 DIVISION. The board of supervisors or council shall number
20 or name the several precincts established, and cause the
21 boundaries of each to be recorded in the records of said board
22 of supervisors or council, as the case may be, and publish
23 notice thereof in some newspaper of general circulation,
24 published in such county or city, once each week for three
25 consecutive weeks, the last to be made at least thirty days
26 before the next general election. The precincts thus
27 established shall continue until changed in the manner provided
28 by law, except that for any election other than the primary
29 or general election the county commissioner of elections may
30 ~~consolidate~~

31 1. Consolidate two or more precincts into one. However,
32 he shall not do so for a primary or general election with
33 respect to any precinct located entirely within a city, nor
34 in any other case if there is filed with him at least twenty
35 days before the election a petition signed by twenty-five

1 or more eligible electors of any precinct requesting that
2 it not be merged with any other precinct. There shall be
3 attached to the petition the affidavit of an eligible elector
4 of the precinct that the signatures on the petition are genuine
5 and that all of the signers are to the best of the affiant's
6 knowledge and belief eligible electors of the precinct.

7 If a special election is to be held in which only those
8 qualified electors residing in a specified portion of any
9 established precinct are entitled to vote, that portion of
10 the precinct may be merged by the commissioner with one or
11 more other established precincts or portions of established
12 precincts for the special election, and the right to petition
13 against merger of a precinct shall not apply.

14 2. Divide any precinct permanently established under this
15 section which contains all or any parts of two or more mutually
16 exclusive political subdivisions, each of which is
17 independently electing one or more officers on the same date,
18 into two or more temporary precincts and designate a polling
19 place for each.

20 Sec. 17. Section forty-nine point twelve (49.12), Code
21 1973, as amended by Acts of the Sixty-fifth General Assembly,
22 1973 Session, chapter one hundred thirty-six (136), section
23 one hundred seventeen (117), is amended to read as follows:

24 49.12 ELECTION BOARDS. There shall be appointed in each
25 election precinct an election board which shall ordinarily
26 consist of ~~three-judges-and-two-clerks~~ five precinct election
27 officials. However, in precincts using only one voting machine
28 at any one time, and in precincts voting by paper ballot where
29 no more than one hundred votes were cast in the last preceding
30 similar election, the board shall consist of three judges,
31 ~~two-of-whom-shall-also-act-as-clerks,~~ precinct election
32 officials; and in precincts using more than ~~three~~ two voting
33 machines one additional judge precinct election official may
34 be appointed for each such additional machine. Not more than
35 a simple majority of the members of the election board in

1 any precinct shall be members of the same political party
2 or organization if one or more qualified electors of another
3 party or organization are qualified and willing to serve on
4 the board. Double election boards may be appointed for any
5 precinct as provided by chapter fifty-one (51) of the Code.

6 Sec. 18. Section forty-nine point fifteen (49.15), Code
7 1973, as amended by Acts of the Sixty-fifth General Assembly,
8 1973 Session, chapter one hundred thirty-six (136), section
9 one hundred nineteen (119), is amended to read as follows:

10 49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not
11 less than twenty days before each primary election, the commis-
12 sioner shall draw up for each precinct an election board panel
13 from which members of the precinct election board shall be
14 appointed for each election held in the precinct during the
15 ensuing two years. Each panel shall include members of each
16 of the political parties referred to in section forty-nine
17 point thirteen (49.13) of the Code, whose names may be desig-
18 nated by the county chairmen of each of these political parties
19 not less than thirty days prior to each primary election.
20 The commissioner may place on the election board panel names
21 of persons known to him to be members of these political
22 parties, if the respective county chairmen fail to designate
23 a sufficient number of names, and may also add names of
24 persons, whether or not they are members of either of these
25 political parties, who have advised him they are willing to
26 serve on the election board for elections in which no
27 candidates appear on the ballot under the heading of either
28 of these political parties, or whom a school board has advised
29 him are willing to serve without pay for school elections.

30 Sec. 19. Section forty-nine point sixteen (49.16), subsec-
31 tion two (2), Code 1973, as amended by Acts of the Sixty-fifth
32 General Assembly, 1973 Session, chapter one hundred thirty-
33 six (136), section one hundred twenty (120), is amended to
34 read as follows:

35 2. When all or portions of two or more precincts are

1 merged for any election as permitted by section forty-nine
2 point eleven (49.11), subsection one (1), of the Code, the
3 commissioner may appoint the election board for the merged
4 precinct from the election board panels of any of the precincts
5 so merged. When any permanent precinct is divided as permitted
6 by section forty-nine point eleven (49.11), subsection two
7 (2), of the Code, the commissioner shall so far as possible
8 appoint the election board for each of the temporary precincts
9 so created from the election board panel of the permanent
10 precinct.

11 Sec. 20. Section forty-nine point sixteen (49.16), Code
12 1973, as amended by Acts of the Sixty-fifth General Assembly,
13 1973 Session, chapter one hundred thirty-six (136), section
14 one hundred twenty (120), is amended by adding the following
15 new subsection:

16 NEW SUBSECTION. In appointing the election board for any
17 school election, the commissioner may give preference to any
18 persons who are willing to serve without pay at those
19 elections.

20 Sec. 21. Section forty-nine point twenty (49.20), Code
21 1973, as amended by Acts of the Sixty-fifth General Assembly,
22 1973 Session, chapter one hundred thirty-six (136), section
23 one hundred twenty-two (122), is amended to read as follows:

24 49.20 COMPENSATION OF MEMBERS. The members of election
25 boards shall receive two dollars per hour while engaged in
26 the discharge of their duties and ten cents per mile for
27 actual and necessary travel, except that persons whom the
28 commissioner has been advised prior to their appointment to
29 the election board are willing to serve without pay at school
30 elections shall receive no compensation for service at those
31 elections. Compensation shall be paid to members of election
32 boards only after the vote has been canvassed and it has been
33 determined in the course of such canvass that the election
34 record certificate has been properly executed by the election
35 board.

1 Sec. 22. Section forty-nine point twenty-one (49.21),
2 Code 1973, as amended by Acts of the Sixty-fifth General
3 Assembly, 1973 Session, chapter one hundred thirty-six (136),
4 section one hundred twenty-three (123), is amended by inserting
5 before unnumbered paragraph one (1) of that section the
6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. It is the responsibility of
8 the commissioner to designate a polling place for each precinct
9 in the county.

10 Sec. 23. Section forty-nine point twenty-five (49.25),
11 unnumbered paragraph one (1), Code 1973, as amended by Acts
12 of the Sixty-fifth General Assembly, 1973 Session, chapter
13 one hundred thirty-six (136), section one hundred twenty-six
14 (126), is amended to read as follows:

15 In any county or portion of a county ~~where~~ for which voting
16 machines ~~are not in use the~~ have been acquired under section
17 fifty-two point two (52.2) of the Code the commissioner shall
18 determine pursuant to section forty-nine point twenty-six
19 (49.26) of the Code, in advance of each election other than
20 a primary or a general election and individually for each
21 precinct, whether voting in that election shall be by machine
22 or by paper ballot. The commissioner shall furnish to each
23 precinct where paper ballots are to be used the necessary
24 ballot boxes, suitably equipped with locks and keys, and shall
25 insure that the number, arrangement, and construction of
26 voting booths at the polling place in each precinct are as
27 follows:

28 Sec. 24. Section forty-nine point twenty-six (49.26),
29 Code 1973, as amended by Acts of the Sixty-fifth General
30 Assembly, 1973 Session, chapter one hundred thirty-six (136),
31 section one hundred twenty-seven (127), is amended by striking
32 the section and inserting in lieu thereof the following:

33 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING. When
34 voting machines are available for an election precinct, the
35 commissioner shall determine in advance of each election other

1 than a primary or a general election held in that precinct
2 whether voting there shall be by machine or paper ballot.
3 If the commissioner concludes, on the basis of voter turnout
4 for recent similar elections and factors considered likely
5 to affect voter turnout for the forthcoming election, that
6 voting will probably be so light as to make preparation and
7 use of paper ballots less expensive than preparation and use
8 of a voting machine, paper ballots shall be used.

9 Sec. 25. Section forty-nine point thirty (49.30), Code
10 1973, as amended by Acts of the Sixty-fifth General Assembly,
11 1973 Session, chapter one hundred thirty-six (136), section
12 one hundred thirty-one (131), is amended to read as follows:

13 49.30 ALL CANDIDATES ON ONE BALLOT--EXCEPTION. The names
14 of all candidates to be voted for in each election precinct,
15 ~~except~~ other than presidential electors, shall be printed
16 on one ballot, except as otherwise required by section forty-
17 six point twenty-two (46.22) of the Code and except that at
18 any election where voting machines are used, and it is
19 impossible to place the names of all candidates on the machine
20 ballot, the commissioner may provide a separate printed ballot
21 for the candidates for judge of district court and the township
22 ticket, or either; one of each of said printed ballots to
23 be furnished each qualified voter.

24 It shall not be mandatory to place the names of candidates
25 for whom not all voters of the precinct may legally vote on
26 the same ballot with other candidates' names in precincts
27 to which section forty-nine point twenty-seven (49.27) of
28 the Code is applicable.

29 Sec. 26. Section forty-nine point forty-nine (49.49),
30 Code 1973, is amended to read as follows:

31 49.49 PRINTING OF BALLOTS ON PUBLIC MEASURES. All of
32 such ballots for the same polling place shall be of the same
33 size, similarly printed, upon yellow colored paper. On the
34 back of each such ballot shall be printed appropriate words,
35 showing that such ballot relates to a constitutional or other

1 question to be submitted to the electors, so as to distinguish
2 the said ballots from the official ballot for candidates for
3 office, and a facsimile of the signature of the ~~auditor-ex~~
4 ~~ether-officer~~ commissioner who has caused the ballot to be
5 printed.

6 Sec. 27. Section forty-nine point fifty-three (49.53),
7 Code 1973, as amended by Acts of the Sixty-fifth General
8 Assembly, 1973 Session, chapter one hundred thirty-six (136),
9 section one hundred thirty-eight (138), is amended by striking
10 the section and inserting in lieu thereof the following:

11 49.53 PUBLICATION OF BALLOT AND NOTICE. The commissioner
12 shall not less than four nor more than twenty days prior to
13 the day of each election, except those for which different
14 publication requirements are prescribed by law, publish notice
15 of the election. The notice shall contain a sample ballot
16 of the first rotation as prescribed by section forty-nine
17 point thirty-one (49.31), unnumbered paragraph two (2), of
18 the Code and shall show the names of all candidates or nominees
19 and the office each seeks, and all public questions, to be
20 voted upon at the election. The notice shall also state the
21 date of the election, the hours the polls will be open, the
22 location of each polling place at which voting is to occur
23 in the election, and the names of the precincts voting at
24 each polling place. The notice shall be published in at least
25 one newspaper, as defined in section six hundred eighteen
26 point three (618.3) of the Code, which is published in the
27 county or other political subdivision in which the election
28 is to occur or, if no newspaper is published there, in at
29 least one newspaper of substantial circulation in the county
30 or political subdivision.

31 Sec. 28. Section forty-nine point fifty-four (49.54),
32 Code 1973, as amended by Acts of the Sixty-fifth General
33 Assembly, 1973 Session, chapter one hundred thirty-six (136),
34 section one hundred thirty-nine (139), is amended to read
35 as follows:

1 49.54 COST OF PUBLICATION OF-BALLOT. For The cost of
2 the publication of-the-official-ballot-and-accompanying-notice
3 in-the-manner required by section forty-nine point fifty-three
4 (49.53) of the Code, ~~the cost~~ shall not exceed an amount
5 determined by the director of the state department of general
6 services or his designee.

7 Sec. 29. Section forty-nine point fifty-seven (49.57),
8 subsection five (5), Code 1973, as amended by Acts of the
9 Sixty-fifth General Assembly, 1973 Session, chapter one hundred
10 thirty-six (136), section one hundred forty-two (142), is
11 amended to read as follows:

12 5. On the outside of the ballot, so as to appear when
13 folded, shall be printed the words "Official ballot", followed
14 by the designation name and location of the polling place
15 for which the ballot is prepared, the date of the election,
16 and a facsimile of the signature of the commissioner who has
17 caused the ballot to be printed.

18 Sec. 30. Section forty-nine point seventy-three (49.73),
19 Code 1973, as amended by Acts of the Sixty-fifth General
20 Assembly, 1973 Session, chapter one hundred thirty-six (136),
21 section one hundred fifty-three (153), is amended to read
22 as follows:

23 49.73 TIME OF OPENING AND CLOSING POLLS. At all primary
24 and general elections, and at all other elections unless the
25 commissioner directs otherwise, the polls shall be opened
26 at seven o'clock a.m., or as soon thereafter as vacancies
27 ~~in-the-places-of-judges-or-clerks-of~~ on the precinct election
28 board have been filled. The commissioner may direct that
29 the polls be opened at twelve o'clock noon for any election
30 at which he concludes, on the basis of voter turnout for
31 recent similar elections and factors considered likely to
32 affect voter turnout for the forthcoming election, that voting
33 will probably be so light as to justify shortened voting hours
34 for that election. All polling places where the candidates
35 of or any public question submitted by any one political

1 subdivision are being voted upon shall be opened at the same
2 hour. The hours at which the respective precinct polling
3 places are to open shall not be changed after publication
4 of the notice required by section forty-nine point fifty-three
5 (49.53) of the Code. In all cases the polling places shall
6 be closed at eight o'clock p.m.

7 Sec. 31. Section forty-nine point eighty-two (49.82),
8 Code 1973, is amended to read as follows:

9 49.82 VOTER TO RECEIVE ONE BALLOT--ENDORSEMENT BY-JUDGE.
10 One of the ~~judges-of~~ precinct election officials shall give
11 the voter one ~~ballot~~ and only one of each of the ballots to
12 be voted at that election in that precinct, except as provided
13 by section forty-nine point one hundred (49.100) of the Code,
14 on the back of which a judge precinct election official shall
15 endorse his initials, in such manner so that they may be seen
16 when the ballot is properly folded. No ballot without said
17 the required official endorsement shall be deposited in the
18 ballot box. The voter's name shall immediately be checked
19 on the registry list.

20 Sec. 32. Section forty-nine point eighty-four (49.84),
21 Code 1973, as amended by Acts of the Sixty-fifth General
22 Assembly, 1973 Session, chapter one hundred thirty-six (136),
23 section one hundred sixty-two (162), is amended to read as
24 follows:

25 49.84 MARKING AND RETURN OF BALLOT. On receipt of the
26 ballot, the voter shall ~~without leaving the enclosed space,~~
27 immediately retire alone to one of the voting booths, and
28 without delay mark his ballot, and, before leaving the voting
29 booth, shall fold the ~~same in such manner~~ ballot so as to
30 conceal the marks thereon, and deliver ~~the same~~ it to one
31 of the ~~judges-of~~ precinct election officials. No identifying
32 mark or symbol shall be endorsed on the back of his ballot.

33 Sec. 33. Section forty-nine point eighty-five (49.85),
34 Code 1973, is amended to read as follows:

35 49.85 DEPOSITING BALLOTS. One of the ~~judges-of~~ precinct

1 election officials shall at once, after receiving the ballot,
2 in the presence of the voter, deposit ~~such-ballet~~ it in the
3 ballot box ~~and-the-voter-shall-quit-said-enclosed-space-as~~
4 ~~seen-as-he-has-voted.~~

5 Sec. 34. Section fifty point eight (50.8), Code 1973,
6 as amended by Acts of the Sixty-fifth General Assembly, 1973
7 Session, chapter one hundred thirty-six (136), section one
8 hundred eighty-three (183), is amended to read as follows:

9 50.8 ERROR ON STATE OR DISTRICT OFFICE--TIE VOTE. If
10 the error be in relation to a district or state office, it
11 shall be certified with the number of the excess to the state
12 ~~canvassers~~ commissioner. If the error affects the result
13 of the election, the canvass shall be suspended and a new
14 vote ordered in the precinct where the error occurred. When
15 there is a tie vote due to such an excess, there shall be
16 a new election. No person who was not a qualified elector
17 in that precinct at the time of the general election shall
18 be allowed to vote at such special election. When the new
19 vote is taken and returned, the canvass shall be completed.

20 Sec. 35. Section fifty point nineteen (50.19), Code 1973,
21 as amended by Acts of the Sixty-fifth General Assembly, 1973
22 Session, chapter one hundred thirty-six (136), section one
23 hundred ninety-one (191), is amended to read as follows:

24 50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The commis-
25 sioner shall file precinct election registers, and ~~the-regis-~~
26 ~~try-lists-and~~ other papers pertaining to registration, together
27 with the ~~affidavits~~ declarations of eligibility signed by
28 voters at the election, in his office and preserve the same
29 for four years and until the determination of any contest
30 then pending, after which they shall be destroyed.

31 Sec. 36. Section fifty point twenty-seven (50.27), Code
32 1973, as amended by Acts of the Sixty-fifth General Assembly,
33 1973 Session, chapter one hundred thirty-six (136), section
34 one hundred ninety-six (196), is amended to read as follows:

35 50.27 DECLARATION OF ELECTION. Each abstract of the votes

1 for such officers as the county alone elects at the general
2 election, except district judges and senators and represen-
3 tatives in the general assembly, or of the votes for officers
4 of political subdivisions whose elections are conducted by
5 the commissioner, shall contain a declaration of whom the
6 canvassers determine to be elected. Each abstract of votes
7 for and against each public question submitted to and decided
8 by the voters of the county alone, or of a single political
9 subdivision whose elections the county board canvasses, shall
10 contain a declaration of the result as determined by the can-
11 vassers.

12 Sec. 37. Section fifty point thirty-seven (50.37), Code
13 1973, as amended by Acts of the Sixty-fifth General Assembly,
14 1973 Session, chapter one hundred thirty-six (136), section
15 two hundred five (205), is amended to read as follows:

16 50.37 STATE CANVASSING BOARD. The executive council shall
17 constitute a board of canvassers of all abstracts of votes
18 required to be filed with the state commissioner, except for
19 the offices of governor and lieutenant governor. No member
20 of such board shall take part in canvassing the votes for
21 an office for which he is a candidate. Any clerical error
22 found by the state board of canvassers shall be corrected
23 by the county commissioner in a letter addressed to the state
24 board of canvassers.

25 Sec. 38. Section fifty point thirty-nine (50.39), Code
26 1973, is amended to read as follows:

27 50.39 ABSTRACT. It shall make an abstract stating, in
28 words written at length, the number of ballots cast for each
29 office, the names of all the persons voted for, for what
30 office, the number of votes each received, and whom it declares
31 to be elected, and if a public question has been submitted
32 to the voters of the state, the number of ballots cast for
33 and against the question and a declaration of the result as
34 determined by the canvassers; which abstract shall be signed
35 by the canvassers in their official capacity and as state

1 canvassers, and have the seal of the state affixed.

2 Sec. 39. Section fifty point forty-two (50.42), Code 1973,
3 as amended by Acts of the Sixty-fifth General Assembly, 1973
4 Session, chapter one hundred thirty-six (136), section two
5 hundred seven (207), is amended to read as follows:

6 50.42 CERTIFICATES MAILED. The state commissioner shall
7 prepare and deliver or mail certificates of election to the
8 persons declared elected.

9 Sec. 40. Section fifty-two point nine (52.9), unnumbered
10 paragraph one (1), Code 1973, as amended by Acts of the Sixty-
11 fifth General Assembly, 1973 Session, chapter one hundred
12 thirty-six (136), section two hundred twenty-four (224), is
13 amended to read as follows:

14 The commissioner having jurisdiction of any precinct for
15 which the board of supervisors has adopted voting by machine
16 shall, as soon as practicable thereafter, provide for the
17 precinct polling place one or more voting machines in complete
18 working order, and shall thereafter keep them in repair, and
19 shall have the custody thereof and of the furniture and equip-
20 ment of the polling place when not in use at an election.

21 The machines shall be used for voting at all elections unless
22 the commissioner directs otherwise pursuant to section forty-
23 nine point twenty-six (49.26) of the Code. If it shall be
24 impracticable to supply each and every election precinct for
25 which machine voting has been adopted with a voting machine
26 or voting machines at any election following such adoption,
27 as many may be supplied as it is practicable to procure, and
28 the same may be used in such election precincts as the
29 commissioner may direct.

30 Sec. 41. Section fifty-two point thirteen (52.13), Code
31 1973, as amended by Acts of the Sixty-fifth General Assembly,
32 1973 Session, chapter one hundred thirty-six (136), section
33 two hundred twenty-six (226), is amended to read as follows:

34 52.13 SAMPLE BALLOTS. The commissioner shall provide
35 for each precinct polling place at which votes are to be cast

1 by machine two sample ballots, which shall be arranged in
2 the form of a diagram showing the entire front of the voting
3 machine as it will appear after the official ballots are
4 arranged for voting on election day. Such sample ballots
5 shall be open to public inspection at such polling place
6 during the day of election ~~and-the-day-next-preceding-elee-~~
7 ~~tion-day.~~

8 Sec. 42. Section fifty-two point sixteen (52.16), Code
9 1973, as amended by Acts of the Sixty-fifth General Assembly,
10 1973 Session, chapter one hundred thirty-six (136), section
11 two hundred twenty-eight (228), is amended to read as follows:

12 52.16 DUTIES OF ELECTION OFFICERS--INDEPENDENT BALLOTS.
13 The election board of each precinct in which votes are to
14 be cast by machine shall meet at the precinct polling place,
15 at least one hour before the time set for the opening of the
16 polls at each election, and shall proceed to arrange ~~within~~
17 ~~the-guardrail~~ the furniture, stationery, and voting machine
18 for the conduct of the election. The ~~judges~~ board shall cause
19 at least two instruction cards to be posted conspicuously
20 within the polling place. If not previously done, they shall
21 arrange, in their proper place on the voting machine, the
22 ballots containing the names of the offices to be filled at
23 such election, and the names of the candidates nominated
24 therefor. If not previously done, the machine shall be so
25 arranged as to show that no vote has been cast, and the same
26 shall not be thereafter operated, except by electors in voting.
27 Before the polls are open for election, ~~each-judge~~ the board
28 shall carefully examine every machine and see that no vote
29 has been cast, and the same shall be subject to inspection
30 of the election officers. Ballots voted for any person whose
31 name does not appear on the machine as a nominated candidate
32 for office, are herein referred to as independent ballots.
33 When two or more persons are to be elected to the same office,
34 and the machine requires that all independent ballots voted
35 for that office be deposited in a single receptacle or device,

1 an elector may vote in or by such receptacle or device for
2 one or more persons whose names do not appear upon the machine
3 with or without the names of one or more persons whose names
4 do so appear. With that exception, and except for presidential
5 electors, no independent ballot shall be voted for any person
6 for any office whose name appears on the machine as a nominated
7 candidate for that office; any independent ballot so voted
8 shall not be counted. An independent ballot must be cast
9 in its appropriate place on the machine, or it shall be void
10 and not counted.

11 Sec. 43. Section fifty-two point twenty-five (52.25),
12 Code 1973, as amended by Acts of the Sixty-fifth General
13 Assembly, 1973 Session, chapter one hundred thirty-six (136),
14 section two hundred thirty-three (233), is amended to read
15 as follows:

16 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE. The question
17 of a constitutional convention, amendments and public measures
18 including bond issues may be voted on the voting machines
19 in the following manner:

20 The entire convention question, amendment or public measure
21 shall be printed and displayed prominently in at least two
22 places within the voting precinct and on the left-hand side
23 inside the curtain of each voting machine, said printing to
24 be in conformity with the provisions of chapter 49. The
25 public measure shall be summarized by the ~~auditor-or-city~~
26 clerk commissioner and in the largest type possible printed
27 on the inserts used in said voting machines, except in the
28 case of the question of a constitutional convention, or of
29 an amendment or measure to be voted on in more than one county,
30 the summary to be placed in the voting machine inserts shall
31 be worded by the state commissioner of elections as required
32 by section forty-nine point forty-four (49.44) of the Code.

33 Sec. 44. Section fifty-three point two (53.2), unnumbered
34 paragraph three (3), Code 1973, as amended by Acts of the
35 Sixty-fifth General Assembly, 1973 Session, chapter one hundred
36 thirty-six (136), section two hundred thirty-five (235), is

1 amended to read as follows:

2 Each application shall contain the name and signature of
3 the qualified elector, the address at which he is qualified
4 to vote, and the name or date of the election for which the
5 absentee ballot is requested, and such other information as
6 may be necessary to determine the correct absentee ballot
7 for the qualified elector. If insufficient information has
8 been provided, the commissioner shall, by the best means
9 available, obtain the additional necessary information.

10 Sec. 45. Section fifty-three point eleven (53.11), Code
11 1973, as amended by Acts of the Sixty-fifth General Assembly,
12 1973 Session, chapter one hundred thirty-six (136), section
13 two hundred thirty-eight (238), is amended to read as follows:

14 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The commis-
15 sioner shall deliver an absentee ballot to any qualified elec-
16 tor applying in person at his office not more than forty days
17 before the date of the general election and or the primary
18 election, and for all other elections, as soon as the ballot
19 is available. The qualified elector shall immediately mark
20 the ballot, enclose it in a ballot envelope with proper
21 affidavit, and return the absentee ballot to the commissioner.
22 The commissioner shall record the numbers appearing on the
23 application and ballot envelope along with the name of the
24 qualified elector. The commissioner of any county in which
25 there is located a city of twenty-five thousand or more
26 population, which is not the county seat, may permit qualified
27 electors to appear in person at some designated place within
28 each such city and there cast an absentee ballot in the manner
29 prescribed by this section.

30 Sec. 46. Section fifty-three point seventeen (53.17),
31 unnumbered paragraph two (2), Code 1973, as amended by Acts
32 of the Sixty-fifth General Assembly, 1973 Session, chapter
33 one hundred thirty-six (136), section two hundred forty-one
34 (241), is amended to read as follows:

35 An applicant who is a resident or patient in a health care

1 facility or hospital located in the county to which the
2 application has been submitted shall have his absentee ballot
3 delivered to him by one member of each of the political parties
4 referred to in section forty-nine point thirteen (49.13) of
5 the Code, who shall be appointed by the commissioner from
6 the panel drawn up as provided by section forty-nine point
7 fifteen (49.15) of the Code for the special precinct estab-
8 lished by section fifty-three point twenty-three (53.23) of
9 the Code. The persons so appointed by the commissioner shall
10 be notaries public and shall be sworn in the manner provided
11 by section forty-nine point seventy-five (49.75) of the Code
12 for election board members. They may assist the qualified
13 electors in filling out the ballot as provided in section
14 forty-nine point ninety (49.90) of the Code. The voted
15 absentee ballots shall be deposited in a sealed container
16 which shall be returned to the commissioner on the same day.

17 Sec. 47. Section fifty-three point twenty-three (53.23),
18 unnumbered paragraphs two (2) and three (3), Code 1973, as
19 amended by Acts of the Sixty-fifth General Assembly, 1973
20 Session, chapter one hundred thirty-six (136), section two
21 hundred forty-five (245), are amended to read as follows:

22 The election board of the special precinct shall be known
23 as the absentee ballot counting board. There shall be only
24 one absentee ballot counting board existing at any time in
25 each county, and when two or more political subdivisions in
26 the county hold elections simultaneously the absentee ballot
27 counting board shall count absentee ballots cast in all of
28 the elections so held. The commissioner shall appoint the
29 absentee ballot counting board in the manner prescribed in
30 sections 49.12 and ~~49.45~~ forty-nine point thirteen (49.13)
31 of the Code, except that the number of precinct election
32 ~~judges-and-clerks~~ officials on the absentee ballot count-
33 ing board shall be sufficient to complete the counting of
34 absentee ballots by nine o'clock p.m. and

35 ~~The-commissioner~~ shall set the convening time for the

1 ~~absentee-ballot-counting~~ board, allowing a reasonable amount
2 of time to complete counting the absentee ballots prior to
3 ~~closing-of-the-polls~~ that hour.

