

Iowa State Govt. 5/31

MAY 7 1973

Place On Calendar

House Concurred
53-41 6-18-73

HOUSE FILE

745

By COMMITTEE ON STATE GOVERNMENT
(Committee on State Government)

Failed

~~Passed~~ House, Date 5-23-73 (1529) Passed Senate, Date 6-14-73 (1772)

Vote: Ayes 50 Nays 45 Vote: Ayes 28 Nays 21

Approved June 29, 1973
Motion to reconsider filed 5/23 (1529) followed 5/23
House 5-23-73 (1531)
55-42

Motion to reconsider lost 5/23 (1533) **A BILL FOR**

1 An Act to require permanent registration of all voters in
2 the state, to revise and clarify laws prescribing proce-
3 dures for preparing for, giving notice of, conducting
4 and canvassing elections, and establishing the terms of
5 office of certain elected officers, to more effectively
6 implement previous legislation placing the county com-
7 missioner of elections responsibility for conducting
8 city, school and other elections, and reducing the penalty
9 for certain violations.

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

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1 Section 1. Section thirty-nine point one (39.1), Code
2 1973, is amended to read as follows:

3 39.1 GENERAL ELECTION. The general election ~~for-state,~~
4 ~~district,-county,-and-township-officers~~ shall be held through-
5 out the state on the first Tuesday, ~~-next~~ after the first
6 Monday in November of each even-numbered year.

7 Sec. 2. Section thirty-nine point two (39.2), Code 1973,
8 is amended to read as follows:

9 39.2 SPECIAL ELECTION. Special elections authorized by
10 law, or held to fill vacancies in any office to be filled
11 by the vote of the qualified voters of the entire state or
12 of any district, county, or township may be held at the time
13 designated by such law, or by the officer authorized to order
14 such election. A special election may be held at the same
15 time as a general election, primary election, city election
16 or school election.

17 Sec. 3. Section thirty-nine point three (39.3), Code 1973,
18 is amended by striking the section and inserting in lieu
19 thereof the following:

20 39.3 ELECTION LAW DEFINITIONS. The definitions established
21 by this section shall apply wherever the terms so defined
22 appear in this chapter and in chapters forty-three (43),
23 forty-four (44), forty-five (45) and forty-seven (47) through
24 fifty-three (53), inclusive, of the Code unless the context
25 in which any such term is used clearly requires otherwise.

26 1. "Eligible elector" means a person who possesses all
27 of the qualifications necessary to entitle him to be registered
28 to vote, whether or not he is in fact so registered.

29 2. "Qualified elector" means a person who is registered
30 to vote pursuant to chapter forty-eight (48) of the Code.

31 3. "General election" means the biennial election for
32 national or state officers, members of Congress and of the
33 general assembly, county and township officers, and for the
34 choice of other officers or the decision of questions as
35 provided by law.

1 4. "Primary election" means that election by the members
2 of various political parties for the purpose of placing in
3 nomination candidates for public office held as required by
4 chapter forty-three (43) of the Code.

5 5. "City election" means any election held in a city for
6 nomination or election of the officers thereof.

7 6. "School election" means that election held pursuant
8 to section two hundred seventy-seven point one (277.1) of
9 the Code.

10 7. "Special election" means any other election held for
11 any purpose authorized or required by law.

12 8. "Election" means a general election, primary election,
13 city election, school election or special election.

14 9. "City" means a municipal corporation including a town,
15 but not including a county, township, school district, or
16 any special purpose district or authority. When used in
17 relation to land area, "city" includes only the land area
18 within the city limits.

19 10. "Commissioner" means the county commissioner of
20 elections.

21 11. "State commissioner" means the state commissioner
22 of elections.

23 12. "Absentee ballot" means any ballot authorized by chap-
24 ter fifty-three (53) of the Code.

25 Sec. 4. Section thirty-nine point four (39.4), Code 1973,
26 is amended to read as follows:

27 39.4 PROCLAMATION CONCERNING REVISION OF CONSTITUTION.

28 In the years in which the Constitution requires a vote on
29 the question of calling a convention and revising the
30 Constitution, the governor shall at least sixty days before
31 the general election issue a proclamation directing that at
32 the general election there be proposed to the people the
33 following question shall-be-included-in-said-proclamation:

34 "Shall there be a convention to revise the Constitution
35 and amend the same?"

1 Sec. 5. Section thirty-nine point six (39.6), Code 1973,
2 is amended to read as follows:

3 39.6 NOTICE OF SPECIAL ELECTION. A ~~similar~~ proclamation
4 shall be issued before any ~~special~~ election ordered by the
5 governor, designating the office to be filled or the public
6 question to be submitted at the election and the time at which
7 such ~~special~~ election shall be held; and the sheriff
8 commissioner of each county in which such election is to be
9 held shall give notice thereof, as provided in section 39.5
10 forty-nine point fifty-three (49.53) of the Code.

11 Sec. 6. Section thirty-nine point eight (39.8), Code 1973,
12 is amended to read as follows:

13 39.8 TERM OF OFFICE. The term of office of all officers
14 chosen at a general election for a full term shall commence
15 on the ~~second-secular~~ first day of January ~~next-thereafter~~
16 following the election which is not a Sunday or legal holiday,
17 except when otherwise provided by the Constitution or by
18 statute; that of an officer chosen to fill a vacancy shall
19 commence as soon as he has qualified therefor.