4 Sec. 48. Section fifty-three point forty-nine (53.49),
5 Code 1973, is amended by striking unnumbered paragraph three
6 (3).

7 Sec. 49. Section sixty-nine point twelve (69.12), Code
8 1973, is amended to read as follows:

9 69.12 OFFICERS ELECTED TO FILL VACANCIES--TENURE. If
10 a vacancy occurs in an elective office ten days or more before
11 the filing date prior to a general election, it shall be
12 filled at such election if the remainder of the term of office
13 is greater than ninety days after the date of the election.
14 If the unexpired term is less than ninety days after the elec-
15 tion day at which the vacancy is filled, the person elected
16 to the office for the next regular term shall qualify within
17 ten days after the election, shall take office as soon as
18 he qualifies, and shall serve for both the remainder of the
19 unexpired term and the term to which he is elected. If a
20 vacancy exists or occurs in an elective office at the time
21 of or after an election at which some person was elected to
22 the office but before the beginning of the regular term to
23 which that person was elected, the person so elected shall
24 qualify within ten days after the election or ten days after
25 the vacancy occurs, whichever is later, shall take office
26 as soon as he qualifies, and shall serve for both the remainder
27 of the unexpired term and the term to which he is elected.

28 Sec. 50. Section two hundred seventy-three point five
29 (273.5), Code 1973, as amended by Acts of the Sixty-fifth
30 General Assembly, 1973 Session, chapter one hundred thirty-
31 six (136), section two hundred fifty-eight (258), is amended
32 to read as follows:

33 273.5 NOMINATION PAPERS. Nomination papers in behalf
34 of a candidate for member of the county board of education
35 shall be filed with the county superintendent of schools not

1 more than sixty-five days, nor less than forty days prior
2 to the election at which a member is to be elected. Nomination
3 petitions shall be filed not later than five o'clock p.m.
4 on the last day for filing. Each candidate shall be nominated
5 by a petition signed by not less than twenty-five eligible
6 electors of the area from which a member is to be elected,
7 which petition shall state the name of the area from which
8 a member is to be elected, the office to which he is to be
9 elected, the name of the candidate and that he is a resident
10 and elector in the named area. Signers of the petition shall,
11 in addition to signing their names, show their residence,
12 including street and number, if any, the school district in
13 which they reside, and the date of signing, and each nomination
14 paper shall have appended to it an affidavit of an elector
15 other than the candidate in substantially the form provided
16 in section 43.17 except as to the party affiliation. The
17 petition shall include the affidavit of the candidate being
18 nominated, stating his name, his residence, that he is a
19 candidate and is eligible for the office he seeks, and that
20 if elected he will qualify for the office.

21 The county superintendent of schools shall deliver all
22 nomination petitions to the county commissioner of elections
23 not later than five o'clock p.m. on the day following the
24 last day on which nomination petitions can be filed. Any
25 person on whose behalf nomination petitions have been filed
26 under this section may withdraw as a candidate by filing a
27 signed statement to that effect with the commissioner at any
28 time prior to five o'clock p.m. on the twenty-first day before
29 the election.

30 Sec. 51. Section two hundred seventy-three point seven
31 (273.7), Code 1973, as amended by Acts of the Sixty-fifth
32 General Assembly, 1973 Session, chapter one hundred thirty-
33 six (136), section two hundred fifty-nine (259), is amended
34 to read as follows:

35 273.7 CANVASS. Within five days following the election,

1 the county commissioner of elections shall make return of
2 the votes cast in said district, ~~to the county board of~~
3 ~~education~~ on forms provided therefor, and to the county board
4 of supervisors, which shall meet at eight o'clock a.m. on
5 the last Monday in September, and canvass the vote and the
6 county commissioner of elections shall issue certificates
7 of election.

8 Sec. 52. Section two hundred seventy-five point eighteen
9 (275.18), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred sixty-one (261), is amended
12 to read as follows:

13 275.18 SPECIAL ELECTION CALLED--TIME. When the boundaries
14 of the territory to be included in a proposed school corpora-
15 tion and the number and method of the election of the school
16 directors of such proposed school corporation have been deter-
17 mined as herein provided, the county superintendent with whom
18 such petition is filed shall call a special election in such
19 proposed school corporation within thirty days from the date
20 of the final determination of such boundaries and serve notice
21 on the county commissioner of elections of the county in the
22 proposed school corporation which has the greatest taxable
23 base in the proposed school corporation. The county commis-
24 sioner of elections shall give notice of the election by one
25 publication in the same newspaper in which previous notices
26 have been published regarding the proposed school reorganiza-
27 tion, and in addition thereto, if more than one county is
28 involved, by one publication in a legal newspaper in each
29 county other than that of the first publication, which publi-
30 cation shall be not less than ~~ten~~ four nor more than ~~fifteen~~
31 twenty days prior to the election. In the case of joint
32 districts, no notice for an election shall be published until
33 the time for appeal, which shall be the same as that provided
34 in section 285.12, has expired; and in the event of an appeal,
35 not until the same has been disposed of.

1 Sec. 53. Section two hundred seventy-five point thirty-
2 seven (275.37), Code 1973, as amended by Acts of the Sixty-
3 fifth General Assembly, 1973 Session, chapter one hundred
4 thirty-six (136), section two hundred sixty-six (266), is
5 amended by striking the section and inserting in lieu thereof
6 the following:

7 275.37 INCREASE IN NUMBER OF DIRECTORS. At the next suc-
8 ceeding annual school election in a district where the number
9 of directors has been increased from five to seven, and direc-
10 tors are elected at large, there shall be elected a director
11 to succeed each incumbent director whose term is expiring
12 in that year, and two additional directors. Upon organizing
13 as required by section two hundred seventy-nine point one
14 (279.1) of the Code, the newly elected director who received
15 the fewest votes in the election shall be assigned a term
16 of either one year or two years if necessary in order that
17 as nearly as possible one third of the members of the board
18 shall be elected each year.

19 Sec. 54. Section two hundred seventy-five point thirty-
20 eight (275.38), Code 1973, is amended by striking the section
21 and inserting in lieu thereof the following:

22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION. If change
23 in the method of election of school directors is approved
24 at a regular or special school election, the directors who
25 were serving unexpired terms or were elected concurrently
26 with approval of the change of method shall serve out the
27 terms for which they were elected. If the plan adopted is
28 that described in section two hundred seventy-five point
29 twelve (275.12), subsection two (2), paragraph b, c or d,
30 of the Code, the board shall at the earliest practicable time
31 designate the districts from which residents are to be elected
32 as school directors at each of the next three succeeding
33 annual school elections, arranging so far as possible for
34 elections of directors as residents of the respective districts
35 to coincide with the expiration of terms of incumbent members

1 residing in those districts. If an increase in the size of
2 the board from five to seven members is approved concurrently
3 with the change in method of election of directors, the board
4 shall make the necessary adjustment in the manner prescribed
5 in section two hundred seventy-five point thirty-seven (275.37)
6 of the Code, as well as providing for implementation of the
7 districting plan under this section.

8 Sec. 55. Section two hundred seventy-seven point four
9 (277.4), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred sixty-eight (268), is amended
12 to read as follows:

13 277.4 NOMINATIONS REQUIRED. Nomination papers for all
14 candidates for election to office in each school district
15 shall be filed with the secretary of the school board not
16 more than sixty-five days, nor less than forty days prior
17 to the election. Nomination petitions shall be filed not
18 later than five o'clock p.m. on the last day for filing.
19 Each candidate shall be nominated by a petition signed by
20 not less than ten qualified eligible electors of the district.
21 To each such petition shall be attached the affidavit of a
22 qualified an eligible elector of the district, other than
23 the candidate being nominated, that all of the signers thereof
24 are electors of such district and that the signatures thereto
25 are genuine. The petition shall include the affidavit of
26 the candidate being nominated, stating his name, his residence,
27 that he is a candidate and is eligible for the office he
28 seeks, and that if elected he will qualify for the office.

29 The secretary of the school board shall deliver all nomina-
30 tion petitions to the county commissioner of elections not
31 later than five o'clock p.m. on the day following the last
32 day on which nomination petitions can be filed. Any person
33 on whose behalf nomination petitions have been filed under
34 this section may withdraw as a candidate by filing a signed
35 statement to that effect with the commissioner at any time

1 prior to five o'clock p.m. on the twenty-first day before
2 the election.

3 Sec. 56. Section two hundred seventy-seven point twenty-
4 seven (277.27), Code 1973, is amended to read as follows:

5 277.27 QUALIFICATION. A school officer or member of the
6 board shall, at the time of election or appointment, be a
7 ~~qualified-voter~~ an eligible elector of the corporation or
8 subdistrict. Notwithstanding any contrary provision of the
9 Code, no member of the board of directors of any school
10 district, or his or her spouse, shall receive compensation
11 directly from the school board. No director or spouse affected
12 by this provision on July 1, 1972, whose term of office for
13 which elected has not expired, or whose contract of employment
14 has a fixed date of expiration and has not expired, shall
15 be affected by this provision until the expiration of the
16 term of office to which elected, or the expiration date of
17 the contract for which employed.

18 Sec. 57. Section two hundred seventy-eight point one
19 (278.1), subsection ten (10), Code 1973, is amended to read
20 as follows:

21 10. Authorize the establishment or abandonment of director
22 districts or a change of boundaries of director districts.

23 Sec. 58. Section two hundred seventy-nine point seven
24 (279.7), unnumbered paragraph one (1), Code 1973, as amended
25 by Acts of the Sixty-fifth General Assembly, 1973 Session,
26 chapter one hundred thirty-six (136), section two hundred
27 seventy-three (273), is amended to read as follows:

28 In any case where a vacancy or vacancies occur among the
29 elective officers or members of a school board and the remain-
30 ing members of such board have not filled such vacancy within
31 ten days after the occurrence thereof, or when the board is
32 reduced below a quorum for any cause, the secretary of the
33 board, or if there be no secretary, the county superintendent
34 of schools shall call a special election in the district,
35 subdistrict, or subdistricts, as the case may be, to fill

1 such vacancy or vacancies. The county commissioner of
2 elections shall publish the notices required by law for such
3 special elections, which election shall be held not sooner
4 than thirty days nor later than forty days ~~thereafter~~ after
5 the tenth day following the occurrence of the vacancy. In
6 any case where the secretary fails for more than three days
7 to call such election, the county superintendent shall call
8 it.

9 Sec. 59. Section two hundred eighty A point fifteen
10 (280A.15), Code 1973, as amended by Acts of the Sixty-fifth
11 General Assembly, 1973 Session, chapter one hundred thirty-
12 six (136), section two hundred seventy-seven (277), is amended
13 to read as follows:

14 280A.15 CONDUCT OF ELECTIONS. The nomination of candi-
15 dates, preparation of ballots, and canvass for all elections
16 of members of the board of directors of an area vocational
17 school or an area community college, except as otherwise
18 directed, shall be conducted in the manner provided in sections
19 273.5~~7~~-~~273~~-6~~7~~, and 273.7 for members of county boards of
20 education. Nomination papers in behalf of a candidate shall
21 be filed with the secretary of the board of the merged area.
22 Each candidate shall be nominated by a petition signed by
23 not less than fifty ~~qualified~~ eligible electors of the district
24 from which the member is to be elected. The election notice
25 shall be published as provided in ~~chapter~~ section forty-nine
26 ~~(49)~~ point fifty-three (49.53) of the Code and the election
27 shall be conducted by the county commissioner of elections
28 pursuant to the provisions of chapters thirty-nine (39) through
29 fifty-three (53) of the Code. The votes cast in the election
30 shall be canvassed by the county board of supervisors and
31 the county commissioner of elections shall issue certificates
32 of election as prescribed in section 273.7. Members elected
33 to the board of directors of a merged area shall qualify by
34 taking the oath of office prescribed in section 277.28.

35 Sec. 60. Section two hundred eighty A point thirty-nine

1 (280A.39), unnumbered paragraph one (1), Code 1973, as amended
2 by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred
4 seventy-eight (278), is amended to read as follows:

5 Any merged area may combine with any adjacent merged area
6 after a favorable vote by the electors of each of the areas
7 involved. If the boards of directors of two or more merged
8 areas agree to a combination, the question shall be submitted
9 to the electors of each area at a special election to be held
10 on the same day in each area. The special election shall
11 not be held within thirty days of any general election. Prior
12 to the special election, the board of each merged area shall
13 notify the county commissioner of elections of the county
14 in which the greatest proportion of the merged area's
15 ~~administrative-offices-are~~ taxable base is located who shall
16 publish notice of the election at least three times, no oftener
17 than once a week, in one or more newspapers of general
18 circulation within the merged area. The two respective county
19 commissioners of elections shall conduct the election pursuant
20 to the provisions of chapters thirty-nine (39) through fifty-
21 three (53) of the Code. The votes cast in the election shall
22 be canvassed by the county board of supervisors and the county
23 commissioners of elections who conducted the election shall
24 certify the results to the board of directors of each merged
25 area.

26 Sec. 61. Section two hundred ninety-six point four (296.4),
27 Code 1973, as amended by Acts of the Sixty-fifth General
28 Assembly, 1973 Session, chapter one hundred thirty-six (136),
29 section two hundred eighty-one (281), is amended to read as
30 follows:

31 296.4 NOTICE--BALLOTS. Notice of ~~such~~ the election shall
32 be given by the county commissioner of elections by publication
33 once each week for four weeks in some newspaper ~~published~~
34 ~~in-the-district-or-if-there-is-none-in-some-newspaper~~
35 ~~published-in-the-county-and~~ of general circulation in the

1 district. The notice shall state the date of the election,
2 the hours of opening and closing the polls and the exact
3 location thereof, and the questions to be submitted, and shall
4 be in lieu of any other notice, any other statute to the con-
5 trary notwithstanding. The county commissioner of elections
6 shall conduct the election pursuant to the provisions of chap-
7 ters thirty-nine (39) through fifty-three (53) of the Code
8 and certify the results to the board of directors.

9 Sec. 62. Section two hundred ninety-eight point eighteen
10 (298.18), unnumbered paragraph five (5), Code 1973, as amended
11 by Acts of the Sixty-fifth General Assembly, 1973 Session,
12 chapter one hundred thirty-six (136), section two hundred
13 eighty-two (282), is amended to read as follows:

14 Notice of ~~such~~ the election shall be given by the county
15 commissioner of elections by publication once each week for
16 four consecutive weeks in a newspaper ~~published-in-the-school~~
17 ~~corporation,-or-if-there-is-no-newspaper-published-in-the~~
18 ~~school-corporation,-in-a-newspaper-published-in-the-county~~
19 and of general circulation in the school corporation. Such
20 notice shall state the date of the election, the hours of
21 opening and closing the polls and the exact location thereof,
22 and the question to be submitted. The election shall be held
23 on a date not less than five nor more than twenty days after
24 the last publication of the notice. Such notice shall be
25 sufficient and shall be in lieu of any other notice required
26 by any other statute. At such election the ballot used for
27 the submission of said proposition shall be in substantially
28 the form for submitting special questions at general elections.
29 The county commissioner of elections shall conduct the elec-
30 tion pursuant to the provisions of chapters thirty-nine (39)
31 through fifty-three (53) of the Code and certify the results
32 to the board of directors. Such proposition shall not be
33 deemed carried or adopted unless the vote in favor of such
34 proposition is equal to at least sixty percent of the total
35 vote cast for and against said proposition at said election.

1 Whenever such a proposition has been approved by the voters
2 of a school corporation as hereinbefore provided, no further
3 approval of the voters of such school corporation shall be
4 required as a result of any subsequent change in the boundaries
5 of such school corporation.

6 Sec. 63. Section two hundred ninety-eight point twenty-
7 two (298.22), Code 1973, is amended to read as follows:

8 298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All
9 of said bonds shall be substantially in the form provided
10 for county bonds, but subject to changes that will conform
11 them to the action of the board providing therefor; shall
12 run not more than twenty years, and may be sooner paid if
13 so nominated in the bond; ~~be-in-denomination-of-not-more-than~~
14 ~~one-thousand-dollars-or-less-than-one-hundred-dollars-each,~~
15 bear a rate of interest not exceeding seven percent per annum,
16 payable semiannually; be signed by the president and
17 countersigned by the secretary of the board of directors;
18 and shall not be disposed of for less than par value, nor
19 issued for other purposes than this chapter provides.

20 All of said bonds ~~shall-be-registered-in-the-office-of~~
21 ~~the-county-auditor~~ , when issued, shall be delivered to the
22 secretary of the board of directors, who shall register them
23 in a book to be kept for that purpose, and shall deliver them
24 when they have been properly countersigned.

25 The expenses of engraving and printing of bonds may be
26 paid out of the general fund.

27 Sec. 64. Section three hundred sixty-three point seven
28 (363.7), Code 1973, is amended to read as follows:

29 363.7 WARDS. Cities may be by ordinance divided into
30 wards, new wards created, or the boundaries changed, but in
31 all cases the boundaries of wards shall follow the boundaries
32 of election precincts and shall be as far as practicable
33 established so as to give all wards an equal population.

34 Any ordinance of annexation entered into or ordinance passed
35 by a city or town or cities and towns prior to the year 1900

1 that prevents or has prevented an equal population of wards
2 as provided by this section or provides that a specified
3 number of representatives on the city or town council shall
4 represent certain wards may be amended by a simple majority
5 of votes of the existing city or town council, any provisions
6 in the city or town charter, rules, ordinances, or ordinances
7 of annexation notwithstanding.

8 Sec. 65. Section three hundred sixty-three point eleven
9 (363.11), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred ninety-four (294), is amended
12 to read as follows:

13 363.11 CANDIDATES--FILING. Any person desiring to become
14 a candidate for any elective municipal office shall, not more
15 than sixty-five days nor less than forty days prior to the
16 election, file with the clerk of the municipal corporation
17 a petition signed by ~~qualified-voters~~ eligible electors
18 equaling in number at least two percent of the greatest number
19 of votes cast for any candidate for such office at the last
20 regular municipal election, and in no case less than ten,
21 requesting that his (or her) name be printed upon the official
22 election ballot. When a municipal officer is elected to
23 represent a ward, signers of his petition must be eligible
24 electors of that ward. Nomination petitions shall be filed
25 not later than five o'clock p.m. on the last day for filing.
26 Provided that any city having a population of ten thousand
27 or less or any town may by ordinance provide that all candi-
28 dates for all elective city or town offices shall be nominated
29 under the provisions of chapter 44 or 45. In such event
30 nomination for all such offices in the manner provided for
31 in this chapter shall not be authorized.

32 The clerk of the municipal corporation shall deliver all
33 nomination petitions to the county commissioner of elections
34 not later than five o'clock p.m. on the day following the
35 last day on which nomination petitions can be filed. Any

1 person on whose behalf nomination petitions have been filed
2 under this section may withdraw as a candidate by filing a
3 signed statement to that effect with the commissioner at any
4 time prior to five o'clock p.m. on the twenty-first day before
5 the election.

6 Sec. 66. Section three hundred sixty-three point twelve
7 (363.12), Code 1973, is amended by striking the section and
8 inserting in lieu thereof the following:

9 363.12 FORM OF PETITION. A petition filed pursuant to
10 section three hundred sixty-three point eleven (363.11) of
11 the Code shall include the signatures of each of the peti-
12 tioners, a statement of their places of residence, and the
13 date on which each petitioner signed the petition.

14 Sec. 67. Section three hundred sixty-three point thirteen
15 (363.13), Code 1973, is amended by striking the section and
16 inserting in lieu thereof the following:

17 363.13 ELECTOR'S AFFIDAVIT. A petition filed pursuant
18 to section three hundred sixty-three point eleven (363.11)
19 of the Code shall include the affidavit of at least one eli-
20 gible elector, other than the petitioners and the candidate
21 being nominated, stating the affiant's knowledge, information,
22 and belief as to the residence of the petitioners.

23 Sec. 68. Section three hundred sixty-three point fourteen
24 (363.14), Code 1973, is amended by striking the section and
25 inserting in lieu thereof the following:

26 363.14 CANDIDATE'S AFFIDAVIT. A petition filed pursuant
27 to section three hundred sixty-three point eleven (363.11)
28 of the Code shall include the affidavit of the candidate being
29 nominated, stating his name, his residence, that he is a
30 candidate for and eligible for the office he seeks, and that
31 if elected he will qualify for the office.

32 Sec. 69. Section three hundred sixty-three point sixteen
33 (363.16), subsection one (1), Code 1973, as amended by Acts
34 of the Sixty-fifth General Assembly, 1973 Session, chapter
35 one hundred thirty-six (136), section two hundred ninety-six

1 (296), is amended to read as follows:

2 1. In cities having a population of more than ten thousand,
3 as shown by the latest federal census, the procedure shall
4 be as follows:

5 a. If the county commissioner of elections and mayor find
6 that the number of candidates for any office, as shown by
7 candidates' petitions filed with the county commissioner of
8 elections, be not more than twice the number of persons that
9 may be elected to said office, said candidates shall be found
10 to be the nominees, and for said office no primary election
11 shall be held. For any office or offices, for which the
12 number of candidates, as shown by the candidates' petitions
13 filed with the county commissioner of elections, is found
14 to be more than twice the number of persons that may be elected
15 to said office or offices, the nominees shall be determined
16 by a municipal primary election, as hereinafter provided.
17 The county commissioner of elections and mayor shall file
18 a written report with the council, stating the nominees for
19 such office or offices, if any, for which no municipal primary
20 election is required, and also stating the office, or offices,
21 if any, for which the nominees shall be determined by a
22 municipal primary election.

23 b. Any such city, under one hundred thousand population,
24 may by ordinance provide that all candidates for all elective
25 city offices shall be nominated under the provisions of chapter
26 44 and chapter 45. In such that event neither nomination
27 for all such offices by primary nor a runoff election shall
28 not be authorized, and the candidates receiving the great-
29 est number of votes in the election held as required by section
30 three hundred sixty-three point eight (363.8) of the Code
31 shall be declared elected.

32 Sec. 70. Section three hundred sixty-three point sixteen
33 (363.16), subsection two (2), unnumbered paragraph two (2),
34 Code 1973, as amended by Acts of the Sixty-fifth General
35 Assembly, 1973 Session, chapter one hundred thirty-six (136),

1 section two hundred ninety-six (296), is amended to read as
2 follows:

3 The provisions of chapters thirty-nine (39) through fifty-
4 three (53) of the Code shall apply to the conduct of run-off
5 elections except that there shall be no added voter
6 registrations accepted for said election but transfers may
7 be accepted until ten days before the election, as now provided
8 under law. If a city provides by ordinance for a runoff
9 election, the county board of supervisors shall publicly
10 canvass the tally lists of the vote cast in the election held
11 by that city pursuant to section three hundred sixty-three
12 point eight (363.8) of the Code, following the procedures
13 prescribed in section fifty point twenty-four (50.24) of the
14 Code, at a meeting to be held beginning at one o'clock p.m.
15 in the afternoon on the day following that city election.

16 Sec. 71. Section six hundred nine point seven (609.7),
17 Code 1973, as amended by Acts of the Sixty-fifth General
18 Assembly, 1973 Session, chapter one hundred thirty-six (136),
19 section three hundred ninety-two (392), is amended to read
20 as follows:

21 609.7 APPORTIONMENT IN OTHER COUNTIES. The county commis-
22 sioner of elections, in counties having no appointive jury
23 commission, shall, prior to furnishing the precinct election
24 judges officials the election registers, apportion the number
25 of grand and petit jurors to be selected from among the several
26 election precincts, and the talesmen of which there shall
27 be at least two, among the precincts from which the same are
28 to be selected, in each case as nearly as practicable in pro-
29 portion to the number of electors registered in each precinct
30 as shown by the election registers of the ~~last-preceding~~ gen-
31 eral election. Such apportionment shall be computed on the
32 same basis as provided in section 609.1.

33 Sec. 72. Acts of the Sixty-fourth General Assembly, 1972
34 Session, chapter one thousand eighty-eight (1088), section
35 three (3), subsection one (1), is amended to read as follows:

1 1. If notice of an election, hearing, or other official
2 action is required by this Act, the notice must be published
3 at least once, not less than ~~ten~~ four nor more than ~~twenty-~~
4 ~~five~~ twenty days before the date of the election, hearing,
5 or other action.

6 Sec. 73. Acts of the Sixty-fourth General Assembly, 1972
7 Session, chapter one thousand eighty-eight (1088), section
8 sixty-four (64), unnumbered paragraph seven (7), as contained
9 in Acts of the Sixty-fifth General Assembly, 1973 Session,
10 chapter one hundred thirty-six (136), section three hundred
11 thirty-one (331), is amended to read as follows:

12 The city clerk shall deliver all nomination petitions to
13 the county commissioner of elections not later than five
14 o'clock p.m. on the day following the last day on which nomina-
15 tion petitions can be filed. Any person on whose behalf
16 nomination petitions have been filed under this section may
17 withdraw as a candidate by filing a signed statement to that
18 effect with the commissioner at any time prior to five o'clock
19 p.m. on the twenty-first day before the election.

20 Sec. 74. Acts of the Sixty-fourth General Assembly, 1972
21 Session, chapter one thousand eighty-eight (1088), section
22 sixty-five (65), is amended to read as follows:

23 Sec. 65. Notice ~~and~~ containing a copy of the ballot for
24 each regular, special, primary, or run-off city election must
25 be published as provided in section three (3) of this Act,
26 except that notice of a regular, primary, or run-off election
27 may be published not less than ~~five~~ four days before the date
28 of the election. The published ballot must contain the names
29 of all candidates, and may not contain any party designations.
30 The published ballot must contain any question to be submitted
31 to the voters.

32 Sec. 75. Acts of the Sixty-fourth General Assembly, 1972
33 Session, chapter one thousand eighty-eight (1088), section
34 sixty-six (66), is amended to read as follows:

35 Sec. 66. An individual for whom a valid petition is filed

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

6 1. The council may by ordinance choose to have a run-off
7 election, as provided in section sixty-nine (69) of this Act,
8 in lieu of a primary election.

9 2. If the council has by ordinance chosen to have nomina-
10 tions made in the manner provided by chapter forty-four (44)
11 or forty-five (45) of the Code, neither a primary election
12 nor a runoff election are required.

13 Sec. 76. Acts of the Sixty-fourth General Assembly, 1972
14 Session, chapter one thousand eighty-eight (1088), section
15 sixty-eight (68), is amended to read as follows:

16 Sec. 68. In a regular city election following a primary,
17 the candidates who receive the highest number of votes cast
18 for the office for which they have filed are elected, to the
19 extent necessary to fill the positions for which they have
20 filed. In a regular city election when a council has chosen
21 a run-off election in lieu of a primary, the candidates who
22 receive the highest number of votes and a majority of the
23 votes cast for the office for which they have filed are
24 elected, to the extent necessary to fill the positions for
25 which they have filed. In a regular city election when a
26 council has chosen to have nominations made in the manner
27 provided by chapter forty-four (44) or forty-five (45) of
28 the Code, the candidates who receive the highest number of
29 votes for the office for which they are nominated are elected,
30 to the extent necessary to fill the positions for which they
31 are nominated.

32 Sec. 77. Acts of the Sixty-fourth General Assembly, 1972
33 Session, chapter one thousand eighty-eight (1088), section
34 sixty-nine (69), unnumbered paragraph one (1), is amended
35 to read as follows:

1 A run-off election may be held only for positions unfilled
2 because of failure of a sufficient number of candidates to
3 receive a majority vote in the regular city election. When
4 a council has chosen a runoff election in lieu of a primary,
5 the county board of supervisors shall publicly canvass the
6 tally lists of the vote cast in the regular city election,
7 following the procedures prescribed in section fifty point
8 twenty-four (50.24) of the Code, at a meeting to be held
9 beginning at one o'clock in the afternoon on the day following
10 the regular city election. Candidates who do not receive
11 a majority of the votes cast for the office for which they
12 have filed, but who receive the highest number of votes cast
13 for that office in the regular city election, to the extent
14 of twice the number of unfilled positions, are candidates
15 in the run-off election.

16 Sec. 78. Acts of the Sixty-fourth General Assembly, 1972
17 Session, chapter one thousand eighty-eight (1088), section
18 one hundred seven (107), subsection three (3), is amended
19 to read as follows:

20 3. Notice of the election must be given by publication
21 once each week for at least three consecutive weeks in a news-
22 paper of general circulation in the city. The notice must
23 state the date of the election, the hours of opening and
24 closing the polls and the location thereof, and the question
25 to be submitted. The election must be held on a date not
26 less than ~~five~~ four nor more than twenty days after the last
27 publication of the notice. Such notice is sufficient and
28 is in lieu of any other notice required by any other statute.
29 At the election the ballot used for the submission of the
30 proposition must be in substantially the form for submitting
31 special questions at general elections.

32 Sec. 79. Acts of the Sixty-fifth General Assembly, 1973
33 Session, chapter one hundred thirty-six (136), section ten
34 (10), is amended to read as follows:

35 NEW SECTION. OFFICERS OF CITIES. The times at which offi-

1 cers of cities shall be elected and their terms of office
2 shall be as provided by or established pursuant to Acts of
3 the Sixty-fourth General Assembly, 1972 Session, chapter one
4 thousand eighty-eight (1088), sections sixty-one (61) and
5 sixty-two (62). However, the times at which officers of
6 cities and towns shall be elected and their terms of office
7 shall be governed until July 1, ~~1974~~ 1975 by sections three
8 hundred sixty-three point eight (363.8), three hundred sixty-
9 three point nine (363.9), three hundred sixty-three point
10 ten (363.10), three hundred seventy point one (370.1), three
11 hundred seventy-two point three (372.3) and three hundred
12 eighty point one (380.1), Code 1973, in the respective cities
13 and towns to which these sections are applicable.

14 Sec. 80. Acts of the Sixty-fifth General Assembly, 1973
15 Session, chapter one hundred thirty-six (136), section four
16 hundred (400), is amended to read as follows:

17 Sec. 400. At each election held after the effective date
18 of this Act and before January 1, 1975 in any county or portion
19 of a county in which registration is not required as a pre-
20 requisite to voting, pursuant to section three hundred ~~eighty-~~
21 ~~eight-(388)~~ ninety-nine (399) of this Act, there shall be
22 provided to each elector appearing at the polls on election
23 day an opportunity to register to vote in elections to be
24 held after January 1, 1975. At each such election there shall
25 be prominently displayed in every polling place one or more
26 signs which state "You May Register To Vote Here Today. You
27 Will Not Be Allowed To Vote After January 1, 1975 If You Are
28 Not Registered." Registration of voters at the polls under
29 this section shall be conducted in accordance with chapter
30 forty-eight (48) of the Code as amended by this Act, insofar
31 as possible. It shall be the duty of the precinct election
32 ~~judges-and-clerks~~ officials, in addition to their usual duties,
33 to register all eligible electors as defined by this Act who
34 desire to register at the polls as permitted by this section,
35 unless the county commissioner of registration appoints other

1 persons to perform this duty. The county commissioner of
2 registration shall in advance of the 1974 general election,
3 and may in advance of any other election occurring after the
4 effective date of this Act and before January 1, 1975, appoint
5 two or more persons in ~~the manner provided by section ninety-~~
6 ~~four-(94)-of-this-Act~~ addition to the precinct election
7 officials to register electors at each polling place on
8 election day as permitted by this section. The appointments
9 shall be made in the manner prescribed by section forty-eight
10 point twenty-seven (48.27), subsection one (1), paragraph
11 a, of the Code for appointment of mobile deputy registrars,
12 and the persons so appointed shall be compensated for their
13 services at the polling place on election day in the same
14 manner as provided by section forty-nine point twenty (49.20)
15 of the Code for precinct election officials.

16 Sec. 81. Acts of the Sixty-fifth General Assembly, 1973
17 Session, chapter two hundred (200), section three (3), is
18 amended to read as follows:

19 Sec. 3. NEW SECTION. ELECTION. A trustee of a regional
20 board shall be elected without regard to political affiliation
21 at the general election by the vote of the electors of his
22 district from a list of nominees, the names of which have
23 been taken from nomination papers filed in accordance with
24 chapter forty-five (45) of the Code in all respects except
25 that they shall be signed by not less than twenty-five
26 qualified-voters eligible electors of the respective district.
27 The election shall be administered by the commissioner who
28 has jurisdiction under section forty-seven point two (47.2)
29 of the Code.

30 Sec. 82. The appointment, pursuant to Acts of the Sixty-
31 fifth General Assembly, 1973 Session, chapter one hundred
32 thirty-six (136), section four hundred (400), as amended by
33 section eighty (80) of this Act, of two or more persons in
34 addition to the precinct election officials to register
35 electors at each polling place at the June 4, 1974 primary

1 election shall be mandatory in each county or portion of a
2 county to which Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section
4 three hundred ninety-nine (399), is applicable if on May 15,
5 1974 the total number of persons in that county or portion
6 of a county who are registered to vote does not equal or
7 exceed ten percent of the total population of that county
8 as shown by the 1970 federal decennial census.

9 Sec. 83. At each precinct located in a county or portion
10 of a county to which Acts of the Sixty-fifth General Assembly,
11 1973 Session, chapter one hundred thirty-six (136), section
12 three hundred ninety-nine (399), is applicable, any elector
13 who seeks to vote the ballot of a political party at the pri-
14 mary election on June 4, 1974, and is challenged on the ground
15 that he has previously registered as an elector of that pre-
16 cinct pursuant to chapter forty-eight (48) of the Code and
17 in so doing made a declaration regarding political party
18 affiliation inconsistent with the affiliation indicated by
19 his request for a primary election ballot, may overcome the
20 challenge by the procedure prescribed in section forty-three
21 point forty-four (43.44) of the Code.

22 Sec. 84. The county commissioner of elections of each
23 county to all or any portion of which Acts of the Sixty-fifth
24 General Assembly, 1973 Session, chapter one hundred thirty-
25 six (136), section three hundred ninety-nine (399), is
26 applicable, shall on August 30, 1974 send a report to the
27 state commissioner of elections stating the total number of
28 persons registered to vote in that county or portion of a
29 county as of that date. If the report has not been received
30 by the state commissioner by September 10, 1974 he shall
31 investigate the cause of the delay. If it appears from the
32 report that the number of persons registered to vote in that
33 county or portion of a county is unduly low, the state
34 commissioner shall consult with the county commissioner of
35 the county involved regarding measures which may be employed

1 to encourage registration of eligible electors as voters prior
2 to January 1, 1975.

3 Sec. 85. The limitations imposed by section forty-nine
4 point eight (49.8) of the Code notwithstanding, a county board
5 of supervisors or city council having jurisdiction over a
6 precinct which includes the places of residence of fewer than
7 fifty qualified electors may prior to July 1, 1975 attach
8 the precinct to an abutting precinct if the attachment is
9 permissible under section forty-nine point three (49.3),
10 subsection two (2), paragraph a, of the Code.

11 Sec. 86. A school district which has a seven-member board
12 of directors for which the term of office has been shortened
13 by law from four years to three years commencing with the
14 election held September 9, 1975, shall hold elections as
15 follows:

16 1. At the regular school election held September 9, 1975,
17 two members shall be elected for two-year terms and three
18 members shall be elected for three-year terms.

19 2. At the regular school election held September 14, 1976,
20 two members shall be elected for three-year terms.

21 3. At the regular school election held September 13, 1977,
22 two members shall be elected for three-year terms.

23 Sec. 87. The code editor is directed to:

24 1. Substitute the term "state commissioner" for each
25 reference to the secretary of state found in sections fifty-
26 two point five (52.5), fifty-four point five (54.5), fifty-
27 five point nine (55.9), fifty-five point eleven (55.11),
28 fifty-five point thirteen (55.13), fifty-five point fourteen
29 (55.14), fifty-five point fifteen (55.15), fifty-five point
30 twenty-one (55.21) and fifty-five point twenty-two (55.22),
31 Code 1973, and to such extent the enumerated sections are
32 amended.

33 2. Substitute the term "commissioner" for each reference
34 to the county auditor found in sections fifty-three point
35 forty (53.40), fifty-three point forty-one (53.41), fifty-

1 three point forty-two (53.42), fifty-five point ten (55.10),
2 fifty-five point eleven (55.11), fifty-five point eighteen
3 (55.18) and three hundred sixty-three point twenty-two
4 (363.22), Code 1973, and to such extent the enumerated sections
5 are amended.

6 Sec. 88. Section fifty point one (50.1), Code 1973, as
7 amended by Acts of the Sixty-fifth General Assembly, 1973
8 Session, chapter one hundred thirty-six (136), section one
9 hundred eighty (180), is amended to read as follows:

10 50.1 CANVASS BY JUDGES. At every election conducted under
11 chapter forty-nine (49) of the Code, except the primary elec-
12 tion provided for by chapter forty-three (43) of the Code,
13 and at every other election unless the law authorizing the
14 election otherwise requires, the vote shall be canvassed at
15 each polling place by the election board in the manner pre-
16 scribed by this chapter. When the poll is closed, the judges
17 precinct election officials shall forthwith, and without
18 adjournment:

- 19 1. Publicly canvass the vote, and credit each candidate
- 20 with the number of votes counted for him.
- 21 2. Ascertain the result of the vote.
- 22 3. Prepare in writing a list of any apparently or possibly
- 23 erroneous information appearing in the precinct election
- 24 register.
- 25 4. ~~Cause each clerk to~~ Designate two election board
- 26 members, not members of the same political party, who shall
- 27 each separately keep a tally list of the count.

28 Sec. 89. Section fifty point eleven (50.11), Code 1973,
29 as amended by Acts of the Sixty-fifth General Assembly, 1973
30 Session, chapter one hundred thirty-six (136), section one
31 hundred eighty-six (186), is amended to read as follows:

32 50.11 PROCLAMATION OF RESULT. When the canvass is com-
33 pleted one of the judges precinct election officials shall
34 publicly announce the total number of votes received by each
35 of the persons voted for, the office for which he is

1 designated, as announced by the clerks designated tally
2 keepers, and the number of votes for, and the number of votes
3 against, any proposition which shall have been submitted to
4 a vote of the people, and he shall communicate said information
5 by telephone or telegraph or in person to the commissioner
6 who is conducting the election immediately upon completion
7 of the canvass; and the commissioner shall remain on duty
8 until such information is communicated to him from each polling
9 place in his county.

10 Sec. 90. Section fifty point sixteen (50.16), Code 1973,
11 as amended by Acts of the Sixty-fifth General Assembly, 1973
12 Session, chapter one hundred thirty-six (136), section one
13 hundred eighty-nine (189), is amended to read as follows:

14 50.16 TALLY LIST OF BOARD. The tally list shall be pre-
15 pared in writing by the election board, giving, in legibly
16 printed numerals, the whole number of ballots cast for each
17 officer, except those rejected, the name of each person voted
18 for, and the number of votes given to each person for each
19 different office; which tally list shall be signed by the
20 judges precinct election officials, and be substantially as
21 follows:

22 At an election at in township, or in
23 precinct of city or township, in
24 county, state of Iowa, on the day of A.D.
25, there were ballots cast for the office of
26 of which

27 A.B.had. votes.

28 C.D.had. votes.

29 (and in the same manner for any other officer).

30 A true tally list:

31 L.M.)

32 N.O.) Judges-of Election Board Members

33 P.Q.)

34 Attest: R.S.) Clerks-of-Election

35 T.U.) Designated Tally Keepers.

1 Sec. 91. Section fifty-one point one (51.1), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred thirty-six (136), section two
4 hundred nine (209), is amended to read as follows:

5 51.1 ELECTION COUNTING BOARD. In all election precincts
6 the board of supervisors may authorize the commissioner to
7 appoint for each primary and general election ~~three-addi-~~
8 ~~tional-judges-and-two~~ five additional ~~clerks~~ precinct election
9 officials to be known as the election counting board.

10 Sec. 92. The code editor is directed to change sections
11 forty-three point thirty-eight (43.38), forty-three point
12 forty-four (43.44), forty-nine point fifty (49.50), forty-
13 nine point sixty-two (49.62), forty-nine point sixty-seven
14 (49.67), forty-nine point seventy-one (49.71), forty-nine
15 point seventy-five (49.75), forty-nine point eighty-seven
16 (49.87), fifty point three (50.3), fifty point four (50.4),
17 fifty point five (50.5), fifty-one point six (51.6), fifty-
18 one point fourteen (51.14), fifty-two point eighteen (52.18),
19 fifty-two point nineteen (52.19) and fifty-two point twenty
20 (52.20), Code 1973, and sections forty-three point thirty-
21 six (43.36), forty-three point forty-two (43.42), forty-three
22 point forty-five (43.45), forty-three point forty-six (43.46),
23 forty-nine point eighteen (49.18), forty-nine point fifty-
24 five (49.55), forty-nine point sixty (49.60), forty-nine point
25 sixty-one (49.61), forty-nine point sixty-four (49.64), forty-
26 nine point sixty-five (49.65), forty-nine point sixty-six
27 (49.66), forty-nine point seventy (49.70), forty-nine point
28 seventy-six (49.76), forty-nine point seventy-seven (49.77),
29 forty-nine point seventy-nine (49.79), forty-nine point eighty
30 (49.80), forty-nine point eighty-one (49.81), forty-nine point
31 eighty-three (49.83), forty-nine point eighty-nine (49.89),
32 forty-nine point ninety-one (49.91), forty-nine point one
33 hundred five (49.105), forty-nine point one hundred twenty-
34 four (49.124), fifty point nine (50.9), fifty point twelve
35 (50.12), fifty point seventeen (50.17), fifty-one point three

1 (51.3), fifty-one point four (51.4), fifty-one point five
2 (51.5), fifty-one point seven (51.7), fifty-one point eight
3 (51.8), fifty-one point nine (51.9), fifty-one point twelve
4 (51.12), fifty-two point fifteen (52.15), fifty-two point
5 twenty-one (52.21), fifty-two point twenty-two (52.22), fifty-
6 two point twenty-three (52.23) and fifty-three point twenty-
7 three (53.23), Code 1973, as amended by Acts of the Sixty-
8 fifth General Assembly, 1973 Session, chapter one hundred
9 thirty-six (136), by inserting the term "precinct election
10 officials" or "precinct election official" or, where it is
11 determined alternative terms are required, either the term
12 "election board" or the term "board member" in place of the
13 term "judge" or the term "clerk" or the term "judges and
14 clerks" or any similar terms referring to the officers
15 heretofore known as precinct judges of election or clerks
16 of election, and to such extent the enumerated sections are
17 amended.

18 Sec. 93. Section fifty point two (50.2), Code 1973, is
19 repealed.

20 Sec. 94. This Act shall take effect and be in force on
21 April 15, 1974 after its publication in the Muscatine Journal,
22 a newspaper published in Muscatine, Iowa, and in the West
23 Des Moines Express, a newspaper published in West Des Moines,
24 Iowa.

25 EXPLANATION

26 This bill is presented primarily for the purpose of adjust-
27 ing some of the procedures and requirements relating to local
28 elections which were included in House File 745, passed in
29 1973, in accordance with experience gained and objections
30 presented following the 1973 school and city elections. The
31 bill permits use of unpaid poll workers for school elections,
32 allows the opening of polling places for local elections as
33 late as twelve o'clock noon at the discretion of the county
34 election commissioner, and permits temporary division of per-
35 manent precincts for city elections where necessary to permit

1 residents of smaller towns to vote for their local officers
2 at polling places within these towns. The use of voting
3 machines in local jurisdictions which have them is made
4 optional for local elections where a light turnout is
5 anticipated.

6 The bill also seeks to clarify certain election statutes
7 which have been the subject of attorney general's opinions
8 in the past year. These statutes relate to affidavits
9 attesting to the validity of signatures on nomination papers,
10 and to circumstances under which cities may elect to hold
11 neither a municipal primary nor a runoff following a regular
12 city election.

13 Certain changes in laws governing city elections which
14 presently appear in the Code, but will be repealed when the
15 new city code takes effect, were deliberately omitted from
16 House File 745. Since it appears that the older city laws
17 will remain in effect for at least a year longer than was
18 anticipated in 1973, it seems desirable to now make the indi-
19 cated changes.

20 The bill includes various provisions intended to help pro-
21 mote the registration of eligible electors as voters prior
22 to January 1, 1975 in those areas of the state where
23 registration is not now required in order to vote, but will
24 be so required after that date. These provisions include
25 the posting of informational signs at polling places, a
26 requirement that special registrars be stationed at polling
27 places for the June, 1974 primary election in counties where
28 voter registration is low, and the filing of a progress report
29 with the State Commissioner of Elections (Secretary of State)
30 on August 30.

31 A number of technical corrections and terminology changes
32 are also included in this bill. Some of them should have
33 been included in House File 745 in 1973; the need for others
34 has become apparent or has been suggested by various parties
35 since House File 745 was enacted.

1 One of the changes made by this bill is deletion of the
2 long-standing designation of some precinct election officials
3 as judges and others as clerks. This distinction is under-
4 stood to date back to the time when it was important that
5 clerks, as opposed to judges, be persons capable of writing
6 quite legibly. All members of the election board are desig-
7 nated precinct election officials by this bill.

Proof of Publication 5/3 p. 2467

I further certify that House File 1399 was published in the Muscatine
Journal, Muscatine, Iowa, April 25, 1974, and in the West Des Moines Ex-
press, West Des Moines, Iowa, April 25, 1974.

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LSB 3306
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SENATE AMENDMENT TO HOUSE FILE 1399

1 Amend House File 1399 as amended, passed and re-
2 printed by the House as follows:
3 1. Page 2, by inserting after line 14, the following
4 new section:

5 Sec. _____. Section thirty-nine point twenty-three
6 (39.23), Code 1973, is amended to read as follows:
7 39.23 TOWNSHIP CLERK. There shall be elected,
8 biennially at the general election held in the year
9 1974 and every four years thereafter, in each civil
10 township one township clerk, who shall hold his
11 office for the term of ~~two~~ four years.

12 2. Page 5, by adding the following section after
13 line 4:

14 Sec. _____. Section forty-three point fifty-
15 nine (43.59), Code 1973, is amended to read as
16 follows:

17 43.59 DEATH OR RESIGNATION OF CANDIDATES.

18 1. When any primary candidate dies or resigns
19 between the date for filing nomination papers and
20 the holding of the primary election, the appropriate
21 county, legislative district, or state central
22 committee or district convention may place one
23 additional name on the ballot.

24 2. Candidates nominated in primary elections
25 may withdraw their names from the nominations any
26 time prior to sixty-five days preceding the general
27 election and the appropriate county, legislative
28 district, or state central committee or district
29 convention shall designate a person to fill such
30 vacancy. Vacancies shall be filled by the appro-
31 priate central committee or district convention
32 within five days following the day of such withdrawal.

33 3. Page 6, by adding the following section after
34 line 11:

35 Sec. _____. Section forty-three point seventy-
36 four (43.74), Code 1973, as amended by Acts of the
37 Sixty-fifth General Assembly, 1973 Session, chapter
38 one hundred thirty-six (136), section forty-nine
39 (49), is amended to read as follows:

40 43.74 CERTIFICATE IN CASE OF ADDITIONAL
41 NOMINATIONS. If, after the foregoing certificate
42 has been forwarded, other authorized nominations
43 are certified to the state commissioner, including
44 nominations to be voted on at any time at a special
45 election, the state commissioner shall at once,
46 in the form provided in section 43.73, certify said
47 nominations to the commissioners with a statement
48 showing the reason therefor. Authorized nominations
49 must be submitted to the state commissioner at least
50 forty-five days prior to the general election.

- 51 4. Page 6, line 19, by inserting after the word
52 and numeral "two (2)" the following: "and subsection
53 two (2)".
- 54 5. Page 7A, by adding the following after line 3:
55 "2. Make nominations of candidates for the
56 party to membership in the general assembly when no
57 nomination exists due to the failure of any candidate
58 to file nomination papers for such office, when no
59 candidate for such office has been nominated at the
60 preceding primary election by reason of the failure
61 of any candidate to receive the legally required
62 number of votes cast by such party therefor, or to
63 place a name on the ballot as authorized under
64 section forty-three point fifty-nine (43.59) of the
65 Code if such convention is held following the pre-
66 ceding primary election."
- 67 6. Page 7A, line 5, by inserting after the figure
68 "(1)" the following: "and subsection one (1)".
- 69 7. Page 7A, line 8, by striking the words "and shall,
70 if".
- 71 8. Page 7A, by striking lines 9 through 11.
- 72 9. Page 7A, by adding the following after line 12:
73 "1. When no nomination was made in the primary
74 election for the office of ~~senator-or-representative~~
75 ~~in-the-general-assembly,-or-of~~ representative in
76 Congress, ~~as-the-case-may-be,~~ because of the failure
77 of a candidate to file nomination papers for such
78 office, failure of any candidate to receive the
79 legally required number of votes cast by his party
80 for such candidates, or to place a name on the ballot
81 as authorized under subsection one (1) of section
82 forty-three point fifty-nine (43.59) of the Code."
- 83 10. Page 7A, lines 27 and 28, by striking the words
84 "by: 1. The" and inserting in lieu thereof the
85 words "by the".
- 86 11. Page 7A, by striking lines 31 through 35.
- 87 12. Page 7B, by striking line 36.
- 88 13. Page 10, by inserting after line 19 the
89 following:
90 3. Notwithstanding the provisions of the first
91 unnumbered paragraph of this section the commissioner
92 may consolidate precincts for any election including
93 a primary and general election if one of the pre-
94 dicts involved consists entirely of dormitories
95 that are closed at the time the election is held.
- 96 14. Page 11A, by inserting after line 5 the
97 following:
98 "If double counting boards are not appointed for
99 precincts using paper ballots and using only three
100 precinct election officials a fourth precinct

101 election official shall be appointed from the election
102 board panel to serve beginning at 8:00 P.M. to assist
103 in counting the paper ballots."

104 15. Page 12A, line 17, by striking the first word
105 "a" and inserting in lieu thereof the word "any".

106 16. Page 12A, line 32, by striking the first word
107 "a" and inserting in lieu thereof the word "any".

108 17. Page 13A, line 20, by striking the first word
109 "a" and inserting in lieu thereof the word "any".

110 18. Page 14, line 1, by striking the first word
111 "a" and inserting in lieu thereof the word "any".

112 19. Page 14, by inserting after line 10 the follow-
113 ing new section:

114 Sec. _____. Section forty-nine point twenty-eight
115 (49.28), Code 1973, as amended by Acts of the Sixty-
116 fifth General Assembly, 1973 Session, chapter one
117 hundred thirty-six (136), section one hundred twenty-
118 nine (129), is amended to read as follows:

119 49.28 COMMISSIONER TO FURNISH REGISTERS AND
120 SUPPLIES. The commissioner shall prepare and furnish
121 to each precinct an election register, and all other
122 books, blanks, materials, and supplies necessary
123 to carry out the provisions of this chapter. Voter
124 registration records shall be kept so that the
125 election register for each precinct contains the
126 names of no electors except those eligible to vote
127 in that precinct. When a precinct lies in more than
128 one political subdivision or district from which any
129 officer is elected, the election register must
130 clearly indicate who are the eligible electors of
131 each political subdivision or district in which the
132 precinct lies. The election register does not need
133 to indicate the eligible electors of school director
134 districts.

135 20. Page 16A, line 29, by striking the word "a"
136 and inserting in lieu thereof the word "any".

137 21. Page 18A, by striking lines 7 through 12,
138 inclusive and inserting in lieu thereof the follow-
139 ing:

140 NEW SECTION. OPTIONAL AUTHORITY FOR CERTAIN CITY
141 ELECTIONS. The commissioner may appoint unpaid elec-
142 tion precinct officials to election boards, as pro-
143 vided by sections forty-nine point fifteen (49.15),
144 forty-nine point sixteen (49.16) and forty-nine
145 point twenty (49.20) of the Code, elect not to use
146 voting machines even though they are available, as
147 permitted by section forty-nine point twenty-six
148 (49.26) of the Code, and direct that the polls be
149 opened at twelve o'clock noon, as permitted by
150 section forty-nine point seventy-three (49.73) of

151 the Code, for any election held for a city, regard-
152 less of the city's population, if there is no con-
153 test for any office on the ballot and no public
154 question is being submitted to the voters at that
155 election.

156 22. Page 22A, by inserting after line 10 the
157 following new section:

158 Sec. _____. Section fifty-two point twenty-two
159 (52.22), Code 1973, unnumbered paragraph one (1),
160 as amended by the Acts of the Sixty-fifth General
161 Assembly, 1973 Session, chapter one hundred thirty-
162 six (136), section two hundred thirty (230), is
163 amended to read as follows:

164 The judges of election shall, as soon as the
165 count is completed and fully ascertained as in
166 this chapter required, lock the machine against
167 voting, and it shall so remain until thirty days
168 after the proclamation of the results of said
169 election, except that it shall remain locked only
170 ten days after a primary election, including a
171 city primary election, if such election is not
172 contested. However, if the machines in any precinct
173 are so constructed as to deliver, immediately upon
174 conclusion of the voting at any election, multiple
175 copies of a printed record of the votes cast and
176 the totals for each candidate or question appearing
177 on the face of the machine, the machine may be
178 ~~unlocked upon expiration of the time for requesting~~
179 ~~a recount of votes in a primary election or for~~
180 ~~contesting any other election, immediately following~~
181 the canvass of votes unless the precinct election
182 board informs the commissioner that the printed
183 record produced by the machine is smeared, torn or
184 otherwise unreadable. In the latter case, the
185 machines shall be kept locked for the period of
186 time prescribed for machines which do not print
187 such a record.

188 23. Page 25A, by inserting after line 13 the
189 following new section:

190 Sec. _____. Section sixty-nine point eleven
191 (69.11), Code 1973, is amended to read as follows:

192 69.11 TENURE OF VACANCY APPOINTEE. An officer
193 filling a vacancy in an office which is filled by
194 election of the people shall continue to hold until
195 the next **regular** election at which such vacancy can
196 be filled as provided by section sixty-nine point
197 twelve (69.12) of the Code, and until a successor
198 is elected and qualified. Appointments to all other
199 offices, made under this chapter, shall continue
200 for the remainder of the term of each office, and

201 until a successor is appointed and qualified.
202 24. Page 25A, by striking lines 15 through 34,
203 inclusive, and inserting in lieu thereof the
204 following:
205 "1973, is amended by striking the section and
206 inserting in lieu thereof the following:
207 69.12 OFFICERS ELECTED TO FILL VACANCIES--TENURE.
208 When a vacancy occurs in any elective office of a
209 political subdivision of this state, and a method
210 for electing a person to the vacant office for the
211 remainder of the unexpired term is not otherwise
212 provided by law, the vacancy shall be filled pur-
213 suant to this section. As used in this section,
214 'pending election' means any election at which there
215 will be on the ballot either the office in which the
216 vacancy exists, or any other office to be filled or
217 any public question to be decided by the voters of
218 the same political subdivision.
219 1. If the unexpired term in which the vacancy
220 occurs has more than seventy days to run after the
221 date of the next pending election, the vacancy shall
222 be filled as follows:
223 a. A vacancy occurring forty or more days prior
224 to the next pending election shall be filled at that
225 election. The fact that absentee ballots were
226 distributed or voted before the vacancy occurred or
227 was declared shall not invalidate the election.
228 b. A vacancy occurring less than forty days prior
229 to the next pending election shall be filled by
230 appointment as provided by law until the succeeding
231 pending election.
232 2. When the unexpired term of office in which
233 the vacancy occurs will expire within seventy days
234 after the date of the next pending election, or after
235 the date of a preceding election in which that office
236 was on the ballot, the person elected to the office
237 for the succeeding term shall also be deemed elected
238 to fill the remainder of the unexpired term. If the
239 vacancy is on a multi-member body to which more than
240 one nonincumbent is elected for the succeeding term,
241 the nonincumbent who received the most votes shall
242 be deemed elected to fill the remainder of the
243 unexpired term. A person so elected to fill an
244 unexpired term shall qualify within the time required
245 by sections sixty-three point three (63.3) and
246 sixty-three point eight (63.8) of the Code. Unless
247 other requirements are imposed by law, qualification
248 for the unexpired term shall also constitute qualifi-
249 cation for the full term to which the person was
250 elected."