20 Sec. 7. Section thirty-nine point nine (39.9), Code 1973,
21 is amended to read as follows:

22 39.9 STATE OFFICERS--TERM. The governor, lieutenant
23 governor, secretary of state, auditor of state, treasurer
24 of state, secretary of agriculture, and attorney general shall
25 held-office be elected for a term of ~~two~~ four years at the
26 general election held in the year 1974 and every four years
27 thereafter.

28 Sec. 8. Section thirty-nine point seventeen (39.17), Code
29 1973, is amended to read as follows:

30 39.17 COUNTY OFFICERS. There shall be elected in each
31 county at the general election to be held in the year ~~1960~~
32 1976 and every four years thereafter, a clerk of the district
33 court, an auditor and a sheriff who shall hold office for
34 a term of four years.

35 There shall be elected in each county ~~a-treasurer-and-a~~

1 ~~recorder-of-deeds~~ at the general election to be held in 1962
2 1974 and each four years thereafter, a treasurer, a recorder
3 and a county attorney who ~~such-officers~~ shall be-elected-and
4 hold office for a term of four years.

5 ~~There-shall-be-elected-in-each-county,-at-the-general~~
6 ~~election,-a-county-attorney-who-shall-hold-office-for-a-term~~
7 ~~of-four-years,-~~

8 Sec. 9. Section thirty-nine point eighteen (39.18), Code
9 1973, is amended to read as follows:

10 39.18 BOARD OF SUPERVISORS AND TOWNSHIP TRUSTEES. There
11 shall be elected, biennially, in counties and townships, mem-
12 bers of the board of supervisors and township trustees,
13 respectively, ~~for-a-term-of-four-years~~ to succeed those whose
14 terms of office will expire on the ~~second-secular~~ first day
15 of January following ~~said~~ the election which is not a Sunday
16 or legal holiday. The term of office of any each supervisor
17 or trustee, ~~taking-office-for-a-four-year-term-one-year-later~~
18 ~~than-the-January-next-succeeding-his-election,-shall,-at-the~~
19 ~~general-election-which-next-precedes-by-more-than-one-year~~
20 ~~the-expiration-of-his-term,-be-refilled-by-a-member-elected~~
21 ~~to-a-three-year-term-or-a-five-year-term-to-be-specified-on~~
22 ~~the-ballot-as-determined-by-the-board,-so-that-the-terms-of~~
23 ~~no-more-than-a-bare-majority-of-the-board-will-expire-in-the~~
24 ~~same-year,-~~ Thereafter-all-succeeding-members-shall-be-elected
25 to-four-year-terms shall be four years, except as otherwise
26 provided by section three hundred thirty-one point twenty-
27 five (331.25), subsection two (2), and section three hundred
28 thirty-one point twenty-six (331.26), subsection four (4).

29 Sec. 10. Chapter thirty-nine (39), Code 1973, is amended
30 by adding the following new section:

31 NEW SECTION. OFFICERS OF CITIES. The times at which
32 officers of cities shall be elected and their terms of office
33 shall be as provided by or established pursuant to Acts of
34 the Sixty-fourth General Assembly, 1972 Session, chapter one
35 thousand eighty-eight (1088), sections sixty-one (61) and

1 sixty-two (62). However, the times at which officers of
 2 cities and towns shall be elected and their terms of office
 3 shall be governed until July 1, 1974 by sections three hundred
 4 sixty-three point eight (363.8), three hundred sixty-three
 5 point nine (363.9), three hundred sixty-three point ten
 6 (363.10), three hundred seventy point one (370.1), three
 7 hundred seventy-two point three (372.3) and three hundred
 8 eighty point one (380.1), Code 1973, in the respective cities
 9 and towns to which these sections are applicable.

10 Sec. 11. Chapter thirty-nine (39), Code 1973, is amended
 11 by adding the following new section:

12 NEW SECTION. SCHOOL OFFICERS. Members of county boards
 13 of education, boards of directors of community and independent
 14 school districts, and boards of directors of merged areas
 15 shall be elected at the school election. Their respective
 16 terms of office shall be three years, except as otherwise
 17 provided by sections two hundred seventy-four point seven
 18 (274.7) and two hundred eighty A point twelve (280A.12) of
 19 the Code.

20 Sec. 12. Section forty-three point one (43.1), Code 1973,
 21 is amended to read as follows:

22 43.1 "PRIMARY ELECTION" ~~DEFINED~~ CONSTRUED. The term "~~term-~~
 23 primary election~~-as-used-in~~ required by this chapter shall
 24 be construed to ~~apply-to~~ be an election by the members of
 25 various political parties for the purpose of placing in
 26 nomination candidates for public office.

27 Sec. 13. Section forty-three point two (43.2), Code 1973,
 28 is amended to read as follows:

29 43.2 "POLITICAL PARTY" DEFINED. The term "political
 30 party" shall mean a party which, at the last preceding general
 31 election, cast for its candidate for president of the United
 32 States or for governor, as the case may be, at least two
 33 percent of the total vote cast for all candidates for that
 34 office at said that election. It shall be the responsibility
 35 of the state commissioner to determine whether any organization

1 claiming to be a political party qualifies as such under the
2 foregoing definition.