251 25. Page 42A, line 21, by striking "five-thousand"
252 and inserting in lieu thereof the following: "five
253 thousand dollars per contract in the case of
254 contracts for the printing of ballots or, in the
255 case of other services,".
256 26. Page 42B, by inserting after line 43 the
257 following new section:
258 Sec. _____. Acts of the Sixty-fifth General
259 Assembly, 1973 Session, chapter one hundred thirty-
260 six (136), section one hundred six (106), sub-
261 section one (1) and paragraph b are amended to
262 read as follows:
263 1. Mobile deputy registrars shall be appointed
264 by the county commissioner of registration not more
265 than one hundred eighty days prior to any general
266 election or not more than one hundred twenty days
267 prior to any primary, general, or partisan city
268 election, or any election held pursuant to section
269 sixty-nine point fourteen (69.14) of the Code,
270 in accordance with the following guidelines:
271 b. Each political party shall submit lists of
272 nominees, ~~not later than sixty days prior to the~~
273 ~~election,~~ and may request not more than one person
274 for each one thousand six hundred (1,600) residents
275 or major fraction thereof in the county to be
276 appointed as mobile deputy registrars.
277 27. Page 42B, line 57, by striking the word "If"
278 and inserting in lieu thereof the word "Until".
279 28. Page 42B, line 58, by striking the word "Not".
280 29. Page 49, line 18, by striking "Section fifty
281 point two (50.2), Code 1973, is" and inserting
282 in lieu thereof the following: "Sections forty-
283 three point one hundred six (43.106), Code 1973,
284 as amended by Acts of the Sixty-fifth General
285 Assembly, 1973 Session, chapter one hundred thirty-
286 six (136), section fifty-nine (59), and fifty
287 point two (50.2), Code 1973, are".
288 30. Page 49, by inserting after line 19 the follow-
289 ing new section:
290 Sec. _____. If Senate File one thousand one hundred
291 sixty-three (1163) of the Sixty-fifth General
292 Assembly, 1974 Session, is enacted into law,
293 sections fifty-four (54), fifty-five (55) and
294 sixty-three (63) of this Act shall be of no force
295 or effect.
296 31. Page 49, line 20, by striking the word "This"
297 and inserting in lieu thereof the following:
298 "Sections one (1) through fifty-three (53), fifty-
299 six (56) through sixty-two (62), and sixty-four
300 (64) through ninety-nine (99) of this".
301 32. Page 49, line 21, by striking the word and
302 figure "April 15" and inserting in lieu thereof
303 the word and figure "April 26".
304 33. Amend the title, page 1, line 2, by striking
305 the words and figure "House File 745" and inserting
306 in lieu thereof the following: "chapter one
307 hundred thirty-six (136)".
308 34. By renumbering sections and correcting internal
309 references to conform with this amendment.

HOUSE FILE 1399

H-2526

1 Amend House File 1399 as follows:

2 1. Page 4, by inserting after line 1 the following
3 new section:

4 Sec. _____. Section forty-three point twenty (43.20),
5 subsection three (3), Code 1973, as amended by Acts
6 of the Sixty-fifth General Assembly, 1973 Session,
7 chapter one hundred thirty-six (136), section twenty-
8 two (22), is amended to read as follows:

9 3. If for an office to be filled by the voters
10 of the county or for the office of county supervisor
11 elected from a district within the county, by at least
12 two percent of the party vote in the county or super-
13 visor district, as shown by the last general election,
14 or by at least one hundred persons, whichever is less.

15 2. Page 4, by inserting after line 20 the following
16 new section:

17 Sec. _____. Section forty-three point forty-five
18 (43.45), subsection six (6), Code 1973, as amended
19 by Acts of the Sixty-fifth General Assembly, 1973
20 Session, chapter one hundred thirty-six (136), section
21 thirty-two (32), is amended to read as follows:

22 6. Seal the precinct election register and the
23 tally sheets and certificates of the election judges
24 in an envelope, or other secure container, on the
25 outside of which are written or printed in
26 perpendicular columns the names of the several
27 political parties with the names of the candidates
28 for the different offices under their party name,
29 and opposite each candidate's name enter the number
30 of votes cast for such candidate in said precinct.

31 3. Page 7, line 23, by inserting after the word
32 "convention" the words "shall be filed at the earliest
33 practicable time with the commissioner of each county
34 in which any part of the district is located".

35 4. Page 8, by striking through the comma at the
36 end of line 4 and by striking from line 5 the words
37 and numerals "chapter 43" and inserting in lieu thereof
38 the words and numerals "~~chapter-43~~".

39 5. Page 8, line 16, by striking the words and
40 numerals ", chapter forty-three (43)".

41 6. Page 9, by inserting after line 13 the following
42 new section:

43 Sec. _____. Section forty-nine point eight (49.8),
44 Code 1973, as amended by Acts of the Sixty-fifth
45 General Assembly, 1973 Session, chapter one hundred
46 thirty-six (136), section one hundred fourteen (114),
47 is amended by inserting after subsection three (3)
48 the following new subsection:

49 NEW SUBSECTION. Precinct boundaries established
50 by or pursuant to section forty-nine point four (49.4)

A

51 of the Code, and not changed under subsection one
52 (1) of this section since the most recent federal
53 decennial census, may be changed once during the
54 period beginning January first of the second year
55 following a year in which a federal decennial census
56 is taken and ending June thirtieth of the year
57 immediately following the year in which the next
58 succeeding federal decennial census is taken, if the
59 commissioner recommends and the board of supervisors
60 finds that the change will effect a substantial savings
61 in election costs.

62 7. Page 9, by inserting in line 29 after the word
63 "election" the words "or any special election held
64 under section sixty-nine point fourteen (69.14) of
65 the Code".

66 8. Page 9, by inserting in line 30 after the word
67 "~~conseildate~~" and underscored colon.

68 9. Page 9, by striking lines 32, 33 and 34 and
69 inserting in lieu thereof the following:

70 "he shall not do so if there is filed with him
71 at least twenty".

72 10. Page 11, by striking lines 28 and 29 and
73 inserting in lieu thereof the following:

74 "of these political parties, or whom either a
75 school board or the city council of a city of ten
76 thousand or less population has advised the
77 commissioner at least thirty days before each primary
78 election are willing to serve without pay at elections
79 conducted for that school district or city, as the
80 case may be, during the tenure of the election board
81 panel on which these names are included".

82 11. Page 12, line 17, by striking the words "school
83 election" and inserting in lieu thereof the words
84 "election conducted for a school district or a city
85 of ten thousand or less population".

86 12. Page 12, lines 29 and 30, by striking the
87 words "school elections" and inserting in lieu thereof
88 the words "elections conducted for a school district
89 or a city of ten thousand or less population".

90 13. Page 13, by striking lines 19 and 20 and
91 inserting in lieu thereof the words "(49.26) of the
92 Code, in advance of each election conducted for a
93 school district or a city of ten thousand or less
94 population, and individually for each".

95 14. Page 13, by striking from line 35 the word
96 "other".

97 15. Page 14, by striking line 1 and inserting
98 in lieu thereof the words "conducted for a school
99 district or a city of ten thousand or less population
100 in which voting occurs in that precinct".

- 101 16. Page 14, by striking lines 24 through 28,
102 inclusive.
- 103 17. Page 15, by striking from line 26 the words
104 "which is published" and inserting in lieu thereof
105 the words "of general circulation".
- 106 18. Page 15, by striking lines 28, 29 and 30 and
107 inserting in lieu thereof the words "is to occur."
- 108 19. Page 16, by striking lines 23 through 29,
109 inclusive, and inserting in lieu thereof the following:
110 "49.73. TIME OF OPENING AND CLOSING POLLS. At
111 all elections, except as otherwise permitted by this
112 section, the polls shall be opened at seven o'clock
113 a.m., or as soon thereafter as vacancies ~~in the places~~
114 ~~of judges or clerks of~~ on the precinct election board
115 have been filled. The commissioner may direct that
116 the polls be opened at twelve o'clock noon for any
117 election conducted for a school district or a city
118 of ten thousand or less population".
- 119 20. Page 19, line 11, by inserting after the c
120 period the following:
121 "When a public question has been submitted to the
122 voters of a political subdivision whose elections
123 the county board canvasses, the commissioner shall
124 certify a duplicate of the abstract and declaration
125 to the governing body of the political subdivision."
- 126 21. Page 25, by inserting in line 3 after the
127 period the following:
128 "The commissioner may direct the board to meet
129 on the day prior to the election solely for the purpose
130 of reviewing the absentee voters' affidavits appearing
131 on the sealed ballot envelopes, if in the
132 commissioner's judgment this procedure is necessary
133 due to the number of absentee ballots received, but
134 under no circumstances shall a sealed ballot envelope
135 be opened before the board convenes on election day."
- 136 22. Page 33, line 23, by striking the word "five"
137 and inserting in lieu thereof the words "~~five~~ four".
- 138 23. Page 35, by striking lines 22, 23 and 24 and
139 inserting in lieu thereof the following:
140 "election ballot. When a municipal office is
141 filled by the voters of a ward, signers of a nominating
142 petition for a candidate for that office must be
143 eligible electors of that ward. Nomination petitions
144 shall be filed".
- 145 24. Page 42, by inserting after line 13 the d
146 following new section:
147 Sec. _____. Acts of the Sixty-fifth General Assembly,
148 1973 Session, chapter one hundred thirty-six (136),
149 section ninety-six (96), unnumbered paragraph one
150 (1), is amended to read as follows:

151 The commissioner shall take bids for any goods
152 and services which will be performed or provided by
153 persons who are not employees of the commissioner
154 and where the costs of such services exceed five
155 thousand two thousand five hundred dollars per
156 contract. No bids shall be required for legal
157 services. The commissioner shall publish notice to
158 bidders, including specifications regarding the goods
159 or services to be purchased or a description of the
160 nature and object of the services to be retained,
161 in a newspaper of general circulation in the county
162 not less than fifteen days before the final date for
163 submission of bids. The commissioner shall also file
164 a copy of the bid specifications in the office of
165 the state commissioner for a period of not less than
166 twenty days prior to the date the bid is let. When
167 competitive bidding procedures are used, the purchase
168 of goods or services shall be made from the lowest
169 responsible bidder which meets the specifications
170 or description of the services needed or the
171 commissioner may reject all bids and readvertise.
172 In determining the lowest responsible bidder, various
173 factors may be considered, including but not limited
174 to the past performance of the bidder relative to
175 quality of product or service, the past experience
176 of the purchaser in relation to the product or service,
177 the relative quality of products or services, the
178 proposed terms of delivery and the best interest of
179 the county.

180 25. Page 44, by inserting at the end of line 7 E
181 the words "or portion of a county"

H-2526 Filed
March 18, 1974

A-adopted, reconsidered, amended, ²⁷⁻²⁵⁴³ and adopted 3/19
By DRAKE of Muscatine
BITTLE of Polk
McCORMICK of Delaware

*B-
C-
D- ~~Referred for germane, rules committee, ~~and adopted 3/19~~~~*

H-2538

1 Amend House File 1399, page 15, line 30, by
2 inserting after the period the following: "For the
3 general election or the primary election the foregoing
4 notice shall be published in at least two newspapers
5 published in the county, representing if possible,
6 the two political parties whose candidates for
7 president of the United States or for governor, as
8 the case may be, received the largest and next
9 largest number of votes in the county at the last
10 preceding general election. However, if there is
11 only one newspaper published in the county, publication
12 in one newspaper shall be sufficient."

H-2538 Filed - *Adopted 3/19*
March 18, 1974

By WEST of Marshall
BROCKETT of Marshall
AVENSON of Fayette
NEWHARD of Jones

H—2533

1 Amend House File 1399, page 15, as follows:
2 1. Line 25, by striking the words "one
3 newspaper" and inserting in lieu thereof "two
4 newspapers".
5 2. Line 26, by striking the word "is" and
6 inserting in lieu thereof the word "are".
7 3. Line 29, by striking the words "one
8 newspaper" and inserting in lieu thereof "two
9 newspapers".

H—2533 Filed *Lost 2/19*
March 18, 1974

By HUSAK of Tama

H—2540

1 Amend the Drake, et al., amendment H-2526 to pages
2 11, 12, 13, 14 and 16 of House File 1399 as follows:
3 1. Lines 75 and 76, by striking the words "ten
4 thousand" and inserting in lieu thereof the words
5 "three thousand five hundred".
6 2. Line 85, by striking the words "ten thousand"
7 and inserting in lieu thereof the words "three thousand
8 five hundred".
9 3. Line 89, by striking the words "ten thousand"
10 and inserting in lieu thereof the words "three thousand
11 five hundred".
12 4. Line 93, by striking the words "ten thousand"
13 and inserting in lieu thereof the words "three thousand
14 five hundred".
15 5. Line 99, by striking the words "ten thousand"
16 and inserting in lieu thereof the words "three thousand
17 five hundred".
18 6. Line 118, by striking the words "ten thousand"
19 and inserting in lieu thereof the words "three thousand
20 five hundred".

H—2540 Filed and adopted
March 19, 1974

By WEST of Marshall
DRAKE of Muscatine
BITTLE of Polk

H—2541

1 Amend House File 1399, page 9, by inserting after
2 line 13 the following new section:
3 Sec. _____. Section forty-eight point six (48.6),
4 Code 1973, as amended by Acts of the Sixty-fifth
5 General Assembly, 1973 Session, chapter one hundred
6 thirty-six (136), section one hundred one (101), is
7 amended by striking subsection eleven (11).

H—2541 Filed and ruled
not germane. Motion to
suspend rules lost.
March 19, 1974

By KRAUSE of Palo Alto

H-2542

1 Amend the Drake, et al., amendment H-2526 to page
2 42 of House File 1399 as follows:
3 1. Line 146, by striking the word "section" and
4 inserting in lieu thereof the word "sections".
5 2. By inserting after line 179 the following:
6 Sec. _____. Acts of the Sixty-fifth General Assembly,
7 1973 Session, chapter one hundred thirty-six (136),
8 section ninety-six (96), is amended by adding the
9 following new unnumbered paragraph:
10 NEW UNNUMBERED PARAGRAPH. The director of general
11 services or his designee shall, in consultation with
12 the state comptroller, compile and make available to
13 each commissioner information regarding availability
14 to the county of data processing services which may
15 be utilized by counties to assist with administration
16 of the election laws. The director of general
17 services shall make no charge to counties for this
18 information.

H-2542 Filed and lost
March 19, 1974

By KRAUSE of Palo Alto

H-2544

1 Amend the Drake, et al., amendment H-2526 to page
2 9 of House File 1399 by striking all of line 67 and
3 inserting in lieu thereof the following: "consolidate"
4 an underscored colon (:).

H-2544 Filed and adopted
March 19, 1974

By DRAKE of Muscatine

H-2543

1 Amend the Drake, et al., amendment H-2526 to page
2 15 of House File 1399 by striking all of lines 103
3 through 107.

H-2543 Filed and adopted
March 19, 1974

By BITTLE of Polk
WEST of Marshall

H-2553

1 Amend the Drake, et al., amendment H-2526B to
2 House File 1399 as follows:
3 By striking lines 108 through 118.

H-2553 Filed and lost
March 19, 1974

By MILLER of Buchanan

H-2560

1 Amend the Schroeder, et al., amendment H-2556 to
2 page 18 of House File 1399 by inserting after line 28
3 the following: "The definitions of the terms 'can-
4 didate' and 'political committee' shall be that
5 ascribed to them in chapter fifty-six (56), Code
6 1973, as amended by chapter one hundred thirty-eight
7 (138), Acts of the Sixty-fifth General Assembly, 1973
8 session."

H-2560 Filed and ruled
not germane
March 19, 1974

By SCHROEDER of Pottawattamie

H-2556

1 Amend House File 1399, page 18, by inserting after
2 line 4 the following new section:
3 NEW SECTION. Section forty-nine point one hundred
4 twenty (49.120), Code 1973, as amended by Acts of the
5 sixty-fifth (65) General Assembly, 1973 Session, chapter
6 one hundred thirty-six (136), section one hundred
7 seventy-five (175), by adding thereto the following
8 paragraphs:

9 A candidate or political committee shall not
10 accept any contributions or use any funds for the pur-
11 pose of conducting a political campaign that were con-
12 tributed by any person who is not a resident of this
13 state or that were contributed by any trust, estate,
14 corporation, partnership, association or any other
15 legal entity, except political parties as defined in
16 chapter forty-three point two (43.2) of Code 1973.

17 Each candidate and political committee shall file
18 a statement with the state commissioner of elections or
19 the county commissioner of elections which states that
20 the candidate or political committee has not accepted
21 contributions or used funds contributed by persons who
22 are not residents of this state.

23 Any candidate or political committee violating the
24 provisions of this section shall be guilty of a felony
25 and shall, upon conviction, be subject to a fine of not
26 less than one thousand dollars or imprisonment in the
27 state penitentiary for a period of not more than one
28 year, or be subject to both such fine and imprisonment.

H-2556 Filed and ruled
not germane.
March 19, 1974

By SCHROEDER of Pottawattamie
HARVEY of Scott
ANDERSON of Ringgold
CRABB of Crawford
LIPSKY of Linn
MILLEN of Van Buren
FREEMAN of Buena Vista

H-2557

1 Amend House File 1399, page 18, by inserting
2 after line 4 the following new section:
3 Sec. _____. Chapter forty-nine (49), Code 1973,
4 is amended by adding the following new section:

5 NEW SECTION. Anything in this chapter to the
6 contrary notwithstanding, the commissioner shall
7 have authority to use unpaid poll workers, to use or
8 not use voting machines, and to open polling places
9 at noon for any election held for a city in which
10 there is no contest for any office on the ballot,
11 and no public question is being submitted to the
12 voters.

H-2557 Filed and adopted
as amended by 2562.
March 19, 1974

By McCORMICK of Delaware
DRAKE of Muscatine
FITZGERALD of Webster

H—2561

1 Amend House File 1399, page 16, line 34, by
2 inserting after the word "election" the words
3 ", except that the commissioner shall not do so for
4 any election if there is filed in the commissioner's
5 office, at least twenty days before the election,
6 a petition signed by at least fifty eligible
7 electors of the school district or city, as the
8 case may be, requesting that the polls not be
9 opened later than seven o'clock a.m.".

H—2561 Filed and adopted
March 19, 1974

By BITTLE of Polk
FITZGERALD of Webster
WEST of Marshall
MILLER of Buchanan
McCORMICK of Delaware

H—2562

1 Amend the McCormick, Drake, Fitzgerald amendment
2 H-2557 to page 18 of House File 1399 by striking from
3 lines 5 and 6 the words "Anything in this chapter to
4 the contrary notwithstanding, the" and inserting in
5 lieu thereof the word "The".

H—2562 Filed and adopted
March 19, 1974

By McCORMICK of Delaware

H—2576

1 Amend the title to House File 1399, page 1, line
2 5, by inserting after "(44)," the following: "forty-
3 seven (47),".

H—2576 Filed and adopted
March 19, 1974

By BITTLE of Polk

March 25, 1974

HOUSE FILE 1399

By COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE HOUSE)

per Senate amendment
Passed House, Date 4-17-74 (1821) Passed Senate, Date 4-15-74 (1355)

Vote: Ayes 88 Nays 1 Vote: Ayes 47 Nays 0

Approved April 24, 1974

Motion to reconsider denied 4/17

A BILL FOR

- 1 An Act to revise certain statutes relating to elections which
- 2 were amended or affected by passage of House File 745, Acts
- 3 of the Sixty-fifth General Assembly, 1973 Session, and which
- 4 appear in chapters thirty-nine (39), forty-three (43), forty-
- 5 four (44), forty-seven (47),
- 6 forty-nine (49), fifty (50), fifty-two (52), fifty-
- 7 three (53), sixty-nine (69), two hundred seventy-three (273),
- 8 two hundred seventy-five (275), two hundred seventy-seven
- 9 (277), two hundred seventy-eight (278), two hundred seventy-
- 10 nine (279), two hundred eighty A (280A), two hundred ninety-
- 11 six (296), two hundred ninety-eight (298), three hundred
- 12 sixty-three (363), and six hundred nine (609) of the Code,
- 13 chapter one thousand eighty-eight (1088), Acts of the Sixty-
- 14 fourth General Assembly, 1972 Session, and chapter two hundred
- 15 (200), Acts of the Sixty-fifth General Assembly, 1973 Session,
- 16 and to revise and clarify a temporary statute appearing in
- 17 chapter one hundred thirty-six (136), Acts of the Sixty-fifth
- 18 General Assembly, 1973 Session.
- 19 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section thirty-nine point four (39.4), Code
2 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973Session, chapter one hundred thirty-six (136), section
4 four (4), is amended to read as follows:

5 39.4 PROCLAMATION CONCERNING REVISION OF CONSTI-
6 TUTION.

6 In the years in which the Constitution requires, *or at other*
7 *times when the general assembly by law provides for*, a vote
8 on the question of calling a convention and revising the Con-
9 stitution, the governor shall at least sixty days before the
10 general election issue a proclamation directing that at the
11 general election there be proposed to the people the following
12 question:

13 "Shall there be a convention to revise the Constitution,
14 and [amend the] *propose amendment or amendments to same?*"

15 Sec. 2. Section forty-three point four (43.4), unnumbered
16 paragraphs one (1) and two (2), Code 1973, are amended to
17 read as follows:

18 Delegates to county conventions of political parties and
19 party committeemen shall be elected at precinct caucuses held
20 not later than the second Monday in May of each [election] *even-*
21 *numbered* year. The state central committee of each political
22 party shall set the date for said caucuses. In accordance
23 therewith, the county central committee of each political
24 party shall issue the call for said caucuses. The county
25 chairman shall file with the county [auditor] *commissioner* the
26 meeting place of each precinct caucus at least seven days
27 prior to the date of holding such caucus.

28 There shall be selected among those present at a precinct
29 caucus a chairman and a secretary who shall forthwith certify
30 to the county central committee and the county [auditor]
31 *commissioner* the names of those elected as party committee-
32 men and delegates to the county convention.

33 Sec. 3. Section forty-three point eleven (43.11), subsec-
34 tion one (1), Code 1973, and subsection two (2), Code 1973,
35 as amended by Acts of the Sixty-fifth General Assembly, 1973

1 Session, chapter one hundred thirty-six (136), section eighteen
2 (18), are amended to read as follows:

3 1. For an elective county office, in the office of the
4 county commissioner [of elections at least fifty-five days]
5 *not later than five o'clock p.m. on the fifty-fifth day* prior
6 to the day fixed for holding the primary election.

7 2. For United States senator, for an elective state office,
8 for representative in Congress, and for member of the general
9 assembly, in the office of the state commissioner not [more]
10 *earlier* than eighty-five days nor [less than sixty-seven days]
11 *later than five o'clock p.m. on the sixty-seventh day* prior
12 to the day fixed for holding [said] *the* primary election.

13 Sec. 4. Section forty-three point twenty (43.20), unnum-
14 bered paragraph one (1) and subsections one (1) and two (2),
15 Code 1973, as amended by Acts of the Sixty-fifth General
16 Assembly, 1973 Session, chapter one hundred thirty-six (136),
17 section twenty-two (22), are amended to read as follows:

18 Nomination papers shall be signed *by eligible electors*
19 as follows:

20 1. If for a state office, or United States senator, by
21 at least one percent of the voters of the *candidate's party*
22 [of such candidates], in each of at least ten counties of the
23 state, and in the aggregate not less than one-half of one
24 percent of the total vote of [his] *the candidate's party* in
25 the state, as shown by the last general election.

26 2. If for a representative in Congress, in districts com-
27 posed of more than one county, by at least two percent of
28 the voters of [his] *the candidate's party*, as shown by the
29 last general election, in each of at least one-half of the
30 counties of the district, and in the aggregate not less than
31 one percent of the total votes of [his] *the candidate's party*
32 in such district, as shown by the last general election.

33 If for a representative in the general assembly, not less
34 than fifty voters of the representative district; and if for
35 a senator in the general assembly, not less than one hundred

1 voters of the senatorial district.

2 **Sec. 5. Section forty-three point twenty (43.20), sub-**
3 **section three (3), Code 1973, as amended by Acts of the**
4 **Sixty-fifth General Assembly, 1973 Session, chapter one**
5 **hundred thirty-six (136), section twenty-two (22), is**
6 **amended to read as follows:**

7 **3. If for an office to be filled by the voters of**
8 **the county or for the office of county supervisor elected**
9 **from a district within the county, by at least two percent**
10 **of the party vote in the county or supervisor district, as**
11 **shown by the last general election, or by at least one**
12 **hundred persons, whichever is less.**

13 **Sec. 6. Section forty-three point twenty-one (43.21),**
14 **Code 1973, as amended by Acts of the Sixty-fifth General**
15 **Assembly, 1973 Session, chapter one hundred thirty-six (136),**
16 **section twenty-three (23), is amended by striking the section**
17 **and inserting in lieu thereof the following:**

18 **43.21 TOWNSHIP OFFICE. The name of a candidate for a**
19 **township office shall be printed on the official primary**
20 **ballot of his party if he files his personal affidavit, in**
21 **the form prescribed by section forty-three point eighteen**
22 **(43.18) of the Code, with the commissioner not later than**
23 **five o'clock p.m. of the fifty-fifth day prior to the primary**
24 **election. If prior to that time there is presented to the**
25 **commissioner a nomination paper signed by at least ten eligible**
26 **electors of the township requesting that the name of any**
27 **person be placed on the primary ballot as a candidate for**
28 **a township office, and the nomination paper is not accompanied**
29 **by the candidate's personal affidavit, the commissioner shall**
30 **advise the candidate that such an affidavit is required before**
31 **his name may be placed on the ballot.**

32 **Sec. 7. Section forty-three point forty-five (43.45),**
33 **subsection six (6), Code 1973, as amended by Acts of the**
34 **Sixty-fifth General Assembly, 1973 Session, chapter one**
35 **hundred thirty-six (136), section thirty-two (32) is**

36 amended to read as follows:

37 6. Seal the precinct election register and the tally
38 sheets and certificates of the election judges in an
39 envelope, *or other secure container*, on the outside of
40 which are written or printed in perpendicular columns the
41 names of the several political parties with the names of
42 the candidates for the different offices under their
43 party name, and opposite each candidate's name enter the
44 number of votes cast for such candidate in said precinct.

45 Sec. 8. Section forty-three point forty-six (43.46), Code
46 1973, as amended by Acts of the Sixty-fifth General Assembly,
47 1973 Session, chapter one hundred thirty-six (136), section
48 thirty-three (33), is amended to read as follows:

49 43.46 DELIVERING RETURNS. Said judges and clerks shall
50 deliver the election register, tally sheets, certificates,
51 envelopes containing ballots, and all unused supplies, within
52 [twenty-four hours] *two days* after the close of the polls, to
53 the commissioner who shall carefully preserve the returns
54 and envelopes in the condition in which received and deliver
55 them to the county board of canvassers.

56 Sec. 9. Section forty-three point forty-eight (43.48),
57 Code 1973, is amended to read as follows:

58 43.48 ELECTOR MAY ASCERTAIN VOTE CAST. Any elector of
59 the county shall have the right, before the day fixed for

1 canvassing the returns, to ascertain the vote cast for any
2 candidate in any precinct in the county, as shown on the
3 outside of the envelope containing the [pollbooks] *election*
4 *register*.