3 A political organization which is not a "political party"
4 within the meaning of this section may nominate candidates
5 and have the names of such candidates placed upon the official
6 ballot by proceeding under chapters 44 and 45.

7 Sec. 14. Section forty-three point five (43.5), Code 1973,
8 is amended to read as follows:

9 43.5 APPLICABLE STATUTES. The provisions of chapters
10 thirty-nine (39), forty-seven (47), forty-eight (48), 49,
11 50, fifty-one (51), fifty-two (52), fifty-three (53), fifty-
12 six (56) fifty-seven (57), fifty-eight (58), fifty-nine (59),
13 sixty-one (61), sixty-two (62) and 738 shall apply, so far
14 as applicable, to all said primary elections, except as
15 hereinafter provided.

16 Sec. 15. Section forty-three point eight (43.8), Code
17 1973, is amended to read as follows:

18 43.8 ~~SECRETARY-OF-STATE~~ STATE COMMISSIONER TO FURNISH
19 BLANKS. The ~~secretary-of~~ state commissioner shall, at state
20 expense, furnish blank nomination papers, in the form provided
21 in this chapter, to any qualified elector who desires to
22 petition for the nomination of any candidate, or to any person
23 who intends to be a candidate, for any office for which
24 nomination papers are required to be filed in his office.

25 Sec. 16. Section forty-three point nine (43.9), Code 1973,
26 is amended to read as follows:

27 43.9 ~~COUNTY-AUDITOR~~ COMMISSIONER TO FURNISH BLANKS. The
28 ~~county-auditor~~ commissioner shall, at county expense, perform
29 the duty specified in section 43.8, as to all offices for
30 which nomination papers are required to be filed in his office.

31 Sec. 17. Section forty-three point ten (43.10), Code 1973,
32 is amended to read as follows:

33 43.10 BLANKS FURNISHED BY OTHERS. Blank nomination papers
34 which are in form substantially as provided by this chapter
35 may be used even though not furnished by the ~~secretary-of~~

1 state commissioner or ~~county-auditor~~ commissioner.

2 Sec. 18. Section forty-three point fourteen (43.14), Code
3 1973, is amended to read as follows:

4 43.14 FORM OF NOMINATION PAPERS. All nomination papers
5 shall be about eight and one-half by thirteen inches in size
6 and in substantially the following form:

7 "I, the undersigned, ~~a-qualified~~ an eligible elector of
8 county or legislative district, and state
9 of Iowa, ~~and-a-member-of-the-----party~~, hereby
10 nominate of county
11 or legislative district, state of Iowa, who has affiliated
12 with and is a member of the party, as
13 a candidate for the office of to be voted
14 for at the primary election to be held ~~in-June,-19~~ on. . .
15 ."

16 No signatures shall be counted unless they are on sheets
17 each having such form written or printed at the top thereof.
18 Nomination papers on behalf of candidates for seats in the
19 general assembly need only designate the number of the
20 senatorial or representative district, as appropriate, and
21 not the county or counties, in which the candidate and the
22 petitioners reside.

23 Sec. 19. Section forty-three point seventeen (43.17),
24 Code 1973, is amended to read as follows:

25 43.17 AFFIDAVIT TO NOMINATION PAPERS. The affidavit of
26 ~~a-qualified~~ an eligible elector, other than the candidate,
27 shall be appended to each such nomination paper, or papers,
28 if more than one for any candidate, stating that ~~he-is~~
29 ~~personally-acquainted-with~~ to the best of his knowledge and
30 belief all the persons who have signed the ~~same,-that-he-knows~~
31 ~~them-to-be~~ paper or papers are electors of that county or
32 legislative district ~~and-believes-them-to-be-affiliated-with~~
33 ~~the-party-named-therein~~; that ~~he-knows-that~~ they signed the
34 same with full knowledge of the contents thereof; that their
35 respective residences are truly stated therein; and that each

1 2. If for a representative in Congress, in districts
2 composed of more than one county, by at least two percent
3 of the voters of his party, as shown by the last general elec-
4 tion, in each of at least one-half of the counties of the
5 district, and in the aggregate not less than one percent of
6 the total vote of his party in such district, as shown by
7 the last general election. If for a representative in the
8 general assembly, not less than fifty voters of the
9 representative district; and if for a senator in the general
10 assembly, not less than one hundred voters of the senatorial
11 district.

12 3. If for an office to be filled by the voters of the
13 county, by at least two percent of the party vote in the
14 county, as shown by the last general election, or by at least
15 one hundred persons, whichever is less.

16 In each of the above cases, the vote to be taken for the
17 purpose of computing the percentage shall be the vote cast
18 for president of the United States or for governor, as the
19 case may be.

20 No candidate for public office shall cause nomination
21 papers to remain filed in the office of the ~~secretary-of~~ state
22 commissioner or ~~county-auditor~~, the commissioner on the last
23 day for filing nomination papers, for more than one office
24 to be filled at the primary election.

25 Any candidate for public office, to be voted for at a
26 primary election, who has filed nomination papers for more
27 than one office shall, not later than the final date for
28 filing, notify the ~~secretary-of~~ state commissioner or ~~county~~
29 ~~auditor~~ the commissioner by affidavit, for which office he
30 elects to be a candidate, which in no case shall be more than
31 one. In the event no such election is made by such date by
32 the candidate, the ~~secretary-of~~ state commissioner shall not
33 certify his name to be placed on the ballot for any office
34 nor shall the ~~county-auditor~~ commissioner place his name on
35 the ballot in any county.

1 Sec. 22. Section forty-three point twenty-one (43.21),
2 Code 1973, is amended to read as follows:

3 43.21 TOWNSHIP OR-PRECINCT OFFICE. The name of a candi-
4 date for an office to be filled by the voters of any sub-
5 division of a county shall be printed on the official primary
6 ballot of his party:

7 1. If a nomination paper signed by ten qualified voters
8 of said subdivision is filed in his behalf with the ~~county~~
9 ~~auditer~~ commissioner at least fifty-five days prior to such
10 primary election, or

11 2. If the candidate files with the ~~county-auditer com-~~
12 ~~missioner~~, fifty-five days prior to such primary election,
13 his personal affidavit as provided by section 43.18.

14 Sec. 23. Section forty-three point twenty-two (43.22),
15 Code 1973, is amended to read as follows:

16 43.22 NOMINATIONS CERTIFIED. The ~~secretary-of state com-~~
17 ~~missioner~~ shall, at least fifty-five days before a primary
18 election, furnish to the commissioner of each county ~~auditer~~
19 a certificate under his hand and seal, which certificate shall
20 show:

21 1. The name and post-office address of each person for
22 whom a nomination paper has been filed in his office, and
23 for whom the voters of said county have the right to vote
24 at said election.

25 2. The office for which such person is a candidate.

26 3. The political party from which such person seeks a
27 nomination.

28 Sec. 24. Section forty-three point twenty-five (43.25),
29 Code 1973, is amended to read as follows:

30 43.25 CORRECTION OF ERRORS. The ~~county-auditer commis-~~
31 ~~sioner~~ shall correct any errors or omissions in the names
32 of candidates and any other errors brought to his knowledge
33 before the printing of the ballots.

34 Sec. 25. Section forty-three point twenty-seven (43.27),
35 Code 1973, is amended to read as follows:

1 43.27 PRINTING OF BALLOTS. The ballots of each political
 2 party shall be printed in black ink, on separate sheets of
 3 paper, uniform in color, quality, texture, and size, with
 4 the name of the political party printed at the head of said
 5 ballots, which ballots shall be prepared by the **county-auditor**
 6 commissioner in the same manner as for the general election,
 7 except as in this chapter provided.

8 Sec. 26. Section forty-three point twenty-eight (43.28),
 9 Code 1973, is amended to read as follows:

10 43.28 NAMES OF CANDIDATES--ARRANGEMENT. The names of
 11 all candidates for offices shall be arranged and printed upon
 12 the primary election ballots ~~in-the-following-manner:--The~~
 13 ~~county-auditor-shall-prepare-a-list-of-the-election-precincts~~
 14 ~~of-his-county,-by-arranging-the-various-townships,-towns,-~~
 15 ~~and-cities-in-the-county-in-alphabetical-order,-and-the-wards~~
 16 ~~or-precincts-of-each-city,-town,-or-township-in-numerical~~
 17 ~~order-under-the-name-of-such-city,-town,-or-township.--He~~
 18 ~~shall-then-arrange-the-surnames-of-all-candidates-for-such~~
 19 ~~offices-alphabetically-for-the-respective-offices-for-the~~
 20 ~~first-precinct-in-the-list,-thereafter,-for-each-succeeding~~
 21 ~~precinct,-the-names-appearing-first-for-the-respective-offices~~
 22 ~~in-the-last-preceding-precinct-shall-be-placed-last,-so-that~~
 23 ~~the-names-that-were-second-before-the-change-shall-be-first~~
 24 ~~after-the-change:--The-procedure-for-arrangement-of-names~~
 25 ~~on-ballots-provided-in-this-section-shall-likewise-be~~
 26 ~~substantially-followed-in-primary-elections-in-political~~
 27 ~~subdivisions-of-less-than-a-county~~ under the direction of
 28 the commissioner. If there are more candidates for nomination
 29 by a political party to an office than the number of persons
 30 to be elected to that office at the general election, the
 31 names of the candidates of that party for that nomination
 32 shall be rotated on the primary election ballot by the
 33 commissioner in the manner prescribed by section forty-nine
 34 point thirty-one (49.31) of the Code.

35 Sec. 27. Section forty-three point thirty (43.30), Code

1 1973, is amended to read as follows:

2 43.30 SAMPLE BALLOTS. The ~~county-auditor~~ commissioner
3 shall take from the official printed ballots of each precinct
4 ~~ten~~ a suitable number of ballots of each political party,
5 and shall write or stamp, in red ink, near the top of each
6 ballot, the words "sample ballot" and shall sign or stamp
7 his official signature thereunder. Said ballots shall be
8 delivered to the judges, but shall not be voted, received,
9 or counted. Said judges shall, before the opening of the
10 polls, cause said sample ballots to be posted in and about
11 the polling places.

12 Sec. 28. Section forty-three point thirty-six (43.36),
13 Code 1973, is amended to read as follows:

14 43.36 AUSTRALIAN BALLOT. The Australian ballot system
15 as now used in this state, except as herein modified, shall
16 be used at said primary election. The endorsement of the
17 judges and the facsimile of the ~~auditor's~~ commissioner's
18 signature shall appear upon the ballots as provided for general
19 elections.