5 Sec. 10. Section forty-three point sixty-six (43.66), Code
6 1973, as amended by Acts of the Sixty-fifth General Assembly,
7 1973 Session, chapter one hundred thirty-six (136), section
8 forty-four (44), is amended to read as follows:

9 43.66 WRITE-IN CANDIDATES. The fact that the candidate
10 who receives the highest number of votes cast for any party's
11 nomination for an office to which section *forty-three point*
12 *fifty-two (43.52) or 43.65* of the Code is applicable is a
13 person whose name was not printed on the official primary
14 election ballot shall not affect the validity of the person's
15 nomination as a candidate for that office in the general
16 election. *However, if there is no candidate on the official*
17 *primary ballot of a political party for nomination to a*
18 *particular office, a write-in candidate may obtain the party's*
19 *nomination to that office in the primary if the candidate*
20 *receives a number of votes equal to at least thirty-five*
21 *percent of the total vote cast for all of that party's candi-*
22 *dates for that office in the last preceding primary election*
23 *for which the party had candidates on the ballot for that*
24 *office. When two or more nominees are required, the division*
25 *procedure prescribed in section forty-three point fifty-two*
26 *(43.52) of the Code shall be applied to establish the minimum*
27 *number of write-in votes necessary for nomination. If the*
28 *primary is inconclusive, the necessary nominations shall be*
29 *made in accordance with section forty-three point ninety-seven*
30 *(43.97), forty-three point one hundred one (43.101), or forty-*
31 *three point one hundred nine (43.109) of the Code, whichever*
32 *is applicable.*

33 Sec. 11. Section forty-three point seventy-three (43.73),
34 Code 1973, as amended by Acts of the Sixty-fifth General
35 Assembly, 1973 Session, chapter one hundred thirty-six (136),

1 section forty-eight (48), is amended to read as follows:

2 43.73 STATE COMMISSIONER TO CERTIFY NOMINEES. **Not**
3 **less**

4 than fifty-five days before the general election the state
5 commissioner shall certify to each commissioner, under separate
6 party headings, the name of each person nominated as shown
7 by the official canvass made by the executive council, or
8 as certified to him by the proper persons when any person
9 has been nominated by a convention or by a party committee,
10 or by petition, [his place of residence,] the office to which
11 he is nominated, and the order in which the tickets of the
12 several political parties shall appear on the official ballot.

13 Sec. 12. Section forty-three point seventy-five (43.75),
14 Code 1973, is amended to read as follows:

15 43.75 TIE VOTE. In case of a tie vote resulting in no
16 nomination for any office, the tie shall forthwith be deter-
17 mined by lot by the board of canvassers[, or judges of elec-
18 tion, as the case may be].

19 Sec. 13. Section forty-three point eighty-four (43.84),
20 unnumbered paragraphs one (1) and two (), Code 1973, are
21 amended to read as follows:

22 There shall be a legislative [representative] *district* central
23 committee for each [legislative] *representative* district, which
24 committee shall be composed of the same precinct members
25 chosen for each county central committee and who reside within
26 that part of the county located within the [legislative]
27 *representative* district. A senate legislative central
28 committee shall be composed of the two legislative representa-
29 tive central committees from the two representative districts
30 comprising the senate district. The precinct members of the
31 legislative [representative] *district* central committee for
32 the various parts of counties comprising the representative
33 district *or senatorial district, as the case may be*, shall
34 meet [and] , organize by election of officers, [on the next
35 Monday following their election] *and conduct business as*
appropriate at some convenient place within the legislative

1 district to be chosen by the state chairman[.] on call of the
2 [The committee shall meet in convention], on call of the
3 state chairman to:

4 Sec. 14. Section forty-three point one hundred one
5 (43.101), unnumbered paragraph one (1), Code 1973, is amended
6 to read as follows:

7 Each political party shall hold a [senatorial, representa-
8 tional or] congressional *district* convention and shall, if
9 a call is issued by the state chairman pursuant to section
10 forty-three point one hundred two (43.102) of the Code, hold
11 a state senatorial or representative district convention,
12 in districts composed of more than one county:

13 Sec. 15. Section forty-three point one hundred two
14 (43.102), Code 1973, as amended by Acts of the Sixty-fifth
15 General Assembly, 1973 Session, chapter one hundred thirty-
16 six (136), section fifty-seven (57), is amended by striking
17 the section and inserting in lieu thereof the following:

18 43.102 CALL FOR DISTRICT CONVENTION. When a district
19 convention is called for any of the purposes listed in section
20 forty-three point one hundred one (43.101) of the Code, a
21 copy of the call stating the number of delegates to which
22 each county or portion of a county will be entitled, and the
23 time, place and purpose of the convention shall be filed
24 at the earliest practicable time with the commissioner of
25 each county in which any part of the district as located.

26 The call for the
27 convention shall be issued by:

28 1. The congressional district chairman, as soon as practi-
29 cable after the necessity for a congressional district conven-
30 tion is known.

31 2. The state chairman in case of a state senatorial or
32 representative district convention, except that the state
33 chairman may elect to call a meeting of the legislative
34 district central committee pursuant to section forty-three
35 point eighty-four (43.84) of the Code in lieu of calling a

36 district convention.

37 Sec. 16. Section forty-four point four (44.4), unnumbered

38 paragraph one (1), Code 1973, as amended by Acts of the Sixty-

1 fifth General Assembly, 1973 Session, chapter one hundred
2 thirty-six (136), section seventy-one (71), is amended to
3 read as follows:

4 Nominations made under *the* provisions of this chapter
5 [chapter 43] and chapter 45 which are required to be filed in
6 the office of the state commissioner shall be filed in [said]
7 *that* office not more than eighty-five nor [less than sixty-
8 seven days] *later than five o'clock p.m. on the sixty-seventh*
9 *day* prior to the date of the general election to be held in
10 November; and those nominations *made for a special election*
11 *called pursuant to section sixty-nine point fourteen (69.14)*
12 *of the Code shall be filed not less than twenty days prior*
13 *to the date of an election called upon at least forty days'*
14 *notice and not less than seven days prior to the date of an*
15 *election called upon at least ten days' notice. Nominations*
16 *made pursuant to this chapter* and
17 *chapter forty-five (45) of the Code* which are required to
18 be filed in the office of the commissioner shall be filed
19 in [said] *that* office not [less] *later than five o'clock p.m.*
20 *on the* [fifty-five days] *fifty-fifth day* prior to the date of
21 [said] *the* general election. [Such nominations] *Nominations made*
22 *under this chapter or chapter forty-five (45) of the Code*
23 for city office shall be filed not more than sixty-five days
24 nor [less] *later than five o'clock p.m. on the* [forty days]
25 *fortieth day* prior to the city election with the city clerk,
26 who shall process them as provided by law.

27 Sec. 17. Section forty-four point eleven (44.11), Code
28 1973, as amended by Acts of the Sixty-fifth General Assembly,
29 1973 Session, chapter one hundred thirty-six (136), section
30 seventy-six (76), is amended to read as follows:

31 44.11 VACANCIES FILLED. If a candidate named under **this**
32 chapter declines a nomination, or dies before election day,
33 or should any certificate of nomination be held insufficient
34 or inoperative by the officer with whom it is required to
35 to be filed, or in case any objection made to any certificate

1 of nomination, or to the eligibility of any candidate therein
2 named, is sustained by the board appointed to determine such
3 questions, the vacancy or vacancies thus occasioned may be
4 filled by the convention, or caucus, or in such manner as
5 such convention or caucus has previously provided. The vacancy
6 or vacancies shall be filled not less than sixty days prior
7 to the election in the case of nominations required to be
8 filed with the state commissioner, not less than fifty days
9 prior to the election in the case of nominations required
10 to be filed with the commissioner, and not less than [thirty-
11 five] *thirty* days prior to the election in the case of
12 nominations required to be filed in the office of the city
13 clerk.

14 Sec. 18. Section forty-nine point eight (49.8), Code
15 1973, as amended by Acts of the Sixty-fifth General
16 Assembly, 1973 Session, chapter one hundred thirty-six
17 (136), section one hundred fourteen (114), is amended by
18 inserting after subsection three (3) the following new
19 subsection:

20 **NEW SECTION.** Precinct boundaries established by or
21 pursuant to section forty-nine point four (49.4) of the Code,
22 and not changed under subsection one (1) of this section
23 since the most recent federal decennial census, may be
24 changed once during the period beginning January first of
25 the second year following a year in which a federal decennial
26 census is taken and ending June thirtieth of the year
27 immediately following the year in which the next succeeding
28 federal decennial census is taken, if the commissioner
29 recommends and the board of supervisors finds that the change
30 will effect a substantial savings in election costs.

31 Sec. 19. Section forty-nine point eleven (49.11), Code
32 1973, as amended by Acts of the Sixty-fifth General Assembly,
33 1973 Session, chapter one hundred thirty-six (136), section
34 one hundred sixteen (116), is amended to read as follows:

35 49.11 NOTICE OF BOUNDARIES OF PRECINCTS—MERGER
OR

36 *DIVISION*. The board of supervisors or council shall number
37 or name the several precincts established, and cause the
38 boundaries of each to be recorded in the records of said board
39 of supervisors or council, as the case may be, and publish
40 notice thereof in some newspaper of general circulation,
41 published in such county or city, once each week for three
42 consecutive weeks, the last to be made at least thirty days
43 before the next general election. The precincts thus
44 established shall continue until changed in the manner prescribed
45 by law, except that for any election other than the primary
46 or general election *or any special election held under*
47 *section sixty-nine point fourteen (69.14) of the Code,*
48 the county commissioner of elections may
49 [consolidate]:
50 1. *Consolidate* two or more precincts into one. However,
51 he shall not do so if there is filed with him at least
52 twenty
53 days before the election a petition signed by twenty-five

1 or more eligible electors of any precinct requesting that
2 it not be merged with any other precinct. There shall be
3 attached to the petition the affidavit of an eligible elector
4 of the precinct that the signatures on the petition are genuine
5 and that all of the signers are to the best of the affiant's
6 knowledge and belief eligible electors of the precinct.

7 If a special election is to be held in which only those
8 qualified electors residing in a specified portion of any
9 established precinct are entitled to vote, that portion of
10 the precinct may be merged by the commissioner with one or
11 more other established precincts or portions of established
12 precincts for the special election, and the right to petition
13 against merger of a precinct shall not apply.

14 *2. Divide any precinct permanently established under this*
15 *section which contains all or any parts of two or more mutually*
16 *exclusive political subdivisions, each of which is*
17 *independently electing one or more officers on the same date,*
18 *into two or more temporary precincts and designate a polling*
19 *place for each.*

20 Sec. 20. Section forty-nine point twelve (49.12), Code
21 1973, as amended by Acts of the Sixty-fifth General Assembly,
22 1973 Session, chapter one hundred thirty-six (136), section
23 one hundred seventeen (117), is amended to read as follows:

24 49.12 ELECTION BOARDS. There shall be appointed in each
25 election precinct an election board which shall ordinarily
26 consist of [three judges and two clerks] *five precinct election*
27 *officials*. However, in precincts using only one voting machine
28 *at any one time, and in precincts voting by paper ballot where*
29 *no more than one hundred votes were cast in the last preceding*
30 *similar election*, the board shall consist of three [judges,
31 two of whom shall also act as clerks,] *precinct election*
32 *officials*, and in precincts using more than [three] *two* voting
33 machines one additional [judge] *precinct election official* may
34 be appointed for each such additional machine. Not more than
35 a simple majority of the members of the election board in

1 any precinct shall be members of the same political party
2 or organization if one or more qualified electors of another
3 party or organization are qualified and willing to serve on
4 the board. Double election boards may be appointed for any
5 precinct as provided by chapter fifty-one (51) of the Code.
6 Sec. 21. Section forty-nine point fifteen (49.15), Code
7 1973, as amended by Acts of the Sixty-fifth General Assembly,
8 1973 Session, chapter one hundred thirty-six (136), section
9 one hundred nineteen (119), is amended to read as follows:
10 49.15 COMMISSIONER TO DRAW UP ELECTION BOARD
11 PANEL. Not
12 less than twenty days before each primary election, the commis-
13 sioner shall draw up for each precinct an election board panel
14 from which members of the precinct election board shall be
15 appointed for each election held in the precinct during the
16 ensuing two years. Each panel shall include members of each
17 of the political parties referred to in section forty-nine
18 point thirteen (49.13) of the Code, whose names may be desig-
19 nated by the county chairmen of each of these political parties
20 not less than thirty days prior to each primary election.
21 The commissioner may place on the election board panel names
22 of persons known to him to be members of these political
23 parties, if the respective county chairman fail to designate
24 a sufficient number of names, and may also add names of
25 persons, *whether or not they are* members of either of these
26 political parties, who have advised him they are willing to
27 serve on the election board for elections in which no
28 candidates appear on the ballot under the heading of either
29 of these political parties, *or whom either a school*
30 *board or the city council of a city of three thousand five*
31 *hundred or less population has advised the commissioner*
32 *at least thirty days before each primary election are*
33 *willing to serve without pay at elections conducted for*
34 *that school district or city, as the case may be, during*
35 *the tenure of the election board panel on which these names*
are included.

36 **Sec. 22.** Section forty-nine point sixteen (49.16), subsec-
37 tion two (2), Code 1973, as amended by Acts of the Sixty-fifth
38 General Assembly, 1973 Session, chapter one hundred thirty-
39 six (136), section one hundred twenty (120), is amended to
40 read as follows:

41 2. When all or portions of two or more precincts are

1 merged for any election as permitted by section forty-nine
2 point eleven (49.11), *subsection one (1)*, of the Code, the
3 commissioner may appoint the election board for the merged
4 precinct from the election board panes of any of the precincts
5 so merged. *When any permanent precinct is divided as permitted*
6 *by section forty-nine point eleven (49.11), subsection two*
7 *(2) of the Code, the commissioner shall so far as possible*
8 *appoint the election board for each of the temporary precincts*
9 *so created from the election board panel of the permanent*
10 *precinct.*

11 Sec. 23. Section forty-nine point sixteen (49.16), Code
12 1973, as amended by Acts of the Sixty-fifth General Assembly,
13 1973 Session, chapter one hundred thirty-six (136), section
14 one hundred twenty (120), is amended by adding the following
15 new subsection:

16 **NEW SUBSECTION.** In appointing the election board for any
17 election conducted for a school district or a city
18 of three thousand five hundred or less population,
19 the commissioner may give preference to any
20 persons who are willing to serve without pay at those
21 elections.

22 Sec. 24. Section forty-nine point twenty (49.20), Code
23 1973, as amended by Acts of the Sixty-fifth General Assembly,
24 1973 Session, chapter one hundred thirty-six (136), section
25 one hundred twenty-two (122), is amended to read as follows:

26 49.20 COMPENSATION OF MEMBERS. The members of election
27 boards shall receive two dollars per hour while engaged in
28 the discharge of their duties and ten cents per mile for
29 actual and necessary travel, *except that persons whom the*
30 *commissioner has been advised prior to their appointment to*
31 *the election board are willing to serve without pay at elections*
32 *conducted for a school district or a city of three thousand five*
33 *hundred or less population*

34 *shall receive no compensation for service at those*
35 *elections.* Compensation shall be paid to members of election

36 boards only after the vote has been canvassed and it has been
37 determined in the course of such canvass at the election
38 record certificate has been properly executed by the election
39 board.

36 commissioner shall determine in advance of each election

1 conducted for a school district or a city or three
2 thousand five hundred or less population in which voting
3 occurs in that precinct
4 whether voting there shall be by machine or paper ballot.
5 If the commissioner concludes, on the basis of voter turnout
6 for recent similar elections and factors considered likely
7 to affect voter turnout for the forthcoming election, that
8 voting will probably be so light as to make preparation and
9 use of paper ballots less expensive than preparation and use
10 of a voting machine, paper ballots shall be used.

11 Sec. 28. Section forty-nine point thirty (49.30), Code
12 1973, as amended by Acts of the Sixty-fifth General Assembly,
13 1973 Session, chapter one hundred thirty-six (136), section
14 one hundred thirty-one (131), is amended to read as follows:

15 49.30 ALL CANDIDATES ON ONE BALLOT—EXCEPTION.

16 **The names**
16 of all candidates to be voted for in each election precinct,
17 [except] *other than* presidential electors, shall be printed
18 on one ballot, *except as otherwise required by section forty-*
19 *six point twenty-two (46.22) of the Code and except that at*
20 *any election where voting machines are used, and it is*
21 *impossible to place the names of all candidates on the machine*
22 *ballot, the commissioner may provide a separate printed ballot*
23 *for the candidates for judge of district court and the township*
24 *ticket, or either; one of each of said printed ballots to*
25 *be furnished each qualified voter.*

26 Sec. 29. Section forty-nine point forty-nine (49.49),
27 Code 1973, is amended to read as follows:

28 49.49 PRINTING OF BALLOTS ON PUBLIC MEASURES. **All**
29 **of**

29 such ballots for the same polling place shall be of the same
30 size, similarly printed, upon yellow colored paper. On the
31 back of each such ballot shall be printed appropriate words,
32 showing that such ballot relates to a constitutional or other

1 question to be submitted to the electors, so as to distinguish
2 the said ballots from the official ballot for candidates for
3 office, and a facsimile of the signature of the [auditor or
4 other officer] *commissioner* who has caused the ballot to be
5 printed.

6 Sec. 30. Section forty-nine point fifty-three (49.53),
7 Code 1973, as amended by Acts of the Sixty-fifth General
8 Assembly, 1973 Session, chapter one hundred thirty-six (136),
9 section one hundred thirty-eight (138), is amended by striking
10 the section and inserting in lieu thereof the following:

11 49.53 PUBLICATION OF BALLOT AND NOTICE. **The com-**
12 **missioner**
13 shall not less than four nor more than twenty days prior to
14 the day of each election, except those for which different
15 publication requirements are prescribed by law, publish notice
16 of the election. The notice shall contain a sample ballot
17 of the first rotation as prescribed by section forty-nine
18 point thirty-one (49.31), unnumbered paragraph two (2), of
19 the Code and shall show the names of all candidates or nominees
20 and the office each seeks, and all public questions, to be
21 voted upon at the election. The notice shall also state the
22 date of the election, the hours the polls will be open, the
23 location of each polling place at which voting is to occur
24 in the election, and the names of the precincts voting at
25 each polling place. The notice shall be published in at least
26 one newspaper, as defined in section six hundred eighteen
27 point three (618.3) of the Code, which is published in the
28 county or other political subdivision in which the election
29 is to occur or, if no newspaper is published there, in at
30 least one newspaper of substantial circulation in the county
31 or political subdivision. **For the general election or**
32 **the primary election the foregoing notice shall be**
33 **published in at least two newspapers published in the**
34 **county representing, if possible, the two political**
35 **parties whose candidates for president of the United**
States or for governor, as the case may be, received the

36 largest and next largest number of votes in the county
37 at the last preceding general election. However, if
38 there is only one newspaper published in the county,
39 publication in one newspaper shall be sufficient.

40 Sec. 31. Section forty-nine point fifty-four (49.54),
41 Code 1973, as amended by Acts of the Sixty-fifth General
42 Assembly, 1973 Session, chapter one hundred thirty-six (136),
43 section one hundred thirty-nine (139), is amended to read
44 as follows:

1 49.54 *COST OF PUBLICATION [OF BALLOT]. [For] The cost*
2 *of*
3 *the publication [of the official ballot and accompanying notice*
4 *in the manner] required by section forty-nine point fifty-three*
5 *(49.53) of the Code[, the cost] shall not exceed an amount*
6 *determined by the director of the state department of general*
7 *services or his designee.*

7 Sec. 32. Section forty-nine point fifty-seven (49.57),
8 subsection five (5), Code 1973, as amended by Acts of the
9 Sixty-fifth General Assembly, 1973 Session, chapter one hundred
10 thirty-six (136), section one hundred forty-two (142), is
11 amended to read as follows:

12 5. On the outside of the ballot, so as to appear when
13 folded, shall be printed the words "Official ballot", followed
14 by the [designation] *name and location* of the polling place
15 for which the ballot is prepared, the date of the election,
16 and a facsimile of the signature of the commissioner who has
17 caused the ballot to be printed.

18 Sec. 33. Section forty-nine point seventy-three (49.73),
19 Code 1973, as amended by Acts of the Sixty-fifth General
20 Assembly, 1973 Session, chapter one hundred thirty-six (136),
21 section one hundred fifty-three (153), is amended to read
22 as follows:

23 49.73 *TIME OF OPENING AND CLOSING POLLS. At all*
24 *elections, except as otherwise permitted by this section,*
25 *the polls shall be opened at seven o'clock a.m., or as*
26 *soon thereafter as vacancies [in the places of judges or*
27 *clerks of] on the precinct election board have been filled.*
28 *The commissioner may direct that the polls be opened at*
29 *twelve o'clock noon for any election conducted for a*
30 *school district or a city of three thousand five hundred*
31 *or less population*
32 *at which he concludes, on the basis of voter turnout for*
33 *recent similar elections and factors considered likely to*
34 *affect voter turnout for the forthcoming election, that voting*
35 *will probably be so light as to justify shortened voting hours*

36 *for that election, except that the commissioner shall not do*
37 *so for any election if there is filed in the commissioner's*
38 *office, at least twenty days before the election, a petition*
39 *signed by at least fifty eligible electors of the school*
40 *district or city, as the case may be, requesting that the*
41 *polls not be opened later than seven o'clock a.m.*
42 *All polling places where the candidates*
43 *of or any public question submitted by any one political*

1 *subdivision are being voted upon shall be opened at the same*
2 *hour. The hours at which the respective precinct polling*
3 *places are to open shall not be changed after publication*
4 *of the notice required by section forty-nine point fifty-three*
5 *(49.53) of the Code. In all cases the polling places shall*
6 *be closed at eight o'clock p.m.*

7 Sec. 34. Section forty-nine point eighty-two (49.82),
8 Code 1973, is amended to read as follows:

9 49.82 VOTER TO RECEIVE ONE BALLOT—ENDORSEMENT
[BY JUDGE].

10 One of the [judges of] *precinct election officials* shall give
11 the voter one [ballot] and only one *of each of the ballots to*
12 *be voted at that election in that precinct, except as provided*
13 *by section forty-nine point one hundred (49.100) of the Code,*
14 on the back of which a [judge] *precinct election official* shall
15 endorse his initials[, in such manner] *so that they may be seen*
16 *when the ballot is properly folded. No ballot without [said]*
17 *the required* official endorsement shall be deposited in the
18 ballot box. [The voter's name shall immediately be checked
19 on the registry list.]

20 Sec. 35. Section forty-nine point eighty-four (49.84),
21 Code 1973, as amended by Acts of the Sixty-fifth General
22 Assembly, 1973 Session, chapter one hundred thirty-six (136),
23 section one hundred sixty-two (162), is amended to read as
24 follows:

25 49.84 MARKING AND RETURN OF BALLOT. On receipt of the
26 ballot, the voter shall[, without leaving the enclosed space,]
27 *immediately* retire alone to one of the voting booths, and
28 without delay mark his ballot, and, before leaving the voting
29 booth, shall fold the [same in such manner] *ballot so as to*
30 conceal the marks thereon, and deliver [the same] *it to one*
31 of the [judges of] *precinct election officials*. No identifying
32 mark or symbol shall be endorsed on the back of his ballot.

33 Sec. 36. Section forty-nine point eighty-five (49.85),
34 Code 1973, is amended to read as follows:

35 49.85 DEPOSITING BALLOTS. One of the [judges of] *precinct*

1 election *officials* shall at once, after receiving the ballot,
2 in the presence of the voter, deposit [such ballot] *it* in the
3 ballot box [and the voter shall quit said enclosed space as
4 soon as he has voted].

5 Sec. 37. Chapter forty-nine (49), Code 1973, is
6 amended by adding the following new section:

7 **NEW SECTION.** The commissioner shall have authority
8 to use unpaid poll workers, to use or not use voting
9 machines, and to open polling places at noon for any
10 election held for a city in which there is no contest
11 for any office on the ballot, and no public question
12 is being submitted to the voters.

13 Sec. 38. Section fifty point eight (50.8), Code 1973,
14 as amended by Acts of the Sixty-fifth General Assembly, 1973
15 Session, chapter one hundred thirty-six (136), section one
16 hundred eighty-three (183), is amended to read as follows:

17 50.8 ERROR ON STATE OR DISTRICT OFFICE—TIE VOTE.

If

18 the error be in relation to a district or state office, it
19 shall be certified with the number of the excess to the state
20 [canvassers] *commissioner*. If the error affects the result
21 of the election, the canvass shall be suspended and a new
22 vote ordered in the precinct where the error occurred. When
23 there is a tie vote due to such an excess, there shall be
24 a new election. No person who was not a qualified elector
25 in that precinct at the time of the general election shall
26 be allowed to vote at such special election. When the new
27 vote is taken and returned, the canvass shall be completed.

28 Sec. 39. Section fifty point nineteen (50.19), Code 1973,
29 as amended by Acts of the Sixty-fifth General Assembly, 1973
30 Session, chapter one hundred thirty-six (136), section one
31 hundred ninety-one (191), is amended to read as follows:

32 50.19 PRESERVATION OF BOOKS—WHEN DESTROYED. **The**

commis-

33 sioner shall file precinct election registers, and [the regis-
34 try lists and] other papers pertaining to registration, together
35 with the [affidavits] *declarations* of eligibility signed by

36 voters at the election, in his office and preserve the same
37 for four years and until the determination of any contest
38 then pending, after which they shall be destroyed.

39 Sec. 40. Section fifty point twenty-seven (50.27), Code
40 1973, as amended by Acts of the Sixty-fifth General Assembly,
41 1973 Session, chapter one hundred thirty-six (136), section
42 one hundred ninety-six (196), is amended to read as follows:

43 50.27 DECLARATION OF ELECTION. Each abstract of the votes

1 for such officers as the county alone elects at the general
2 election, except district judges and senators and represen-
3 tatives in the general assembly, or of the votes for officers
4 of political subdivisions whose elections are conducted by
5 the commissioner, shall contain a declaration of whom the
6 canvassers determine to be elected. *Each abstract of votes*
7 *for and against each public question submitted to and decided*
8 *by the voters of the county alone, or of a single political*
9 *subdivision whose elections the county board canvasses, shall*
10 *contain a declaration of the result as determined by the can-*
11 *vassers. When a public question has been submitted to*
12 *the voters of a political subdivision whose elections*
13 *the county board canvasses, the commissioner shall certify*
14 *a duplicate of the abstract and declaration to the*
15 *governing body of the political subdivision.*

16 Sec. 41. Section fifty point thirty-seven (50.37), Code
17 1973, as amended by Acts of the Sixty-fifth General Assembly,
18 1973 Session, chapter one hundred thirty-six (136), section
19 two hundred five (205), is amended to read as follows:

20 50.37 STATE CANVASSING BOARD. The executive council shall
21 constitute a board of canvassers of all abstracts of votes
22 required to be filed with the state commissioner, except for
23 the offices of governor and lieutenant governor. No member
24 of such board shall take part in canvassing the votes for
25 an office for which he is a candidate. *Any clerical error*
26 *found by the state board of canvassers shall be corrected*
27 *by the county commissioner in a letter addressed to the state*
28 *board of canvassers.*

29 Sec. 42. Section fifty point thirty-nine (50.39), Code
30 1973, is amended to read as follows:

31 50.39 ABSTRACT. It shall make an abstract stating, in
32 words written at length, the number of ballots cast for each
33 office, the names of all the persons voted for, for what
34 office, the number of votes each received, and whom it declares
35 to be elected, *and if a public question has been submitted*

- 36 *to the voters of the state, the number of ballots cast for*
37 *and against the question and a declaration for the result as*
38 *determined by the canvassers; which abstract shall be signed*
39 *by the canvassers in their official capacity and as state*

1 canvassers, and have the seal of the state affixed.

2 Sec. 43. Section fifty point forty-two (50.42), Code 1973,
3 as amended by Acts of the Sixty-fifth General Assembly, 1973
4 Session, chapter one hundred thirty-six (136), section two
5 hundred seven (207), is amended to read as follows:

6 50.42 CERTIFICATES MAILED. The state commissioner shall
7 *prepare and* deliver or mail certificates of election to the
8 persons declared elected.