20 Sec. 29. Section forty-three point forty-one (43.41),
21 Code 1973, is amended to read as follows:

22 43.41 CHANGE OF PARTY AFFILIATION BEFORE PRIMARY. Any
23 qualified elector, who, having declared his party affiliation,
24 desires to change the same, may, ~~not less than ten days prior~~
25 ~~to the date of any~~ before the close of registration for the
26 primary election, file a written declaration ~~with the county~~
27 ~~auditor~~ stating his change of party affiliation, ~~and the~~
28 ~~auditor~~ with the county commissioner of registration who shall
29 enter a record notation of such change on the ~~pollbooks of~~
30 ~~the last preceding primary election in the proper column~~
31 ~~opposite the voter's name and on the voting list~~ registration
32 records.

33 Sec. 30. Section forty-three point forty-two (43.42),
34 Code 1973, is amended to read as follows:

35 43.42 NEW-VOTERS CHANGE OR DECLARATION OF PARTY AFFILIATION

1 AT POLLS. Any qualified elector ~~whose-party-affiliation-has~~
 2 ~~not-for-any-reason,-been-registered,-or-any-electer-who-has~~
 3 ~~changed-his-residence-to-another-precinct,-or-a-first-voter~~
 4 ~~or-citizen-of-this-state-casting-his-first-vote-in-this-state,~~
 5 may change or declare his party affiliation at the polls on
 6 election day and shall be entitled to vote at any primary
 7 ~~election by-declaring-his-party-affiliation-at-the-time-of~~
 8 ~~voting.~~

9 Sec. 31. Section forty-three point forty-five (43.45),
 10 subsections six (6) and eight (8), Code 1973, are amended
 11 to read as follows:

12 6. Seal the ~~pollbooks,-containing~~ precinct election
 13 register and the tally sheets and certificates of the elec-
 14 tion judges, in an envelope, on the outside of which are
 15 written or printed in perpendicular columns the names of the
 16 several political parties with the names of the candidates
 17 for the different offices under their party name, and opposite
 18 each candidate's name enter the number of votes cast for such
 19 candidate in said precinct.

20 8. Communicate the results of the ballots cast for each
 21 candidate for office upon the ticket of each political party,
 22 ~~by-telephone-or-telegraph-or-in-person~~ in the manner required
 23 by section fifty point eleven (50.11) of the Code, to the
 24 ~~county-auditer~~ commissioner of the county in which said polls
 25 are located; ~~and-the-county-auditer~~ , who shall remain on
 26 duty until the results are communicated to him from each
 27 polling place in the county.

28 Sec. 32. Section forty-three point forty-six (43.46),
 29 Code 1973, is amended to read as follows:

30 43.46 DELIVERING RETURNS. Said judges and clerks shall
 31 deliver ~~said-pollbooks~~ the election register, tally sheets,
 32 certificates, envelopes containing ballots, and all unused
 33 supplies ~~to-the-county-auditer~~ , within twenty-four hours
 34 after the close of the polls; ~~Said-auditer~~ , to the
 35 commissioner who shall carefully preserve ~~said~~ the returns

1 and envelopes in the condition in which received and deliver
2 them to the county board of canvassers.

3 Sec. 33. Section forty-three point forty-seven (43.47),
4 Code 1973, is amended to read as follows:

5 43.47 MESSENGER SENT FOR RETURNS. If the returns from
6 any precinct are not delivered as provided in section 43.46,
7 the ~~county-auditor~~ commissioner shall forthwith send a
8 messenger for ~~any-such~~ the missing returns, and ~~said the~~
9 messenger shall be paid as provided by section fifty point
10 forty-seven (50.47) of the Code for such services ~~in-the~~
11 ~~general-election-law~~.

12 Sec. 34. Section forty-three point forty-nine (43.49),
13 unnumbered paragraph one (1), Code 1973, is amended to read
14 as follows:

15 On the ~~Friday-next~~ Monday following the primary election,
16 the board of supervisors shall meet, open and canvass the
17 returns from each voting precinct in the county, and make
18 abstracts thereof, stating in words written at length:

19 Sec. 35. Section forty-three point fifty (43.50), Code
20 1973, is amended to read as follows:

21 43.50 SIGNING AND FILING OF ABSTRACT. The members of
22 the board shall sign said abstracts and certify to the
23 correctness thereof, and file the same with the ~~county-auditor~~
24 commissioner.

25 Sec. 36. Section forty-three point fifty-two (43.52),
26 Code 1973, is amended to read as follows:

27 43.52 ~~WHO-NOMINATED~~ NOMINEES FOR COUNTY OFFICE-WRITE-IN
28 CANDIDATES. The candidate or candidates of each political
29 party for ~~each~~ nomination for any office to be filled by the
30 voters of the county ~~having-received~~ receiving the highest
31 number of votes, ~~and-not-less-than-thirty-five-percent-of~~
32 ~~all-the-votes~~ cast by the voters of that party for nomination
33 to such that office, shall be ~~duty-and-legally-nominated-as~~
34 the candidate or candidates of ~~his~~ that party for ~~such that~~
35 office in the general election, ~~except-that-no-candidate-whose~~

1 ~~name-is-not-printed-on-the-official-ballot-who-receives-less~~
2 ~~than-ten-percent-of-the-whole-number-of-votes-cast-in-the~~
3 ~~county-for-governor-on-the-party-ticket-with-which-he~~
4 ~~affiliates,-at-the-last-general-election,-shall-be-declared~~
5 ~~to-have-been-nominated-to-any-such-office.~~ However, if the
6 number of candidates for any one office is more than twice
7 the number of nominations to be made for that office and none
8 of the candidates receives a number of votes equal to or
9 exceeding thirty-five percent of the number of electors of
10 his party casting votes for candidates for that office, the
11 primary is inconclusive and the nomination or nominations
12 shall be made as provided by section forty-three point ninety-
13 seven (43.97), subsection one (1), of the Code.