9 Sec. 44. Section fifty-two point nine (52.9), unnumbered
10 paragraph one (1), Code 1973, as amended by Acts of the Sixty-
11 fifth General Assembly, 1973 Session, chapter one hundred
12 thirty-six (136), section two hundred twenty-four (224), is
13 amended to read as follows:

14 The commissioner having jurisdiction of any precinct for
15 which the board of supervisors has adopted voting by machine
16 shall, as soon as practicable thereafter, provide for the
17 precinct polling place one or more voting machines in complete
18 working order, and shall thereafter keep them in repair, and
19 shall have the custody thereof and of the furniture and equip-
20 ment of the polling place when not in use at an election.

21 *The machines shall be used for voting at all elections unless*
22 *the commissioner directs otherwise pursuant to section forty-*
23 *nine point twenty-six (49.26) of the Code. If it shall be*
24 *impracticable to supply each and every election precinct for*
25 *which machine voting has been adopted with a voting machine*
26 *or voting machines at any election following such adoption,*
27 *as many may be supplied as it is practicable to procure, and*
28 *the same may be used in such election precincts as the*
29 *commissioner may direct.*

30 Sec. 45. Section fifty-two point thirteen (52.13), Code
31 1973, as amended by Acts of the Sixty-fifth General Assembly,
32 1973 Session, chapter one hundred thirty-six (136), section
33 two hundred twenty-six (226), is amended to read as follows:

34 52.13 SAMPLE BALLOTS. The commissioner shall provide
35 for each precinct polling place at which votes are to be cast

1 by machine two sample ballots, which shall be arranged in
2 the form of a diagram showing the entire front of the voting
3 machine as it will appear after the official ballots are
4 arranged for voting on election day. Such sample ballots
5 shall be open to public inspection at such polling place
6 during the day of election [and the day next preceding elec-
7 tion day].

8 Sec. 46. Section fifty-two point sixteen (52.16), Code
9 1973, as amended by Acts of the Sixty-fifth General Assembly,
10 1973, Session, chapter one hundred thirty-six (136), section
11 two hundred twenty-eight (228), is amended to read as follows:

12 52.16 DUTIES OF ELECTION OFFICERS—INDEPENDENT
13 BALLOTS.

14 The election board of each precinct in which votes are to
15 be cast by machine shall meet at the precinct polling place,
16 at least one hour before the time set for the opening of the
17 polls at each election, and shall proceed to arrange [within
18 the guardrail] the furniture, stationery, and voting machine
19 for the conduct of the election. The [judges] board shall cause
20 at least two instruction cards to be posted conspicuously
21 within the polling place. If not previously done, they shall
22 arrange, in their proper place on the voting machine, the
23 ballots containing the names of the offices to be filled at
24 such election, and the names of the candidates nominated
25 therefor. If not previously done, the machine shall be so
26 arranged as to show that no vote has been cast, and the same
27 shall be thereafter operated, except by electors in voting.
28 Before the polls are open for election, [each judge] the board
29 shall carefully examine every machine and see that no vote
30 has been cast, and the same shall be subject to inspection
31 of the election officers. Ballots voted for any person whose
32 name does not appear on the machine as a nominated candidate
33 for office, are herein referred to as independent ballots.
34 When two or more persons are to be elected to the same office,
35 and the machine requires that all independent ballots voted
for that office be deposited in a single receptacle or device,

1 an elector may vote in or by such receptacle or device for
2 one or more persons whose names do not appear upon the machine
3 with or without the names of one or more persons whose names
4 do so appear. With that exception, and except for presidential
5 electors, no independent ballot shall be voted for any person
6 for any office whose name appears on the machine as a nominated
7 candidate for that office; any independent ballot so voted
8 shall not be counted. An independent ballot must be cast
9 in its appropriate place on the machine, or it shall be void
10 and not counted.

11 Sec. 47. Section fifty-two point twenty-five (52.25),
12 Code 1973, as amended by Acts of the Sixty-fifth General
13 Assembly, 1973 Session, chapter one hundred thirty-six (136)
14 section two hundred thirty-three (233), is amended to read
15 as follows:

16 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

17 of a constitutional convention, amendments and public measures
18 including bond issues may be voting machines
19 in the following manner:

20 The entire convention question, amendment or public measure
21 shall be printed and displayed prominently in at least two
22 places within the voting precinct and on the left-hand side
23 inside the curtain of each voting machine, said printing to
24 be in conformity with the provisions of chapter 49. The
25 public measure shall be summarized by the [auditor or city
26 clerk] *commissioner* and in the largest type possible printed
27 on the inserts used in said voting machines, except in the
28 case of the question of a constitutional convention, or of
29 an amendment or measure to be voted on in more than one county,
30 the summary to be placed in the voting machine inserts shall
31 be worded by the state commissioner of elections as required
32 by section forty-nine point forty-four (49.44) of the Code.

33 Sec. 48. Section fifty-three point two (53.2), unnumbered
34 paragraph three (3), Code 1973, as amended by Acts of the
35 Sixty-fifth General Assembly, 1973 Session, chapter one hundred

36 thirty-six (136), section two hundred thirty-five (235), is

1 amended to read as follows:

2 Each application shall contain the name *and signature* of
3 the qualified elector, the address at which he is qualified
4 to vote, and the name or date of the election for which the
5 absentee ballot, is requested, and such other information as
6 may be necessary to determine the correct absentee ballot
7 for the qualified elector. If insufficient information has
8 been provided, the commissioner shall, by the best means
9 available, obtain the additional necessary information.

10 Sec. 49. Section fifty-three point eleven (53.11), Code
11 1973, as amended by Acts of the Sixty-fifth General Assembly,
12 1973 Session, chapter one hundred thirty-six (136), section
13 two hundred thirty-eight (238), is amended to read as follows:

14 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. **The**
15 sioner shall deliver an absentee ballot to any qualified elec- **commis-**
16 tor applying in person at his office not more than forty days
17 before the date of the general election [and] *or* the primary
18 election, and for all other elections[,] as soon as the ballot
19 is available. The qualified elector shall immediately mark
20 the ballot, enclose it in a ballot envelope with proper
21 affidavit, and return the absentee ballot to the commissioner.
22 The commissioner shall record the numbers appearing on the
23 application and ballot envelope along with the name of the
24 qualified elector. *The commissioner of any county in which*
25 *there is located a city of twenty-five thousand or more*
26 *population, which is not the county seat, may permit qualified*
27 *electors to appear in person at some designated place within*
28 *each such city and there cast an absentee ballot in the manner*
29 *prescribed by this section.*

30 Sec. 50. Section fifty-three point seventeen (53.17),
31 unnumbered paragraph two (2), Code 1973, as amended by Acts
32 of the Sixty-fifth General Assembly, 1973 Session, chapter
33 one hundred thirty-six (136), section two hundred forty-one
34 (241), is amended to read as follows:

35 An applicant who is a resident or patient in a health care

1 facility or hospital *located in the county to which the*
2 *application has been submitted* shall have his absentee ballot
3 delivered to him by one member of each of the political parties
4 referred to in section forty-nine point thirteen (49.13) of
5 the Code, who shall be appointed by the commissioner from
6 the panel drawn up as provided by section forty-nine point
7 fifteen (49.15) of the Code for the special precinct estab-
8 lished by section fifty-three point twenty-three (53.23) of
9 the Code. The persons so appointed by the commissioner shall
10 be notaries public and shall be sworn in the manner provided
11 by section forty-nine point seventy-five (49.75) of the Code
12 for election board members. They may assist the qualified
13 electors in filling out the ballot as provided in section
14 forty-nine point ninety (49.90) of the Code. The voted
15 absentee ballots shall be deposited in a sealed container
16 which shall be returned to the commissioner on the same day.

17 Sec. 51. Section fifty-three point twenty-three (53.23),
18 unnumbered paragraphs two (2) and three (3), Code 1973, as
19 amended by Acts of the Sixty-fifth General Assembly, 1973
20 Session, chapter one hundred thirty-six (136), section two
21 hundred forty-five (245), are amended to read as follows:

22 The election board of the special precinct shall be known
23 as the absentee ballot counting board. There shall be only
24 one absentee ballot counting board existing at any time in
25 each county, and when two or more political subdivisions in
26 the county hold elections simultaneously the absentee ballot
27 counting board shall count absentee ballots cast in all of
28 the elections so held. The commissioner shall appoint the
29 absentee ballot counting board in the manner prescribed in
30 sections 49.12 and [49.15] *forty-nine point thirteen (49.13)*
31 *of the Code*, except that the number of *precinct election*
32 *[judges and clerks] officials* on the absentee ballot count-
33 ing board shall be sufficient to complete the counting of
34 absentee ballots by nine o'clock p.m. *and*
35 [The commissioner] shall set the convening time for the

1 [absentee ballot counting] board, allowing a reasonable amount
2 of time to complete counting the absentee ballots prior to
3 [closing of the polls] *that hour. The commissioner may*
4 *direct the board to meet on the day prior to the election*
5 *solely for the purpose of reviewing the absentee voters'*
6 *affidavits appearing on the sealed ballot envelopes, if*
7 *in the commissioner's judgment this procedure is*
8 *necessary due to the number of absentee ballots received,*
9 *but under no circumstances shall a sealed ballot envelope*
10 *be opened before the board convenes on election day.*

11 Sec. 52. Section fifty-three point forty-nine (53.49),
12 Code 1973, is amended by striking unnumbered paragraph three
13 (3).

14 Sec. 53. Section sixty-nine point twelve (69.12), Code
15 1973, is amended to read as follows:

16 69.12 OFFICERS ELECTED TO FILL VACANCIES—TENURE.

If

17 a vacancy occurs in an elective office ten days or more before
18 the filing date prior to a general election, it shall be
19 filled at such election if the remainder of the term of office
20 is greater than ninety days after the date of the election.
21 If the unexpired term is less than ninety days after the elec-
22 tion day at which the vacancy is filled, the person elected
23 to the office for the next regular term shall *qualify within*
24 *ten days after the election, shall take office as soon as*
25 *he qualifies, and shall serve for both the remainder of the*
26 *unexpired term and the term to which he is elected. If a*
27 *vacancy exists or occurs in an elective office at the time*
28 *of or after an election at which some person was elected to*
29 *the office but before the beginning of the regular term to*
30 *which that person was elected, the person so elected shall*
31 *qualify within ten days after the election or ten days after*
32 *the vacancy occurs, whichever is later, shall take office*
33 *as soon as he qualifies, and shall serve for both the remainder*
34 *of the unexpired term and the term to which he is elected.*

35 Sec. 54. Section two hundred seventy-three point five

36 (273.5), Code 1973, as amended by Acts of the Sixty-fifth
37 General Assembly, 1973 Session, chapter one hundred thirty-
38 six (136), section two hundred fifty-eight (258), is amended
39 to read as follows:

40 273.5 NOMINATION PAPERS. Nomination papers in behalf
41 of a candidate for member of the county board of education
42 shall be filed with the county superintendent at schools not

1 more than sixty-five days, nor less than forty days prior
2 to the election at which a member is to be elected. Nomination
3 petitions shall be filed not later than five o'clock p.m.
4 on the last day for filing. Each candidate shall be nominated
5 by a petition signed by not less than twenty-five eligible
6 electors of the area from which a member is to be elected,
7 which petition shall state the name of the area from which
8 a member is to be elected, the office to which he is to be
9 elected, the name of the candidate and that he is a resident
10 and elector in the named area. Signers of the petition shall,
11 in addition to signing their names, show their residence,
12 including street and number, if any, the school district in
13 which they reside, and the date of signing, and each nomination
14 paper shall have appended to it an affidavit of an elector
15 other than the candidate in substantially the form provided
16 in section 43.17 except as to the party affiliation. *The*
17 *petition shall include the affidavit of the candidate being*
18 *nominated, stating his name, his residence, that he is a*
19 *candidate and is eligible for the office he seeks, and that*
20 *if elected he will qualify for the office.*

21 The county superintendent of schools shall deliver all
22 nomination petitions to the county commissioner of elections
23 not later than five o'clock p.m. on the day following the
24 last day on which nomination petitions have been filed. *Any*
25 *person on whose behalf nomination petitions have been filed*
26 *under this section may withdraw as a candidate by filing a*
27 *signed statement to that effect with the commissioner at any*
28 *time prior to five o'clock p.m. on the twenty-first day before*
29 *the election.*

30 Sec. 55. Section two hundred seventy-three point seven
31 (273.7), Code 1973, as amended by Acts of the Sixty-fifth
32 General Assembly, 1973 Session, chapter one hundred thirty-
33 six (136), section two hundred fifty-nine (259), is amended
34 to read as follows:

35 273.7 CANVASS. Within five days following the election,

1 the county commissioner of elections shall make return of
2 the votes cast in said district, [to the county board of
3 education] on forms provided therefor, [and] to the county board
4 of supervisors, *which* shall meet at eight o'clock a.m. on
5 the last Monday in September[,] and canvass the vote and the
6 county commissioner of elections shall issue certificates
7 of election.

8 Sec. 56. Section two hundred seventy-five point eighteen
9 (275.18), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred sixty-one (261), is amended
12 to read as follows:

18 275.18 SPECIAL ELECTION CALLED—TIME. When the
14 of the territory to be included in a proposed school corpora-
15 tion and the number and method of the election of the school
16 directors of such proposed school corporation have been deter-
17 mined as herein provided, the county superintendent with whom
18 such petition is filed shall call a special election in such
19 proposed school corporation within thirty days from the date
20 of the final determination of such boundaries and serve notice
21 on the county commissioner of elections of the county in the
22 proposed school corporation which has the greatest taxable
23 base in the proposed school corporation. The county commis-
24 sioner of elections shall give notice of the election by one
25 publication in the same newspaper in which previous notices
26 have been published regarding the proposed school reorganiza-
27 tion, and in addition thereto, if more than one county is
28 involved, by one publication in a legal newspaper in each
29 county other than that of the first publication, which publi-
30 cation shall be not less than [ten] *four* nor more than [fifteen]
31 *twenty* days prior to the election. In the case of joint
32 districts, no notice for an election shall be published until
33 the time for appeal, which shall be the same as that provided
34 in section 285.12, has expired; and in the event of an appeal,
35 not until the same has been disposed of.

1 Sec. 57. Section two hundred seventy-five point thirty-
2 seven (275.37), Code 1973, as amended by Acts of the Sixty-
3 fifth General Assembly, 1973 Session, chapter one hundred
4 thirty-six (136), section two hundred sixty-six (266), is
5 amended by striking the section and inserting in lieu thereof
6 the following:

7 275.37 INCREASE IN NUMBER OF DIRECTORS. At the next
8 succeeding annual school election in a district where the number
9 of directors has been increased from five to seven, and direc-
10 tors are elected at large, there shall be elected a director
11 to succeed each incumbent director whose term is expiring
12 in that year, and two additional directors. Upon organizing
13 as required by section two hundred seventy-nine point one
14 (279.1) of the Code, the newly elected director who received
15 the fewest votes in the election shall be assigned a term
16 of either one year or two years if necessary in order that
17 as nearly as possible one third of the members of the board
18 shall be elected each year.

19 Sec. 58. Section two hundred seventy-five point thirty-
20 eight (275.38), Code 1973, is amended by striking the section
21 and inserting in lieu thereof the following:

22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.
23 If change
24 in the method of election of school directors is approved
25 at a regular or special school election, the directors who
26 were serving unexpired terms or were elected concurrently
27 with approval of the change of method shall serve out the
28 terms for which they were elected. If the plan adopted is
29 that described in section two hundred seventy-five point
30 twelve (275.12), subsection two (2), paragraph b, c or d,
31 of the Code, the board shall at the earliest practicable time
32 designate the districts from which residents are to be elected
33 as school directors at each of the next three succeeding
34 annual school elections, arranging so far as possible for
35 elections of directors as residents of the respective districts
to coincide with the expiration of terms of incumbent members

1 residing in those districts. If an increase in the size of
2 the board from five to seven members is approved concurrently
3 with the change in method of election of directors, the board
4 shall make the necessary adjustment in the manner prescribed
5 in section two hundred seventy-five point thirty-seven (275.37)
6 of the Code, as well as providing for implementation of the
7 districting plan under this section.

8 Sec. 59. Section two hundred seventy-seven point four
9 (277.4), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred sixty-eight (268), is amended
12 to read as follows:

13 277.4 NOMINATIONS REQUIRED. Nomination papers for all
14 candidates for election to office in each school district
15 shall be filed with the secretary of the school board not
16 more than sixty-five days, nor less than forty days prior
17 to the election. Nomination petitions shall be filed not
18 later than five o'clock p.m. on the last day for filing.
19 Each candidate shall be nominated by a petition signed by
20 not less than ten [qualified] *eligible* electors of the district.
21 To each such petition shall be attached the affidavit of [a
22 qualified] *an eligible* elector of the district, *other than*
23 *the candidate being nominated*, that all of the signers thereof
24 are electors of such district and that the signatures thereto
25 are genuine. *The petition shall include the affidavit of*
26 *the candidate being nominated, stating his name, his residence,*
27 *that he is a candidate and is eligible for the office he*
28 *seeks, and that if elected he will qualify for the office.*

29 The secretary of the school board shall deliver all nomina-
30 tion petitions to the county commissioner of elections not
31 later than five o'clock p.m. on the day following the last
32 day on which nomination petitions can be filed. *Any person*
33 *on whose behalf nomination petitions have been filed under*
34 *this section may withdraw as a candidate by filing a signed*
35 *statement to that effect with the commissioner at any time*

1 prior to five o'clock p.m. on the twenty-first day before
2 the election.

3 Sec. 60. Section two hundred seventy-seven point twenty-
4 seven (277.27), Code 1973, is amended to read as follows:
5 277.27 QUALIFICATION. A school officer or member of the
6 board shall, at the time of election or appointment, be [a
7 qualified voter] *an eligible elector* of the corporation or
8 subdistrict. Notwithstanding any contrary provision of the
9 Code, no member of the board of directors of any school
10 district, or his or her spouse, shall receive compensation
11 directly from the school board. No director or spouse affected
12 by this provision on July 1, 1972, whose term of office for
13 which elected has not expired, or whose contract of employment
14 has a fixed date of expiration and has not expired, shall
15 be affected by this provision until the expiration of the
16 term of office to which elected, or the expiration date of
17 the contract for which employed.

18 Sec. 61. Section two hundred seventy-eight point one
19 (278.1), subsection ten (10), Code 1973, is amended to read
20 as follows:

21 10. Authorize the establishment *or abandonment* of director
22 districts or a change of boundaries of director districts.

23 Sec. 62. Section two hundred seventy-nine point seven
24 (279.7), unnumbered paragraph one (1), Code 1973, as amended
25 by Acts of the Sixty-fifth General Assembly, 1973 Session,
26 chapter one hundred thirty-six (136), section two hundred
27 seventy-three (273), is amended to read as follows:

28 In any case where a vacancy or vacancies occur among the
29 elective officers or members of a school board and the remain-
30 ing members of such board have not filled such vacancy within
31 ten days after the occurrence thereof, or when the board is
32 reduced below a quorum for any cause, the secretary of the
33 board, or if there be no secretary, the county superintendent
34 of schools shall call a special election in the district,
35 subdistrict, or subdistricts, as the case may be, to fill

1 such vacancy or vacancies. The county commissioner of
2 elections shall publish the notices required by law for such
3 special elections, which election shall be held not sooner
4 than thirty days nor later than forty days [thereafter] *after*
5 *the tenth day following the occurrence of the vacancy.* In
6 any case where the secretary fails for more than three days
7 to call such election, the county superintendent shall call
8 it.

9 Sec. 63. Section two hundred eighty A point fifteen
10 (280A.15), Code 1973, as amended by Acts of the Sixty-fifth
11 General Assembly, 1973 Session, chapter one hundred thirty-
12 six (136), section two hundred seventy-seven (277), is amended
13 to read as follows:

14 280A.15 CONDUCT OF ELECTIONS. The nomination of candi-
15 dates, preparation of ballots, and canvass for all elections
16 of members of the board of directors of an area vocational
17 school or an area community college, except as otherwise
18 directed, shall be conducted in the manner provided in sections
19 273.5[, 273.6,] and 273.7 for members of county boards of
20 education. Nomination papers in behalf of a candidate shall
21 be filed with the secretary of the board of the merged area.
22 Each candidate shall be nominated by a petition signed by
23 not less than fifty [qualified] *eligible* electors of the district
24 from which the member is to be elected. The election notice
25 shall be published as provided in [chapter] *section* forty-nine
26 [(49)] *point fifty-three (49.53) of the Code* and the election
27 shall be conducted by the county commissioner of elections
28 pursuant to the provisions of chapter thirty-nine (39) through
29 fifty-three (53) of the Code. The votes cast in the election
30 shall be canvassed by the county board of supervisors and
31 the county commissioner of elections shall issue certificates
32 of election as prescribed in section 273.7. Members elected
33 to the board of directors of a merged area shall qualify by
34 taking the oath of office prescribed in section 277.28.

35 Sec. 64. Section two hundred eighty A point thirty-nine

1 (280A.39), unnumbered paragraph one (1), Code 1973, as amended
2 by Acts of the Sixty-fifth General Assembly, 1973 Session,
3 chapter one hundred thirty-six (136), section two hundred
4 seventy-eight (278), is amended to read as follows:

5 Any merged area may combine with any adjacent merged area
6 after a favorable vote by the electors of each of the areas
7 involved. If the boards of directors of two or more merged
8 areas agree to a combination, the question shall be submitted
9 to the electors of each area at a special election to be held
10 on the same day in each area. The special election shall
11 not be held within thirty days of any general election. Prior
12 to the special election, the board of each merged area shall
13 notify the county commissioner of elections of the county
14 in which the *greatest proportion of the merged area's*
15 [administrative offices are] *taxable base is* located who shall
16 publish notice of the election at least three times, no oftener
17 than once a week, in one or more newspapers of general
18 circulation within the merged area. The two respective county
19 commissioners of elections shall conduct the election pursuant
20 to the provisions of chapters thirty-nine (39) through fifty-
21 three (53) of the Code. The votes cast in the election shall
22 be canvassed by the county board of supervisors and the county
23 commissioners of elections who conducted the election shall
24 certify the results to the board of directors of each merged
25 area.

26 Sec. 65. Section two hundred ninety-six point four (296.4),
27 Code 1973, as amended by Acts of the Sixty-fifth General
28 Assembly, 1973 Session, chapter one hundred thirty-six (136),
29 section two hundred eighty-one (281), is amended to read as
30 follows:

31 296.4 NOTICE—BALLOTS. Notice of [such] *the* election shall
32 be given by the county commissioner of elections by publication
33 once each week for four weeks in some newspaper [published
35 in the district, or, if there is none, in some newspaper
35 published in the county and] of general circulation in the

1 district. The notice shall state the date of the election,
2 the hours of opening and closing the polls and the exact
3 location thereof, and the questions to be submitted, and shall
4 be in lieu of any other notice, any other statute to the con-
5 trary notwithstanding. The county commissioner of elections
6 shall conduct the election pursuant to the provisions of chap-
7 ters thirty-nine (39) through fifty-three (53) of the Code
8 and certify the results to the board of directors.

9 Sec. 66. Section two hundred ninety-eight point eighteen
10 (298.18), unnumbered paragraph five (5), Code 1973, as amended
11 by Acts of the Sixty-fifth General Assembly, 1973 Session,
12 chapter one hundred thirty-six (136), section two hundred
13 eighty-two (282), is amended to read as follows:

14 Notice of [such] *the* election shall be given by the county
15 commissioner of elections by publication once each week for
16 four consecutive weeks in a newspaper [published in the school
17 corporation, or if there is no newspaper published in the
18 school corporation, in a newspaper published in the county
19 and] of general circulation in the school corporation. Such
20 notice shall state the date of the election, the hours of
21 opening and closing the polls and the exact location thereof,
22 and the question to be submitted. The election shall be held
23 on a date not less than [five] *four*

24 nor more than twenty days after
25 the last publication of the notice. Such notice shall be
26 sufficient and shall be in lieu of any other notice required
27 by any other statute. At such election the ballot used for
28 the submission of said proposition shall be in substantially
29 the form for submitting special questions at general elections.
30 The county commissioner of elections shall conduct the elec-
31 tion pursuant to the provisions of chapters thirty-nine (39)
32 through fifty-three (53) of the Code and certify the results
33 to the board of directors. Such proposition shall not be
34 deemed carried or adopted unless the vote in favor of such
35 proposition is equal to at least sixty percent of the total

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36 vote cast for and against said proposition at said election.

1 Whenever such a proposition has been approved by the voters
2 of a school corporation as hereinbefore provided, no further
3 approval of the voters of such school corporation shall be
4 required as a result of any subsequent change in the boundaries
5 of such school corporation.

6 Sec. 67. Section two hundred ninety-eight point twenty-
7 two (298.22), Code 1973, is amended to read as follows:

8 298.22 FORM—RATE OF INTEREST—WHERE REGISTERED. All

9 of said bonds shall be substantially in the form provided
10 for county bonds, but subject to changes that will conform
11 them to the action of the board providing therefor; shall
12 run not more than twenty years, and may be sooner paid if
13 so nominated in the bond; [be in denomination of not more than
14 one thousand dollars or less than one hundred dollars each;]
15 bear a rate of interest not exceeding seven percent per annum,
16 payable semiannually; be signed by the president and
17 countersigned by the secretary of the board of directors;
18 and shall not be disposed of for less than par value, nor
19 issued for other purposes than this chapter provides.

20 All of said bonds [shall be registered in the office of
21 the county auditor], *when issued, shall be delivered to the*
22 *secretary of the board of directors, who shall register them*
23 *in a book to be kept for that purpose, and shall deliver them*
24 *when they have been properly countersigned.*

25 The expenses of engraving and printing of bonds may be
26 paid out of the general fund.

27 Sec. 68. Section three hundred sixty-three point seven
28 (363.7), Code 1973, is amended to read as follows:

29 363.7 WARDS. Cities may be by ordinance divided into
30 wards, new wards created, or the boundaries changed, but in
31 all cases the boundaries of wards shall *follow the boundaries*
32 *of election precincts and shall be as far as practicable*
33 established so as to give all wards an equal population.

34 Any ordinance of annexation entered into or ordinance passed
35 by a city or town or cities and towns prior to the year 1900

1 that prevents or has prevented an equal population of wards
2 as provided by this section or provides that a specified
3 number of representatives on the city or town council shall
4 represent certain wards may be amended by a simple majority
5 of votes of the existing city or town council, any provisions
6 in the city or town charter, rules, ordinances, or ordinances
7 of annexation notwithstanding.

8 Sec. 69. Section three hundred sixty-three point eleven
9 (363.11), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred thirty-
11 six (136), section two hundred ninety-four (294), is amended
12 to read as follows:

13 363.11 CANDIDATES—FILING. Any person desiring to become
14 a candidate for any elective municipal office shall, not more
15 than sixty-five days nor less than forty days prior to the
16 election, file with the clerk of the municipal corporation
17 a petition signed by [qualified voters] *eligible electors*
18 equaling in number at least two percent of the greatest number
19 of votes cast for any candidate for such office at the last
20 regular municipal election, and in no case less than ten,
21 requesting that his (or her) name be printed upon the official
22 election ballot. *When a municipal office is filled by*
23 *the voters of a ward, signers of a nominating petition*
24 *for a candidate for the office must be eligible electors*
25 *of that ward.* Nomination petitions shall be filed
26 not later than five o'clock p.m. on the last day for filing.
27 Provided that any city having a population of ten thousand
28 or less or any town may by ordinance provide that all candi-
29 dates for all elective city or town offices shall be nominated
30 under the provisions of chapter 44 or 45. In such event
31 nomination for all such offices in the manner provided for
32 in this chapter shall not be authorized.

33 The clerk of the municipal corporation shall deliver all
34 nomination petitions to the county commissioner of elections
35 not later than five o'clock p.m. on the day following the

36 last day on which nomination petitions can be filed. *Any*

1 *person on whose behalf nomination petitions have been filed*
2 *under this section may withdraw as a candidate by filing a*
3 *signed statement to that effect with the commissioner at any*
4 *time prior to five o'clock p.m. on the twenty-first day before*
5 *the election.*

6 Sec. 70. Section three hundred sixty-three point twelve
7 (363.12), Code 1973, is amended by striking the section and
8 inserting in lieu thereof the following:

9 363.12 FORM OF PETITION. A petition filed pursuant to
10 section three hundred sixty-three point eleven (363.11) of
11 the Code shall include the signatures of each of the peti-
12 tioners, a statement of their places of residence, and the
13 date on which each petitioner signed the petition.

14 Sec. 71. Section three hundred sixty-three point thirteen
15 (363.13), Code 1973, is amended by striking the section and
16 inserting in lieu thereof the following:

17 363.13 ELECTOR'S AFFIDAVIT. A petition filed pursuant
18 to section three hundred sixty-three point eleven (363.11)
19 of the Code shall include the affidavit of at least one eli-
20 gible elector, other than the petitioners and the candidate
21 being nominated, stating the affiant's knowledge, information,
22 and belief as to the residence of the petitioners.

23 Sec. 72. Section three hundred sixty-three point fourteen
24 (363.14), Code 1973, is amended by striking the section and
25 inserting in lieu thereof the following:

26 363.14 CANDIDATE'S AFFIDAVIT. A petition filed pursuant
27 to section three hundred sixty-three point eleven (363.11)
28 of the Code shall include the affidavit of the candidate being
29 nominated, stating his name, his residence, that he is a
30 candidate for and eligible for the office he seeks, and that
31 if elected he will qualify for the office.

32 Sec. 73. Section three hundred sixty-three point sixteen
33 (363.16), subsection one (1), Code 1973, as amended by Acts
34 of the Sixty-fifth General Assembly, 1973 Session, chapter
35 one hundred thirty-six (136), section two hundred ninety-six

1 (296), is amended to read as follows:

2 1. In cities having a population of more than ten thousand,
3 as shown by the latest federal census, the procedure shall
4 be as follows:

5 a. If the county commissioner of elections and mayor find
6 that the number of candidates for any office, as shown by
7 candidates' petitions filed with the county commissioner of
8 elections, be not more than twice the number of persons that
9 may be elected to said office, said candidates shall be found
10 to be the nominees, and for said office no primary election
11 shall be held. For any office or offices, for which the
12 number of candidates, as shown by the candidates' petitions
13 filed with the county commissioner of elections, is found
14 to be more than twice the number of persons that may be elected
15 to said office or offices, the nominees shall be determined
16 by a municipal primary election, as hereinafter provided.
17 The county commissioner of elections and mayor shall file
18 a written report with the council, stating the nominees for
19 such office or offices, if any, for which no municipal primary
20 election is required, and also stating the office, or offices,
21 if any, for which the nominees shall be determined by a
22 municipal primary election.

23 b. Any such city, under one hundred thousand population,
24 may by ordinance provide that all candidates for all elective
25 city offices shall be nominated under the provisions of chapter
26 44 and chapter 45. In [such] *that event neither nomination*
27 *for all such offices by primary nor a runoff election shall*
28 *[not] be authorized, and the candidates receiving the great-*
29 *est number of votes in the election held as required by section*
30 *three hundred sixty-three point eight (363.8) of the Code*
31 *shall be declared elected.*

32 Sec. 74. Section three hundred sixty-three point sixteen
33 (363.16), subsection two (2), unnumbered paragraph two (2),
34 Code 1973, as amended by Acts of the Sixty-fifth General
35 Assembly, 1973 Session, chapter one hundred thirty-six (136),

1 section two hundred ninety-six (296), is amended to read as
2 follows:

3 The provisions of chapters thirty-nine (39) through fifty-
4 three (53) of the Code shall apply to the conduct of run-off
5 elections except that there shall be no added voter
6 registrations accepted for said election but transfers may
7 be accepted until ten days before the election, as now provided
8 under law. *If a city provides by ordinance for a runoff*
9 *election, the county board of supervisors shall publicly*
10 *canvass the tally lists of the vote cast in the election held*
11 *by that city pursuant to section three hundred sixty-three*
12 *point eight (363.8) of the Code, following the procedures*
13 *prescribed in section fifty point twenty-four (50.24) of the*
14 *Code, at a meeting to be held beginning at one o'clock p.m.*
15 *in the afternoon on the day following that city election.*

16 Sec. 75. Section six hundred nine point seven (609.7),
17 Code 1973, as amended by Acts of the Sixty-fifth General
18 Assembly, 1973 Session, chapter one hundred thirty-six (136),
19 section three hundred ninety-two (392), is amended to read
20 as follows:

21 609.7 APPORTIONMENT IN OTHER COUNTIES. The county
22 commissioner of elections, in counties having no appointive jury
23 commission, shall, prior to furnishing the *precinct* election
24 [judges] *officials* the election registers, apportion the number
25 of grand and petit jurors to be selected from among the several
26 election precincts, and the talesman of which there shall
27 be at least two, among the precincts from which the same are
28 to be selected, in each case as nearly as practicable in pro-
29 portion to the number of electors registered in each precinct
30 as shown by the election registers of the [last preceding] gen-
31 eral election. Such apportionment shall be computed on the
32 same basis as provided in section 609.1.

33 Sec. 76. Acts of the Sixty-fourth General Assembly, 1972
34 Session, chapter one thousand eighty-eight (1088), section
35 three (3), subsection one (1), is amended to read as follows:

1 1. If notice of an election, hearing, or other official
2 action is required by this Act, the notice must be published
3 at least once, not less than [ten] *four* nor more than [twenty-
4 five] *twenty* days before the date of the election, hearing,
5 or other action.

6 Sec. 77. Acts of the Sixty-fourth General Assembly, 1972
7 Session, chapter one thousand eighty-eight (1088), section
8 sixty-four (64), unnumbered paragraph seven (7), as contained
9 in Acts of the Sixty-fifth General Assembly, 1973 Session,
10 chapter one hundred thirty-six (136), section three hundred
11 thirty-one (331), is amended to read as follows:

12 The city clerk shall deliver all nomination petitions to
13 the county commissioner of elections not later than five
14 o'clock p.m. on the day following the last day on which nomina-
15 tion petitions can be filed. *Any person on whose behalf*
16 *nomination petitions have been filed under this section may*
17 *withdraw as a candidate by filing a signed statement to that*
18 *effect with the commissioner at any time prior to five o'clock*
19 *p.m. on the twenty-first day before the election.*

20 Sec. 78. Acts of the Sixty-fourth General Assembly, 1972
21 Session, chapter one thousand eighty-eight (1088), section
22 sixty-five (65), is amended to read as follows:

23 Sec. 65. Notice [and] *containing* a copy of the ballot for
24 each regular, special, primary, or run-off city election must
25 be published as provided in section three (3) of this Act,
26 except that notice of a regular, primary, or run-off election
27 may be published not less than [five] *four* days before the date
28 of the election. The published ballot must contain the names
29 of all candidates, and may not contain any party designations.
30 The published ballot must contain any question to be submitted
31 to the voters.

32 Sec. 79. Acts of the Sixty-fourth General Assembly, 1972
33 Session, chapter one thousand eighty-eight (1088), section
34 sixty-six (66), is amended to read as follows:

35 Sec. 66. An individual for whom a valid petition is filed

1 becomes a candidate in the regular city election for the
2 office for which he has filed, except that a primary election
3 must be held for offices for which the number of individuals
4 for whom valid petitions are filed is more than twice the
5 number of positions to be filled. However[, the] :

6 1. *The council may by ordinance choose to have a run-off*
7 *election, as provided in section sixty-nine (69) of this Act,*
8 *in lieu of a primary election.*

9 2. *If the council has by ordinance chosen to have nomina-*
10 *tions made in the manner provided by chapter forty-four (44)*
11 *or forty-five (45) of the Code, neither a primary election*
12 *nor a runoff election are required.*

13 Sec. 80. Acts of the Sixty-fourth General Assembly, 1972
14 Session, chapter one thousand eighty-eight (1088), section
15 sixty-eight (68), is amended to read as follows:

16 Sec. 68. In a regular city election following a primary,
17 the candidates who receive the highest number of votes cast
18 for the office for which they have filed are elected, to the
19 extent necessary to fill the positions for which they have
20 filed. In a regular city election when a council has chosen
21 a run-off election in lieu of a primary, the candidates who
22 receive the highest number of votes and a majority of the
23 votes cast for the office for which they have filed are
24 elected, to the extent necessary to fill the positions for
25 which they have filed. *In a regular city election when a*
26 *council has chosen to have nominations made in the manner*
27 *provided by chapter forty-four (44) or forty-five (45) of*
28 *the Code, the candidates who receive the highest number of*
29 *votes for the office for which they are nominated are elected,*
30 *to the extent necessary to fill the positions for which they*
31 *are nominated.*

32 Sec. 81. Acts of the Sixty-fourth General Assembly, 1972
33 Session, chapter one thousand eighty-eight (1088), section
34 sixty-nine (69), unnumbered paragraph one (1), is amended
35 to read as follows:

1 A run-off election may be held only for positions unfilled
 2 because of failure of a sufficient number of candidates to
 3 receive a majority vote in the regular city election. *When*
 4 *a council has chosen a runoff election in lieu of a primary,*
 5 *the county board of supervisors shall publicly canvass the*
 6 *tally lists of the vote cast in the regular city election,*
 7 *following the procedures prescribed in section fifty point*
 8 *twenty-four (50.24) of the Code, at a meeting to be held*
 9 *beginning at one o'clock in the afternoon on the day following*
 10 *the regular city election.* Candidates who do not receive
 11 a majority of the votes cast for the office for which they
 12 have filed, but who receive the highest number of votes cast
 13 for that office in the regular city election, to the extent
 14 of twice the number of unfilled positions, are candidates
 15 in the run-off election.

16 Sec. 82. Acts of the Sixty-fourth General Assembly, 1972
 17 Session, chapter one thousand eighty-eight (1088), section
 18 one hundred seven (107), subsection three (3), is amended
 19 to read as follows:

20 3. Notice of the election must be given by publication
 21 once each week for at least three consecutive weeks in a news-
 22 paper of general circulation in the city. The notice must
 23 state the date of the election, the hours of opening and
 24 closing the polls and the location thereof, and the question
 25 to be submitted. The election must be held on a date not
 26 less than [five] *four* nor more than twenty days after the last
 27 publication of the notice. Such notice is sufficient and
 28 is in lieu of any other notice required by any other statute.
 29 At the election the ballot used for the submission of the
 30 proposition must be in substantially the form for submitting
 31 special questions at general elections.

32 Sec. 83. Acts of the Sixty-fifth General Assembly, 1973
 33 Session, chapter one hundred thirty-six (136), section ten
 34 (10), is amended to read as follows:

35 NEW SECTION. OFFICERS OF CITIES. The times at which offi-

1 cers of cities shall be elected and their terms of office
2 shall be as provided by or established pursuant to Acts of
3 the Sixty-fourth General Assembly, 1972 Session, chapter one
4 thousand eighty-eight (1088), sections sixty-one (61) and
5 sixty-two (62). However, the times at which officers of
6 cities and towns shall be elected and their terms of office
7 shall be governed until July 1, [1974] 1975 by sections three
8 hundred sixty-three point eight (363.8), three hundred sixty-
9 three point nine (363.9), three hundred sixty-three point
10 ten (363.10), three hundred seventy point one (370.1), three
11 hundred seventy-two point three (372.3) and three hundred
12 eighty point one (380.1), Code 1973, in the respective cities
13 and towns to which these sections are applicable.

14 Sec. 84. Acts of the Sixty-fifth General Assembly,
15 1973 Session, chapter one hundred thirty-six (136),
16 section ninety-six (96), unnumbered paragraph one
17 (1), is amended to read as follows:

18 The commissioner shall take bids for any goods and
19 services which will be performed or provided by persons
20 who are not employees of the commissioner and where the
21 costs of such services exceed [five thousand] *two thousand*
22 *five hundred* dollars per contract. No bids shall be
23 required for legal services. The commissioner shall
24 publish notice to bidders, including specifications
25 regarding the goods or services to be purchased or a
26 description of the nature and object of the services to be
27 retained, in a newspaper of general circulation in the
28 county not less than fifteen days before the final date
29 for submission of bids. The commissioner shall also file
30 a copy of the bid specifications in the office of the
31 state commissioner for a period of not less than twenty
32 days prior to the date the bid is let. When competitive
33 bidding procedures are used, the purchase of goods or
34 services shall be made from the lowest responsible bidder
35 which meets the specifications or description of the

36 services needed or the commissioner may reject all bids and
37 readvertise. In determining the lowest responsible bidder,
38 various factors may be considered, including but not limited
39 to the past performance of the bidder relative to quality of
40 product or service, the past experience of the purchaser in
41 relation to the product or service, the relative quality
42 of products or services, the proposed terms of delivery
43 and the best interest of the county.

44 Sec. 85. Acts of the Sixty-fifth General Assembly, 1973
45 Session, chapter one hundred thirty-six (136), section four
46 hundred (400), is amended to read as follows:

47 Sec. 400. At each election held after the effective date
48 of this Act and before January 1, 1975 in any county or portion
49 of a county in which registration is not required as a pre-
50 requisite to voting, pursuant to section three hundred [eighty-
51 eight (388)] *ninety-nine (399)* of this Act, there shall be
52 provided to each elector appearing at the polls on election
53 day an opportunity to register to vote in elections to be
54 held after January 1, 1975. *At each such election there shall*
55 *be prominently displayed in every polling place one or more*
56 *signs which state "You may Register To Vote Here Today. You*
57 *Will Not Be Allowed To Vote After January 1, 1975 If You Are*
58 *Not Registered."* Registration of voters at the polls under
59 this section shall be conducted in accordance with chapter
60 forty-eight (48) of the Code as amended by this Act, insofar
61 as possible. It shall be the duty of the precinct election
62 [judges and clerks] *officials*, in addition to their usual duties,
63 to register all eligible electors as defined by this Act who
64 desire to register at the polls as permitted by this section,
65 unless the county commissioner of registration appoints other

1 persons to perform this duty. The county commissioner of
2 registration shall in advance of the 1974 general election,
3 and may in advance of any other election occurring after the
4 effective date of this Act and before January 1, 1975, appoint
5 two or more persons in [the manner provided by section ninety-
6 four (94) of this Act] *addition to the precinct election*
7 *officials* to register electors at each polling place on
8 election day as permitted by this section. *The appointments*
9 *shall be made in the manner prescribed by section forty-eight*
10 *point twenty-seven (48.27), subsection one (1), paragraph*
11 *a, of the Code for appointment of mobile deputy registrars,*
12 *and the persons so appointed shall be compensated for their*
13 *services at the polling place on election day in the same*
14 *manner as provided by section forty-nine point twenty (49.20)*
15 *of the Code for precinct election officials.*

16 Sec. 86. Acts of the Sixty-fifth General Assembly, 1973
17 Session, chapter two hundred (200), section three (3), is
18 amended to read as follows:

19 Sec. 3. NEW SECTION. ELECTION. A trustee of a regional
20 board shall be elected without regard to political affiliation
21 at the general election by the vote of the electors of his
22 district from a list of nominees, the names of which have
23 been taken from nomination papers *filed in accordance with*
24 *chapter forty-five (45) of the Code in all respects except*
25 *that they shall be signed by not less than twenty-five*
26 *[qualified voters] eligible electors of the respective district.*
27 *The election shall be administered by the commissioner who*
28 *has jurisdiction under section forty-seven point two (47.2)*
29 *of the Code.*

30 Sec. 87. The appointment, pursuant to Acts of the Sixty-
31 fifth General Assembly, 1973 Session, chapter one hundred
32 thirty-six (136), section four hundred (400), as amended by
33 section eighty-five (85)

34 of this Act, of two or more persons in
35 addition to the precinct election officials to register

36 electors at each polling place at the June 4, 1974 primary

1 election shall be mandatory in each county or portion of a
2 county to which Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred thirty-six (136), section
4 three hundred ninety-nine (399), is applicable if on May 15,
5 1974 the total number of persons in that county or portion
6 of a county who are registered to vote does not equal or
7 exceed ten percent of the total population of that county
8 or portion of a county
9 as shown by the 1970 federal decennial census.

10 Sec. 88. At each precinct located in a county or portion
11 of a county to which Acts of the Sixty-fifth General Assembly,
12 1973 Session, chapter one hundred thirty-six (136), section
13 three hundred ninety-nine (399), is applicable, any elector
14 who seek to vote the ballot of a political party at the pri-
15 mary election on June 4, 1974, and is challenged on the ground
16 that he has previously registered as an elector of that pre-
17 cinct pursuant to chapter forty-eight (48) of the Code and
18 in so doing made a declaration regarding political party
19 affiliation inconsistent with the affiliation indicated by
20 his request for a primary election ballot, may overcome the
21 challenge by the procedure prescribed in section forty-three
22 point forty-four (43.44) of the Code.

23 Sec. 89. The county commissioner of elections of each
24 county to all or any portion of which Acts of the Sixty-fifth
25 General Assembly, 1973 Session, chapter one hundred thirty-
26 six (136), section three hundred ninety-nine (399), is
27 applicable, shall on August 30, 1974 send a report to the
28 state commissioner of elections stating the total number of
29 persons registered to vote in that county or portion of a
30 county as of that date. If the report has not been received
31 by the state commissioner by September 10, 1974 he shall
32 investigate the cause of the delay. If it appears from the
33 report that the number of persons registered to vote in that
34 county or portion of a county is unduly low, the state
35 commissioner shall consult with the county commissioner of

36 the county involved regarding measures which may be employed

1 to encourage registration of eligible electors as voters prior
2 to January 1, 1975.

3 Sec. 90. The limitations imposed by section forty-nine
4 point eight (49.8) of the Code notwithstanding, a county board
5 of supervisors or city council having jurisdiction over a
6 precinct which includes the places of residence of fewer than
7 fifty qualified electors may prior to July 1, 1975 attach
8 the precinct to an abutting precinct if the attachment is
9 permissible under section forty-nine point three (49.3),
10 subsection two (2), paragraph a, of the Code.

11 Sec. 91. A school district which has a seven-member board
12 of directors for which the term of office has been shortened
13 by law from four years to three years commencing with the
14 election held September 9, 1975, shall hold elections as
15 follows:

16 1. At the regular school election held September 9, 1975,
17 two members shall be elected for two-year terms and three
18 members shall be elected for three-year terms.

19 2. At the regular school election held September 14, 1976,
20 two members shall be elected for three-year terms.

21 3. At the regular school election held September 13, 1977,
22 two members shall be elected for three-year terms.

23 Sec. 92. The code editor is directed to:

24 1. Substitute the term "state commissioner" for each
25 reference to the secretary of state found in sections fifty-
26 two point five (52.5), fifty-four point five (54.5), fifty-
27 five point nine (55.9), fifty-five point eleven (55.11),
28 fifty-five point thirteen (55.13), fifty-five point fourteen
29 (55.14), fifty-five point fifteen (55.15), fifty-five point
30 twenty-one (55.21) and fifty-five point twenty-two (55.22),
31 Code 1973, and to such extent the enumerated sections are
32 amended.

33 2. Substitute the term "commissioner" for each reference
34 to the county auditor found in sections fifty-three point
35 forty (53.40), fifty-three point forty-one (53.41), fifty-

1 three point forty-two (53.42), fifty-five point ten (55.10),
2 fifty-five point eleven (55.11), fifty-five point eighteen
3 (55.18) and three hundred sixty-three point twenty-two
4 (363.22), Code 1973, and to such extent the enumerated sections
5 are amended.

6 Sec. 93. Section fifty point one (50.1), Code 1973, as
7 amended by Acts of the Sixty-fifth General Assembly, 1973
8 Session, chapter one hundred thirty-six (136), section one
9 hundred eighty (180) is amended to read as follows:

10 50.1 CANVASS BY JUDGES. At every election conducted
under
11 chapter forty-nine (49) of the Code, except the primary elec-
12 tion provided for by chapter forty-three (43) of the Code,
13 and at every other election unless the law authorizing the
14 election otherwise requires, the vote shall be canvassed at
15 each polling place by the election board in the manner pre-
16 scribed by this chapter. When the poll is closed, the [judges]
17 *precinct election officials* shall forthwith, and without
18 adjournment:

19 1. Publicly canvass the vote, and credit each candidate
20 with the number of votes counted for him.

21 2. Ascertain the result of the vote.

22 3. Prepare in writing a list any apparently or possibly
23 erroneous information appearing in the precinct election
24 register.

25 4. [Cause each clerk to] *Designate two election board*
26 *members, not members of the same political party, who shall*
27 *each separately* keep a tally list of the count.

28 Sec. 94. Section fifty point eleven (50.11), Code 1973,
29 as amended by Acts of the Sixty-fifth General Assembly, 1973
30 Session, chapter one hundred thirty-six (136), section one
31 hundred eighty-six (186), is amended to read as follows:

32 50.11 PROCLAMATION OF RESULT. When the canvass is com-
33 pleted one of the [judges] *precinct election officials* shall
34 publicly announce the total number of votes received by each
35 of the persons voted for, the office for which he is

1 designated, as announced by the [clerks] *designated tally*
 2 *keepers*, and the number of votes for, and the number of votes
 3 against, any proposition which shall have been submitted to
 4 a vote of the people, and he shall communicate said information
 5 by telephone or telegraph or in person to the commissioner
 6 who is conducting the election immediately upon completion
 7 of the canvass; and the commissioner shall remain on duty
 8 until such information is communicated to him from each polling
 9 place in his county.

10 Sec. 95. Section fifty point sixteen (50.16), Code 1973,
 11 as amended by Acts of the Sixty-fifth General Assembly, 1973
 12 Session, chapter one hundred thirty-six (136), section one
 13 hundred eighty-nine (189), is amended to read as follows:

14 50.16 TALLY LIST OF BOARD. The tally list shall be pre-
 15 pared in writing by the election board, giving, in legibly
 16 printed numerals, the whole number of ballots cast for each
 17 officer, except those rejected, the name of each person voted
 18 for, and the number of votes given to each person for each
 19 different office; which tally list shall be signed by the
 20 [judges] *precinct election officials*, and be substantially as
 21 follows:

22 At an election in township, or in
 23 precinct of city or township, in
 24 county, state of Iowa, on the day of A.D.
 25, there were ballots cast for the office of
 26 of which

27 A..... B..... had votes.

28 C..... D..... had votes.

29 (and in the same manner for any other officer).

30 A true tally list:

31 L..... M.....)

32 N..... O.....) [Judges of] *Board Members*

33 P..... Q.....)

34 Attest: R..... S.....) [Clerks of Election]

35 T..... U.....) *Designated Tally Keepers.*

1 Sec. 96. Section fifty-one point one (51.1), Code 1973,
2 as amended by Acts of the Sixty-fifth General Assembly, 1973
3 Session, chapter one hundred thirty-six (136), section two
4 hundred nine (209), is amended to read as follows:

5 51.1 ELECTION COUNTING BOARD. In all election precincts
6 the board of supervisors may authorize the commissioner to
7 appoint for each primary and general election [three addi-
8 tional judges and two] *five additional* [clerks] *precinct election*
9 *officials* to be known as the election counting board.

10 Sec. 97. The code editor is directed to change sections
11 forty-three point thirty-eight (43.38), forty-three point
12 forty-four (43.44), forty-nine point fifty (49.50), forty-
13 nine point sixty-two (49.62), forty-nine point sixty-seven
14 (49.67), forty-nine point seventy-one (49.71), forty-nine
15 point seventy-five (49.75), forty-nine point eighty-seven
16 (49.87), fifty point three (50.3), fifty point four (50.4),
17 fifty point five (50.5), fifty-one point six (51.6), fifty-
18 one point fourteen (51.14), fifty-two point eighteen (52.18),
19 fifty-two point nineteen (52.19) and fifty-two point twenty
20 (52.20), Code 1973, and sections forty-three point thirty-
21 six (43.36), forty-three point forty-two (43.42), forty-three
22 point forty-five (43.45), forty-three point forty-six (43.46),
23 forty-nine point eighteen (49.18), forty-nine point fifty-
24 five (49.55), forty-nine point sixty (49.60), forty-nine point
25 sixty-one (49.61), forty-nine point sixty-four (49.64), forty-
26 nine point sixty-five (49.65), forty-nine point sixty-six
27 (49.66), forty-nine point seventy (49.70), forty-nine point
28 seventy-six (49.76), forty-nine point seventy-seven (49.77),
29 forty-nine point seventy-nine (49.79), forty-nine point eighty
30 (49.80), forty-nine point eighty-one (49.81), forty-nine point
31 eighty-three (49.83), forty-nine point eighty-nine (49.89),
32 forty-nine point ninety-one (49.91), forty-nine point one
33 hundred five (49.105), forty-nine point one hundred twenty-
34 four (49.124), fifty point nine (50.9), fifty point twelve
35 (50.12), fifty point seventeen (50.17), fifty-one point three

1 (51.3), fifty-one point four (51.4), fifty-one point five
2 (51.5), fifty-one point seven (51.7), fifty-one point eight
3 (51.8), fifty-one point nine (51.9), fifty-one point twelve
4 (51.12), fifty-two point fifteen (52.15), fifty-two point
5 twenty-one (52.21), fifty-two point twenty-two (52.22), fifty-
6 two point twenty-three (52.23) and fifty-three point twenty-
7 three (53.23), Code 1973, as amended by the Acts of the Sixty-
8 fifth General Assembly, 1973 Session, chapter one hundred
9 thirty-six (136), by inserting the term "precinct election
10 officials" or "precinct election official" or, where it is
11 determined alternative terms are required, either the term
12 "election board" or the term "board member" in place of the
13 term "judge" or the term "clerk" or the term "judges and
14 clerks" or any similar terms referring to the officers
15 heretofore known as precinct judges of election or clerks
16 of election, and to such extent the enumerated sections are
17 amended.

18 Sec. 98. Section fifty point two (50.2), Code 1973, is
19 repealed.

20 Sec. 99. This Act shall take effect and be in force on
21 April 15, 1974 after its publication in the Muscatine Journal,
22 a newspaper published in Muscatine, Iowa, and in the West
23 Des Moines Express, a newspaper published in West Des Moines,
24 Iowa.

25 EXPLANATION

26 This bill is presented primarily for the purpose of adjust-
27 ing some of the procedures and requirements relating to local
28 elections which were included in House File 745, passed in
29 1973, in accordance with experience gained and objections
30 presented following the 1973 school and city elections. The
31 bill permits use of unpaid poll workers for school elections,
32 allows the opening of polling places for local elections as
33 late as twelve o'clock noon at the discretion of the county
34 election commissioner, and permits temporary division of per-
35 manent precincts for city elections where necessary to permit

1 residents of smaller towns to vote for their local officers
2 at polling places within these towns. The use of voting
3 machines in local jurisdictions which have them is made
4 optional for local elections where a light turnout is
5 anticipated.

6 The bill also seeks to clarify certain election statutes
7 which have been the subject of attorney general's opinions
8 in the past year. These statutes relate to affidavits
9 attesting to the validity of signatures on nomination papers,
10 and to circumstances under which cities may elect to hold
11 neither a municipal primary nor a runoff following a regular
12 city election.

13 Certain changes in laws governing city elections which
14 presently appear in the Code, but will be repealed when the
15 new city code takes effect, were deliberately omitted from
16 House File 745. Since it appears that the older city laws
17 will remain in effect for at least a year longer than was
18 anticipated in 1973, it seems desirable to now make the indi-
19 cated changes.