14 Sec. 37. Section forty-three point fifty-three (43.53),
15 Code 1973, is amended to read as follows:

16 43.53 ~~WHO-NOMINATED-FOR-TOWNSHIP-OFFICE~~ NOMINEES FOR
17 SUBDIVISION OFFICE--WRITE-IN CANDIDATES. The candidate or
18 candidates of each political party for ~~each~~ nomination for
19 any office to be filled by the voters of any subdivision of
20 a county ~~having-received~~ receiving the highest number of votes
21 cast by voters of that party for nomination to that office
22 shall be ~~duly-and-legally-nominated-as~~ the candidate or
23 candidates of ~~his~~ that party for ~~such~~ that office, ~~-except~~
24 ~~that~~ in the general election. However, no candidate whose
25 name is not printed on the official primary ballot, ~~-who~~
26 ~~receives-less-than~~ may be declared nominated as a candidate
27 in the general election unless he receives at least five votes
28 or a number of votes equal to at least five percent of the
29 votes cast in such the subdivision at the last general election
30 for the party's candidate for president of the United States
31 or for governor, as the case may be, whichever is greater
32 ~~on-the-party-ticket-with-which-he-affiliates,-at-the-last~~
33 ~~general-election,-nor-less-than-five-votes,-shall-be-declared~~
34 ~~to-have-been-nominated-to-any-such-office.~~

35 Sec. 38. Section forty-three point fifty-six (43.56),

1 Code 1973, is amended to read as follows:

2 43.56 RECOUNT. Any candidate whose name appears upon
3 the official primary ballot of any voting precinct may require
4 the board of supervisors of the county in which such precinct
5 is situated to recount the ballots cast in any such precinct
6 as to the office for which he was a candidate, by filing with
7 the ~~county-auditor~~ commissioner not later than one o'clock
8 p.m. on ~~Wednesday~~ Friday after the official canvass made by
9 the board of supervisors is finished, a showing in writing,
10 duly sworn to by such candidate, that fraud was committed,
11 or error or mistake made, in counting or returning the votes
12 cast in any such precinct as to the office for which he was
13 a candidate.

14 Sec. 39. Section forty-three point sixty (43.60), Code
15 1973, is amended to read as follows:

16 43.60 ABSTRACTS TO ~~SECRETARY-OF~~ STATE COMMISSIONER. The
17 county board of canvassers shall also make a separate abstract
18 of the canvass as to the following offices and certify to
19 the same and forthwith forward it to the ~~secretary-of~~ state
20 commissioner, viz:

- 21 1. United States senator.
- 22 2. All state offices.
- 23 3. Representative in Congress.
- 24 4. Senators and representatives in the general assembly.

25 Sec. 40. Section forty-three point sixty-one (43.61),
26 Code 1973, is amended to read as follows:

27 43.61 RETURNS FILED AND ABSTRACTS RECORDED. When the
28 canvass is concluded, the board shall deliver the original
29 returns to the ~~auditor~~ commissioner, who shall file the same
30 and record each of the abstracts mentioned in section 43.60,
31 in the election book.

32 Sec. 41. Section forty-three point sixty-three (43.63),
33 Code 1973, is amended to read as follows:

34 43.63 CANVASS BY STATE BOARD. On the second ~~Wednesday~~
35 Friday after the June primary election, the executive council

1 shall meet as a canvassing board, and open and canvass the
2 abstract returns received from each county in the state.
3 The board shall make an abstract of its canvass, stating in
4 words written at length, the number of ballots cast by each
5 political party, separately, for each office designated in
6 the abstracts forwarded to the ~~secretary-of~~ state commissioner,
7 the names of all the persons voted for, and the number of
8 votes received by each person for each office, and shall sign
9 and certify thereto.

10 Sec. 42. Section forty-three point sixty-five (43.65),
11 Code 1973, is amended to read as follows:

12 43.65 WHO NOMINATED. The candidate of each political
13 party for nomination for each office to be filled by ~~vote~~
14 ~~of-the-people~~ the voters of the entire state, and for each
15 seat in the United States house of representatives, the Iowa
16 house of representatives and each seat in the Iowa senate
17 which is to be filled, ~~having-received~~ who receives the highest
18 number of votes ~~in-the-state-or-district-of-the-state, as~~
19 ~~the-case-may-be, provided-he-received-not-less-than-thirty-~~
20 ~~five-percent-of-all-the-votes~~ cast by the voters of that party
21 ~~for such-office, that nomination~~ shall be duly-and-legally
22 ~~nominated-as~~ the candidate of ~~his~~ that party for ~~such~~ that
23 office in the general election, except-as-provided-in-section
24 43.66. However, if there are more than two candidates for
25 any nomination and none of the candidates receives thirty-
26 five percent or more of the votes cast by voters of his party
27 for that nomination, the primary is inconclusive and the
28 nomination shall be made as provided by section forty-three
29 point one hundred one (43.101), subsection one (1), or section
30 forty-three point one hundred nine (43.109), subsection one
31 (1), of the Code, whichever is appropriate.