20 The bill includes various provisions intended to help pro-
21 mote the registration of eligible electors as voters prior
22 to January 1, 1975 in those areas of the state where
23 registration is not now required in order to vote, but will
24 be so required after that date. These provisions include
25 the posting of informational signs at polling places, a
26 requirement that special registrars be stationed at polling
27 places for the June, 1974 primary election in counties where
28 voter registration is low, and the filing of a progress report
29 with the State Commissioner of Elections (Secretary of State)
30 on August 30.

31 A number of technical corrections and terminology changes
32 are also included in this bill. Some of them should have
33 been included in House File 745 in 1973; the need for others
34 has become apparent or has been suggested by various parties
35 since House File 745 was enacted.

1 One of the changes made by this bill is deletion of the
2 long-standing designation of some precinct election officials
3 as judges and others as clerks. This distinction is under-
4 stood to date back to the time when it was important that
5 clerks, as opposed to judges, be persons capable of writing
6 quite legibly. All members of the election board are desig-
7 nated precinct election officials by this bill.

Senate 7
April 16, 1974

HOUSE FILE 1399

S-2766

1 Amend House File 1399 as amended, passed and
2 reprinted by the House, page 2, by inserting after
3 line 14, the following new section:
4 Sec. _____. Section thirty-nine point twenty-
5 three (39.23), Code 1973, is amended to read as follows:
6 39.23 TOWNSHIP CLERK. There shall be elected,
7 biennially at the general election held in the
8 year 1974 and every four years thereafter, in each
9 civil township one township clerk, who shall hold
10 his office for the term of two four years.

S-2766 Filed and adopted By RAMSEY
April 15, 1974

HOUSE FILE 1399

S-2767

1 Amend House File 1399, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 42A, by striking lines 14 through 35.
4 2. Page 42B, by striking lines 36 through 43.

S-2767 Filed and withdrawn By HANSEN
April 15, 1974

HOUSE FILE 1399

S-2768

1 Amend House File 1399, as amended, passed and re-
2 printed by the House, as follows:
3 1. Page 42B, by adding the following section after
4 line 43:
5 Sec. _____. Acts of the Sixty-fifth General
6 Assembly, 1973 Session, chapter one hundred thirty-
7 six (136), section one hundred six (106), lines 99
8 and 100, are amended to read as follows:
9 c. Mobile deputy registrars shall ~~serve without~~
10 compensation from any source be compensated at the
11 rate of ten cents for each person registered.

S-2768 Filed and lost By COLEMAN
April 15, 1974

HOUSE FILE 1399.

S-2763

1 Amend House File 1399, as amended, passed, and
2 reprinted by the House, page 18A, by inserting after
3 line 4 the following new section:

4 Sec. _____. Section forty-nine point one hundred
5 twenty (49.120), Code 1973, as amended by Acts of the
6 sixty-fifth (65) General Assembly, 1973 Session,
7 chapter one hundred thirty-six (136), section one
8 hundred seventy-five (175), is amended to read as
9 follows:

10 49.120 PROMISE OF POSITION. It shall be unlaw-
11 ful for any candidate for any office to be voted for
12 at any election, prior to his nomination or election,
13 to promise, either directly or indirectly, to support
14 or use his influence in behalf of any person or per-
15 sons for any position, place, or office, or to prom-
16 ise directly or indirectly to name or appoint any
17 person or persons to any place, position, or office
18 in consideration of any person or persons supporting
19 him or using his, her, or their influence in secur-
20 ing his or her nomination, election, or appointment.

21 A candidate or political committee shall not
22 accept any contributions or use any funds for the
23 purpose of conducting a political campaign that were
24 contributed by any person who is not a resident of
25 this state or that were contributed by any trust,

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1 estate, corporation, partnership, association or any
2 other legal entity, except political parties as de-
3 defined in chapter forty-three point two (43.2) of
4 the Code.

5 Each candidate and political committee shall
6 file a statement with the state commissioner of
7 elections or the county commissioner of elections
8 which states that the candidate or political commit-
9 tee has not accepted contributions or used funds
10 contributed by persons who are not residents of
11 this state.

12 Any candidate or political committee violating
13 the provisions of this section shall be guilty of
14 a felony and shall, upon conviction, be subject to
15 a fine of not less than one thousand dollars or im-
16 prisonment in the state penitentiary for a period of
17 not more than one year, or be subject to both such
18 fine and imprisonment.

S-2763 Filed and ruled
out of order
April 15, 1974

By HANSEN and MILLIGAN

HOUSE FILE 1399

S-2757

1 Amend House File 1399 as amended, passed and
2 reprinted by the House, as follows:

- 3 1. Page 12A, line 17, by striking the first word
4 "a" and inserting in lieu thereof the word "any".
- 5 2. Page 12A, line 32, by striking the first word
6 "a" and inserting in lieu thereof the word "any".
- 7 3. Page 13A, line 20, by striking the first word
8 "a" and inserting in lieu thereof the word "any".
- 9 4. Page 14, line 1, by striking the first word
10 "a" and inserting in lieu thereof the word "any".
- 11 5. Page 16A, line 29, by striking the word "a"
12 and inserting in lieu thereof the word "any".
- 13 6. Page 18A, by striking lines 7 through 12,
14 inclusive, and inserting in lieu thereof the fol-
15 lowing:

16 NEW SECTION. OPTIONAL AUTHORITY FOR CERTAIN CITY
17 ELECTIONS. The commissioner may appoint unpaid
18 election precinct officials to election boards, as
19 provided by sections forty-nine point fifteen (49.15),
20 forty-nine point sixteen (49.16) and forty-nine point
21 twenty (49.20) of the Code, elect not to use voting
22 machines even though they are available, as permitted
23 by section forty-nine point twenty-six (49.26) of
24 the Code, and direct that the polls be opened at
25 twelve o'clock noon, as permitted by section forty-

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1 nine point seventy-three (49.73) of the Code, for
2 any election held for a city, regardless of the city's
3 population, if there is no contest for any office
4 on the ballot and no public question is being submitted
5 to the voters at that election.

6 7. Page 49, by inserting after line 19 the fol-
7 lowing new section:

8 Sec. _____. If Senate File one thousand one hundred
9 sixty-three (1163) of the Sixty-fifth General Assembly,
10 1974 Session, is enacted into law, sections fifty-
11 four (54), fifty-five (55) and sixty-three (63) of
12 this Act shall be of no force or effect.

13 8. Page 49, line 20, by striking the word "This"
14 and inserting in lieu thereof the words "Sections
15 one (1) through fifty-three (53), fifty-six (56)
16 through sixty-two (62), and sixty-four (64) through
17 ninety-nine (99) of this".

S-2757 Filed and adopted
April 15, 1974

By SHAW

HOUSE FILE 1399

S-2756

1 Amend House File 1399, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 25A, by inserting after line 13 the
4 following new section:
5 Sec. _____. Section sixty-nine point eleven (69.11),
6 Code 1973, is amended to read as follows:
7 69.11 TENURE OF VACANCY APPOINTEE. An officer
8 filling a vacancy in an office which is filled by
9 election of the people shall continue to hold until
10 the next regular election at which such vacancy can
11 be filled as provided by section sixty-nine point
12 twelve (69.12) of the Code, and until a successor
13 is elected and qualified. Appointments to all other
14 offices, made under this chapter, shall continue for
15 the remainder of the term of each office, and until
16 a successor is appointed and qualified.
17 2. Page 25A, by striking lines 15 through
18 34, inclusive, and inserting in lieu thereof the
19 following:
20 "1973, is amended by striking the section and
21 inserting in lieu thereof the following:
22 69.12 OFFICERS ELECTED TO FILL VACANCIES--TENURE.
23 When a vacancy occurs in any elective office of a
24 political subdivision of this state, and a method
25 for electing a person to the vacant office for the

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1 remainder of the unexpired term is not otherwise
2 provided by law, the vacancy shall be filled pursuant
3 to this section. As used in this section, 'pending
4 election' means any election at which there will be
5 on the ballot either the office in which the vacancy
6 exists, or any other office to be filled or any public
7 question to be decided by the voters of the same
8 political subdivision.
9 1. If the unexpired term in which the vacancy
10 occurs has more than seventy days to run after the
11 date of the next pending election, the vacancy shall
12 be filled as follows:
13 a. A vacancy occurring forty or more days prior
14 to the next pending election shall be filled at that
15 election. The fact that absentee ballots were
16 distributed or voted before the vacancy occurred or
17 was declared shall not invalidate the election.
18 b. A vacancy occurring less than forty days prior
19 to the next pending election shall be filled by
20 appointment as provided by law until the succeeding
21 pending election.
22 2. When the unexpired term of office in which
23 the vacancy occurs will expire within seventy days
24 after the date of the next pending election, or after
25 the date of a preceding election in which that office

1 was on the ballot, the person elected to the office
2 for the succeeding term shall also be deemed elected
3 to fill the remainder of the unexpired term. If the
4 vacancy is on a multi-member body to which more than
5 one non-incumbent is elected for the succeeding term,
6 the non-incumbent who received the most votes shall
7 be deemed elected to fill the remainder of the
8 unexpired term. A person so elected to fill an unex-
9 pired term shall qualify within the time required
10 by sections sixty-three point three (63.3) and sixty-
11 three point eight (63.8) of the Code. Unless other
12 requirements are imposed by law, qualification for
13 the unexpired term shall also constitute qualification
14 for the full term to which the person was elected."

S—2756 Filed and adopted
April 15, 1974

By CURTIS

S—2758

1 Amend House File 1399 as amended, passed and
2 reprinted by the House, page 14, by inserting after
3 line 10 the following new section, and renumbering
4 the remaining sections:
5 Sec. _____. Section forty-nine point twenty-eight
6 (49.28), Code 1973, as amended by Acts of the Sixty-
7 fifth General Assembly, 1973 Session, chapter one
8 hundred thirty-six (136), section one hundred twenty-
9 nine (129), is amended to read as follows:
10 49.28 COMMISSIONER TO FURNISH REGISTERS AND
11 SUPPLIES. The commissioner shall prepare and furnish
12 to each precinct an election register, and all other
13 books, blanks, materials, and supplies necessary
14 to carry out the provisions of this chapter. Voter
15 registration records shall be kept so that the election
16 register for each precinct contains the names of
17 no electors except those eligible to vote in that
18 precinct. When a precinct lies in more than one
19 political subdivision or district from which any
20 officer is elected, the election register must
21 clearly indicate who are the eligible electors of
22 each political subdivision or district in which the
23 precinct lies. The election register does not need
24 to indicate the eligible electors of school director
25 districts.

S—2758 Filed and adopted
April 15, 1974

By HULTMAN and SHAW

S-2764

1 Amend the Curtis, et al., amendment S-2745, to page
2 5 of House File 1399, as amended, passed and reprinted
3 by the House, as follows:

4 1. Page 1, by adding the following after line 25:
5 "_____. Page 6, by adding the following section after
6 line 11:

7 Sec. _____. Section forty-three point seventy-
8 four (43.74), Code 1973, as amended by Acts of the
9 Sixty-fifth General Assembly, 1973 Session, chapter
10 one hundred thirty-six (136), section forty-nine (49),
11 is amended to read as follows:

12 43.74 CERTIFICATE IN CASE OF ADDITIONAL NOMINA-
13 TIONS. If, after the foregoing certificate has been
14 forwarded, other authorized nominations are certified
15 to the state commissioner, including nominations to
16 be voted on at any time at a special election, the
17 state commissioner shall at once, in the form provided
18 in section 43.74, certify said nominations to the
19 commissioners with a statement showing the reason
20 therefor. Authorized nominations must be submitted
21 to the state commissioner at least forty-five days
22 prior to the general election.

23 2. By renumbering the amendment.

S-2764 Filed and adopted By GLENN and CURTIS
April 15, 1974

S-2761

1 Amend House File 1399, as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 42B, by adding the following section after
4 line 43:

5 Sec. _____. Acts of the Sixty-fifth General
6 Assembly, 1973 Session, chapter one hundred thirty-
7 six (136), section one hundred six (106), lines 99
8 and 100, are amended to read as follows:

9 c. Mobile deputy registrars shall ~~serve without~~
10 ~~compensation from any source~~ be compensated in the
11 same manner as provided by section forty-nine point
12 twenty (49.20) of the Code.

13 2. By renumbering sections to conform with this
14 amendment.

S-2761 Filed and withdrawn By COLEMAN
April 15, 1974

S-2762

1 Amend the Curtis, et al., amendment S-2745, to page
2 5 of House File 1399, page 2, lines 11, 12 and 13 by
3 striking the words "~~if such convention is held follow-~~
4 ~~ing the preceding primary election~~" and inserting in
5 lieu thereof the words "if such convention is held
6 following the preceding primary election".

S-2762 Filed and adopted By WILLITS
April 15, 1974

Senate 5
April 16, 1974

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1 was on the ballot, the person elected to the office
2 for the succeeding term shall also be deemed elected
3 to fill the remainder of the unexpired term. If the
4 vacancy is on a multi-member body to which more than
5 one non-incumbent is elected for the succeeding term,
6 the non-incumbent who received the most votes shall
7 be deemed elected to fill the remainder of the
8 unexpired term. A person so elected to fill an unex-
9 pired term shall qualify within the time required
10 by sections sixty-three point three (63.3) and sixty-
11 three point eight (63.8) of the Code. Unless other
12 requirements are imposed by law, qualification for
13 the unexpired term shall also constitute qualification
14 for the full term to which the person was elected."

S—2756 Filed and adopted
April 15, 1974

By CURTIS

S—2758

1 Amend House File 1399 as amended, passed and
2 reprinted by the House, page 14, by inserting after
3 line 10 the following new section, and renumbering
4 the remaining sections:
5 Sec. _____. Section forty-nine point twenty-eight
6 (49.28), Code 1973, as amended by Acts of the Sixty-
7 fifth General Assembly, 1973 Session, chapter one
8 hundred thirty-six (136), section one hundred twenty-
9 nine (129), is amended to read as follows:
10 49.28 COMMISSIONER TO FURNISH REGISTERS AND
11 SUPPLIES. The commissioner shall prepare and furnish
12 to each precinct an election register, and all other
13 books, blanks, materials, and supplies necessary
14 to carry out the provisions of this chapter. Voter
15 registration records shall be kept so that the election
16 register for each precinct contains the names of
17 no electors except those eligible to vote in that
18 precinct. When a precinct lies in more than one
19 political subdivision or district from which any
20 officer is elected, the election register must
21 clearly indicate who are the eligible electors of
22 each political subdivision or district in which the
23 precinct lies. The election register does not need
24 to indicate the eligible electors of school director
25 districts.

S—2758 Filed and adopted
April 15, 1974

By HULTMAN and SHAW

HOUSE FILE 1399

S-2745

1 Amend House File 1399, as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 5, by adding the following section after
4 line 4:

5 Sec. _____. Section forty-three point fifty-
6 nine (43.59), Code 1973, is amended to read as
7 follows:

8 43.59 DEATH OR RESIGNATION OF CANDIDATES.

9 1. When any primary candidate dies or resigns
10 between the date for filing nomination papers and the
11 holding of the primary election, the appropriate
12 county, legislative district, or state central
13 committee or district convention may place one addi-
14 tional name on the ballot.

15 2. Candidates nominated in primary elections
16 may withdraw their names from the nominations any
17 time prior to sixty-five days preceding the general
18 election and the appropriate county, legislative
19 district, or state central committee or district
20 convention shall designate a person to fill such
21 vacancy. Vacancies shall be filled by the appropri-
22 ate central committee or district convention within
23 five days following the day of such withdrawal.

24 2. Page 6, line 19 by inserting after the word
25 "(two (2))" the words "and subsection two (2)".

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1 3. Page 7A, by adding the following after line 3:

2 "2. Make nominations of candidates for the
3 party to membership in the general assembly when no
4 nomination exists due to the failure of any candidate
5 to file nomination papers for such office, when no
6 candidate for such office has been nominated at the
7 preceding primary election by reason of the failure
8 of any candidate to receive the legally required number
9 of votes cast by such party therefor, or to place a
10 name on the ballot as authorized under section forty-
11 three point fifty-nine (43.59) of the Code if such
12 convention-is-held-following-the-preceding-primary
13 election."

14 4. Page 7A, line 5 by inserting after the figure
15 "(1)" the words and figure "and subsection one (1)".

16 5. Page 7A, line 8 by striking the words "and shall,
17 if".

18 6. Page 7A, by striking lines 9 through 11.

19 7. Page 7A, by adding the following after line 12:

20 "1. When no nomination was made in the primary
21 election for the office of ~~senator-or-representative~~
22 ~~in-the-general-assembly, or of~~ representative in
23 Congress, ~~as-the-case-may-be,~~ because of the failure
24 of a candidate to file nomination papers for such
25 office, failure of any candidate to receive the

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- 1 legally required number of votes cast by his party
- 2 for such candidates, or to place a name on the ballot
- 3 as authorized under subsection one (1) of section
- 4 forty-three point fifty-nine (43.59) of the Code."
- 5 8. Page 7A, lines 27 and 28 by striking the words
- 6 "by: 1. The" and inserting in lieu thereof the
- 7 words "by the".
- 8 9. Page 7A, by striking lines 31 through 35.
- 9 10. Page 7B, by striking line 36.
- 10 11. Page 49, line 18 by striking the words "Section
- 11 fifty point two (50.2), Code 1973, is" and inserting
- 12 in lieu thereof the words "Sections forty-three point
- 13 one hundred six (43.106), Code 1973, as amended by
- 14 Acts of the Sixty-fifth General Assembly, 1973
- 15 Session, chapter one hundred thirty-six (136), sec-
- 16 tion fifty-nine (59), and fifty point two (50.2),
- 17 Code 1973, are".

S-2745 Filed - *Adopted as amended by* By CURTIS, NOLIN, JUNKINS
April 11, 1974 *S-2744 4/15* and SHAW

HOUSE FILE 1399

S-2746

- Amend House File 1399 as follows:
- 1 Amend House File 1399 as follows:
 - 2 1. Page 16A, by striking lines 18 through 35.
 - 3 2. Page 16B, by striking lines 36 through 43.
 - 4 3. Page 17, by striking lines 1 through 6.

S-2746 Filed - *Lost 4-15* By WILLITS
April 11, 1974

HOUSE FILE 1399

S-2747

- Amend House File 1399 as amended, passed, and reprinted by the House as follows:
- 1 Amend House File 1399 as amended, passed, and
 - 2 reprinted by the House as follows:
 - 3 Page 16A, line 30, by inserting after the word
 - 4 "district" the words "of three thousand five hundred
 - 5 or less population".

S-2747 Filed - *Lost 4-15* By WILLITS
April 11, 1974

S-2764

1 Amend the Curtis, et al., amendment S-2745, to page
2 5 of House File 1399, as amended, passed and reprinted
3 by the House, as follows:

4 1. Page 1, by adding the following after line 25:
5 " ". Page 6, by adding the following section after
6 line 11:

7 Sec. . Section forty-three point seventy-
8 four (43.74), Code 1973, as amended by Acts of the
9 Sixty-fifth General Assembly, 1973 Session, chapter
10 one hundred thirty-six (136), section forty-nine (49),
11 is amended to read as follows:

12 43.74 CERTIFICATE IN CASE OF ADDITIONAL NOMINA-
13 TIONS. If, after the foregoing certificate has been
14 forwarded, other authorized nominations are certified
15 to the state commissioner, including nominations to
16 be voted on at any time at a special election, the
17 state commissioner shall at once, in the form provided
18 in section 43.74, certify said nominations to the
19 commissioners with a statement showing the reason
20 therefor. Authorized nominations must be submitted
21 to the state commissioner at least forty-five days
22 prior to the general election.

23 2. By renumbering the amendment.

S-2764 Filed and adopted By GLENN and CURTIS
April 15, 1974

S-2761

1 Amend House File 1399, as amended, passed and re-
2 printed by the House, as follows:
3 1. Page 42B, by adding the following section after
4 line 43:

5 Sec. . Acts of the Sixty-fifth General
6 Assembly, 1973 Session, chapter one hundred thirty-
7 six (136), section one hundred six (106), lines 99
8 and 100, are amended to read as follows:

9 c. Mobile deputy registrars shall ~~serve without~~
10 compensation from any source be compensated in the
11 same manner as provided by section forty-nine point
12 twenty (49.20) of the Code.

13 2. By renumbering sections to conform with this
14 amendment.

S-2761 Filed and withdrawn By COLEMAN
April 15, 1974

S-2762

1 Amend the Curtis, et al., amendment S-2745, to page
2 5 of House File 1399, page 2, lines 11, 12 and 13 by
3 striking the words "~~if such convention is held follow-~~
4 ~~ing the preceding primary election~~" and inserting in
5 lieu thereof the words "if such convention is held
6 following the preceding primary election".

S-2762 Filed and adopted By WILLITS
April 15, 1974

1 Amend House File 1399, as amended, passed and reprinted
 2 by the House, as follows:
 3 1. Page 25A, by striking lines 15 through 34, inclu-
 4 sive, and inserting in lieu thereof the following:
 5 "1973, is amended by striking the section and insert-
 6 ing in lieu thereof the following:
 7 69.12 OFFICERS ELECTED TO FILL VACANCIES --
 8 TENURE. Vacancies in elective offices in any district
 9 shall be filled as follows:
 10 1. When the unexpired term to be filled has more
 11 than seventy days to run after the day of the elec-
 12 tion, it shall be filled as follows:
 13 a. If the vacancy to be filled occurs forty or
 14 more days prior to the election, it shall be filled
 15 at the election; or
 16 b. If the vacancy to be filled occurs within
 17 forty days of the election, it shall be filled by
 18 appointment as provided by law until the election
 19 next following the pending election. If the vacancy
 20 to be filled is by election under paragraph a of this
 21 subsection, the fact that absentee ballots were dis-
 22 tributed or voted before the vacancy was declared
 23 shall not be cause for contesting the election.
 24 2. When the unexpired term to be filled has
 25 seventy or less days to run after the day of the

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1 election (including a vacancy occurring after the
 2 election), it shall be filled as follows:
 3 a. The person elected to serve the succeeding
 4 term shall be deemed to have been elected to fill the
 5 remainder of the unexpired term; or
 6 b. In the case of multiple elections to a board
 7 or commission, such as the board of supervisors, the
 8 non-incumbent officer-elect who received the most
 9 votes shall be deemed to have been elected to fill
 10 the remainder of the unexpired term.
 11 The person elected to fill an unexpired term must
 12 qualify within the time provided by sections sixty-
 13 three point three (63.3) and sixty-three point eight
 14 (63.8) of the Code. Failure to qualify for the unex-
 15 pired term within the times provided shall constitute
 16 a vacancy for the unexpired term and the full term to
 17 which the person was elected. Qualification required
 18 to fill the unexpired term shall be deemed sufficient
 19 qualification for the full term to which the person
 20 was elected.
 21 For the purposes of this section:
 22 "District" means any political subdivision of this
 23 state, including state legislative districts.
 24 District does not include United States congressional
 25 districts.

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1 "Election" means the next regular election held in
 2 the district, or the first election called for any
 3 purpose in the district. Election does not include a
 4 primary election.

S-2749

1 Amend House File 1399 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 42B, by inserting after line 43 the follow-
4 ing new section:

5 Sec. ____ . Acts of the Sixty-fifth General As-
6 sembly, 1973 Session, chapter one hundred thirty-six
7 (136), section one hundred six (106), subsection
8 one (1) and paragraph b are amended to read as fol-
9 lows:

10 1. Mobile deputy registrars shall be appointed
11 by the county commissioner of registration not more
12 than one hundred eighty days prior to any general
13 election or not more than one hundred twenty days
14 prior to any primary, general, or partisan city elec-
15 tion, or any election held pursuant to section sixty-
16 nine point fourteen (69.14) of the Code, in accord-
17 ance with the following guidelines:

18 b. Each political party shall submit lists of
19 nominees, ~~not later than sixty days prior to the~~
20 ~~election,~~ and may request not more than one person
21 for each one thousand six hundred (1,600) residents
22 or major fraction thereof in the county to be ap-
23 pointed as mobile deputy registrars.

24 2. By renumbering the remaining sections as neces-
25 sary.

S-2749 Filed - *adopted 4/15*
April 11, 1974

By WILLITS

S-2748

1 Amend House File 1399 as amended, passed, and reprinted
2 by the House as follows:

3 1. Page 11A by inserting after line 5 the following:

4 "If double counting boards are not appointed for
5 precincts using paper ballots and using only three pre-
6 cinct election officials a fourth precinct election offic-
7 ial shall be appointed from the election board panel to serve
8 beginning at 8:00 P.M. to assist in counting the paper
9 ballots."

10 2. Page 42B, line 57 by striking the word "If" and
11 inserting in lieu thereof the word "Until".

12 3. Page 42B, line 58 by striking the word "Not".

13 4. Page 44A, line 27 by striking the words "August 30"
14 and inserting in lieu thereof the words "July 1".

S-2748 Filed - *1, 2, 3 - adopted*
April 11, 1974 *4 - withdrawn 4/15 (1345)* By WILLITS

S-2770

1 Amend House File 1399, as amended, passed and
2 reprinted by the House, page 42A, line 21, by
3 striking "~~five-thousand~~" and inserting in lieu
4 thereof the following: "five thousand dollars per
5 contract in the case of contracts for the printing
6 of ballots or, in the case of other services,".

S-2770 Filed and adopted
April 15, 1974

By HANSEN and KINLEY

S-2694

1 Amend House File 1399 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 10, by inserting after line 19 the
4 following:

5 3. Notwithstanding the provisions of the
6 first unnumbered paragraph of this section the
7 commissioner may consolidate precincts for any
8 election including a primary and general election
9 if one of the precincts involved consists entirely
10 of dormitories that are closed at the time the
11 election is held.

12 2. Page 22A, by inserting after line 10 the
13 following new section:

14 Sec. ____ . Section fifty-two point twenty-
15 two (52.22), Code 1973, unnumbered paragraph one
16 (1), as amended by the Acts of the Sixty-fifth General
17 Assembly, 1973 Session, chapter one hundred thirty-
18 six (136), section two hundred thirty (230), is
19 amended to read as follows:

20 The judges of election shall, as soon as the
21 count is completed and fully ascertained as in
22 this chapter required, lock the machine against
23 voting, and it shall so remain until thirty days
24 after the proclamation of the results of said
25 election, except that it shall remain locked only

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1 ten days after a primary election, including a city
2 primary election, if such election is not contested.
3 However, if the machines in any precinct are so
4 constructed as to deliver, immediately upon conclu-
5 sion of the voting at any election, multiple copies
6 of a printed record of the votes cast and the totals
7 for each candidate or question appearing on the
8 face of the machine, the machines may be unlocked
9 ~~upon expiration of the time for requesting a recount~~
10 ~~of votes in a primary election or for contesting any~~
11 ~~other election;~~ immediately following the canvass
12 of votes unless the precinct election board informs
13 the commissioner that the printed record produced
14 by the machine is smeared, torn or otherwise un-
15 readable. In the latter case, the machines shall
16 be kept locked for the period of time prescribed
17 for machines which do not print such a record.

S-2694 Filed - *Adopted 4/15*
April 8, 1974

By MURRAY

S-2590

1 Amend House File 1399, as amended, passed, and re-
2 printed by the House, page 1, line 2 by striking
3 the words and figure "House File 745" and inserting
4 in lieu thereof the words and figures "Chapter one
5 hundred thirty-six (136)".

S-2590 Filed - *Adopted 4/15*
March 27, 1974

By SHAW

S-2612

1 Amend House File 1399, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 32, by striking lines 26 through 35, and
5 33A by striking lines 1 through 8.
6 2. By renumbering sections to conform with the
7 amendment.

S-2612 Filed - *Lo 4/15*
March 28, 1974

By WINKELMAN

S-2730

1 Amend House File 1399, as amended, passed and re-
2 printed by the House, page 49, line 21, by striking
3 the word and figure "April 15" and inserting in lieu
4 thereof the word and figure "April 26".

S-2730 Filed - *Adopted 4/15*
April 10, 1974

By SHAW