32 Sec. 43. Section forty-three point sixty-six (43.66),
33 Code 1973, is amended by striking the section and inserting
34 in lieu thereof the following:

35 43.66 WRITE-IN CANDIDATES. The fact that the candidate

1 who receives the highest number of votes cast for any party's
2 nomination for an office to which section 43.65 of the Code
3 is applicable is a person whose name was not printed on the
4 official primary election ballot shall not affect the validity
5 of the person's nomination as a candidate for that office
6 in the general election.

7 Sec. 44. Section forty-three point seventy (43.70), Code
8 1973, is amended to read as follows:

9 43.70 DELIVERY OF CERTIFICATES. The certificate provided
10 in section 43.69 shall be sent:

11 1. To the chairman of the state central committee of said
12 party, in case of offices to be filled by the voters of the
13 entire state.

14 2. To the chairman, if known, of the district central
15 committee of said party, and to each ~~county-auditor~~
16 commissioner, in case of offices to be filled by the voters
17 of any district of the state composed of more than one county.

18 3. To the chairman of the county central committee of
19 said party, and to the ~~county-auditor~~ commissioner, in case
20 of offices to be filled by the voters of a district of the
21 state composed of one county, or a portion of one county.

22 4. To the chairman of the legislative representative cen-
23 tral committee or senate legislative central committee of
24 said party and to each ~~county-auditor~~ commissioner in case
25 of a representative or senator in the general assembly elected
26 from districts composed of all or portions of two or more
27 counties.

28 Sec. 45. Section forty-three point seventy-two (43.72),
29 Code 1973, is amended to read as follows:

30 43.72 STATE RETURNS FILED AND RECORDED. When the canvass
31 is concluded, the board shall deliver the original abstract
32 returns to the ~~secretary-of~~ state commissioner, who shall
33 file the same in his office and record the abstracts of the
34 canvass of the state board and certificates attached thereto
35 in the book kept by him known as the election book.

1 Sec. 46. Section forty-three point seventy-three (43.73),
2 Code 1973, is amended to read as follows:

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

14 Sec. 47. Section forty-three point seventy-four (43.74),
15 Code 1973, is amended to read as follows:

16 43.74 CERTIFICATE IN CASE OF ADDITIONAL NOMINATIONS.
17 If, after the foregoing certificate has been forwarded, other
18 authorized nominations are certified to the ~~secretary-of~~ state
19 commissioner, including nominations to be voted on at any
20 time at a special election, ~~said-secretary~~ the state
21 commissioner shall at once, in the form provided in section
22 43.73, certify said nominations to the ~~county-auditors~~
23 commissioners with a statement showing the reason therefor.

24 Sec. 48. Section forty-three point eighty-three (43.83),
25 Code 1973, is amended to read as follows:

26 43.83 VACANCIES IN OFFICE OF CONGRESSMAN. A ~~nomination~~
27 candidate to be voted on at a special election ~~and~~ occasioned
28 by a vacancy in the office of representative in Congress,
29 shall be ~~made~~ nominated by a convention duly called by the
30 district central committee not less than twenty-five days
31 prior to the date set for the special election.

32 Sec. 49. Section forty-three point ninety (43.90), Code
33 1973, is amended to read as follows:

34 43.90 DELEGATES. The county convention shall be composed
35 of delegates elected at the last preceding precinct caucus.

1 Delegates shall be persons who are or will by the date of
2 the next general election become eligible voters electors
3 and who are residents of the precinct including persons
4 eighteen-years-of-age-or-over-who-are-residents-of-the-precinct
5 and-who-meet-all-other-qualifications-of-an-eligible-voter
6 in-the-precinct. The number of delegates from each voting
7 precinct shall be determined by a ratio adopted by the
8 respective party county central committees, and a statement
9 designating the number from each voting precinct in the county
10 shall be filed by such committee in-the-office-of-the-county
11 auditor at least fifty-five days before the primary election,
12 if-not-so-done,-the-auditor in the office of the commissioner.
13 If the required statement is not filed, the commissioner shall
14 fix the number of delegates from each voting precinct.

15 Sec. 50. Section forty-three point ninety-one (43.91),
16 Code 1973, is amended to read as follows:

17 43.91 VOTER AT CAUCUS MUST BE PRECINCT RESIDENT. Any
18 person voting at a precinct caucus must be a person who is
19 or will by the date of the next general election become an
20 eligible voter elector and who is a resident of the precinct,
21 provided-that-persons-eighteen-years-of-age-or-over-who-are
22 residents-of-the-precinct-and-meet-all-other-qualifications
23 of-an-eligible-voter-in-the-precinct-shall-be-entitled-to
24 vote. A list of the names and addresses of each person to
25 whom a ballot was delivered or who was allowed to vote in
26 each precinct caucus shall be prepared by the caucus chairman
27 and secretary who shall certify such list to the county-auditor
28 commissioner at the same time as the names of those elected
29 as delegates and party committeemen are so certified.

30 Sec. 51. Section forty-three point ninety-six (43.96),
31 Code 1973, is amended to read as follows:

32 43.96 PROXIES PROHIBITED. If any precinct shall not be
33 fully represented the delegates present from such precinct
34 shall cast the full vote thereof if the rules of the con-
35 vention, party bylaws or constitution so permit, and there

1 shall be no proxies.

2 Sec. 52. Section forty-three point ninety-seven (43.97),
3 subsection four (4), Code 1973, is amended to read as fol-
4 lows:

5 4. Elect delegates to the next ensuing regular state
6 convention and to all district conventions of that year upon
7 such ratio of representation as may be determined by the party
8 organization for the state, district or districts of the
9 state, as the case may be. Delegates to district conventions
10 need not be selected in the absence of any apparent reason
11 therefor. Delegates shall be persons who are or will by the
12 date of the next general election become eligible voters
13 electors and who are residents of the county~~including persons~~
14 ~~eighteen-years-of-age-or-over-who-are-residents-of-the-county~~
15 ~~and-meet-all-other-qualifications-of-an-eligible-voter-in~~
16 ~~the-county.~~

17 Sec. 53. Section forty-three point ninety-nine (43.99),
18 Code 1973, is amended to read as follows:

19 43.99 PARTY ~~COMMITTEEMEN~~ COMMITTEE MEMBERS. ~~A-man-member~~
20 ~~and-a-woman-member~~ Two members of the county central committee
21 for each political party shall, at the precinct caucuses,
22 be elected from each precinct. The term of office of a member
23 shall begin immediately following the adjournment of the
24 county convention and shall continue for two years and until
25 his or her successor is elected and qualified, unless sooner
26 removed by the county central committee for inattention to
27 duty, incompetency, or failure to support the ticket nominated
28 by the party which elected such member.

29 Sec. 54. Section forty-three point one hundred (43.100),
30 Code 1973, is amended to read as follows:

31 43.100 CENTRAL COMMITTEE--VACANCIES. The county central
32 committee shall organize on the day of the convention,
33 immediately following the same.

34 Vacancies in such committee may be filled by majority vote
35 of the committee~~but-no-two-members-thereof-from-the-same~~

1 ~~precinct-shall-be-of-the-same-sex.~~

2 Sec. 55. Section forty-three point one hundred two
3 (43.102), Code 1973, is amended to read as follows:

4 43.102 CALL FOR DISTRICT CONVENTION. The district cen-
5 tral committee, through its chairman, shall as soon as
6 practicable after the necessity for such convention is known,
7 issue a call for such congressional convention, and immediately
8 file a copy thereof with each ~~county-auditor~~ commissioner
9 in the district. Said call shall state the number of delegates
10 to which each county will be entitled, the time and place
11 of holding the convention, and the purpose thereof.

12 Sec. 56. Section forty-three point one hundred three
13 (43.103), Code 1973, is amended to read as follows:

14 43.103 DUTY OF COUNTY ~~AUDITOR~~ COMMISSIONER. The ~~county~~
15 ~~auditor~~ commissioner, in case the district delegates for his
16 county have not been selected, shall deliver a copy of said
17 call to the chairman of the convention which selects said
18 delegates.

19 Sec. 57. Section forty-three point one hundred eight
20 (43.108), Code 1973, is amended to read as follows:

21 43.108 ORGANIZATION--PROXIES PROHIBITED. The convention
22 shall be called to order by the chairman of the state central
23 committee, who shall thereupon present a list of delegates,
24 as certified by the various county conventions, and effect
25 a temporary organization. If any county shall not be fully
26 represented, the delegates present from such county shall
27 cast the full vote thereof if the rules of the convention,
28 party bylaws or constitution so allow, and there shall be
29 no proxies.

30 Sec. 58. Section forty-three point one hundred eleven
31 (43.111), Code 1973, is amended to read as follows:

32 43.111 STATE CENTRAL COMMITTEE--PLATFORM. ~~Said~~ Each
33 political party's state convention shall elect a state central
34 committee consisting of ~~one-man-and-of-one-woman~~ three persons
35 from each congressional district, one of whom shall be elected

1 chairman by the district convention or caucus. Each political
 2 party's state convention shall also adopt a state platform,
 3 may adopt or amend a constitution, and transact such other
 4 business as may properly be brought before it. The state
 5 central committee elected at said the state convention may
 6 organize at pleasure for political work as is usual and
 7 customary with such committees, adopt bylaws, provide for
 8 governing of auxiliaries, and shall continue to act until
 9 succeeded by another committee duly elected.

10 Sec. 59. Section forty-three point one hundred twelve
 11 (43.112), Code 1973, is amended to read as follows:

12 43.112 NOMINATIONS IN CERTAIN CITIES AND-TOWNS. This
 13 chapter shall, so far as applicable, govern the nominations
 14 of candidates by political parties for all offices to be
 15 filled by a direct vote of the people in cities acting under
 16 a special charter in ~~1950~~ 1973 and having a population of
 17 over ~~fifteen~~ fifty thousand, except all such cities as adopt
 18 a plan of municipal government which specifically provides
 19 for a nonpartisan primary election. Sections forty-three
 20 point one hundred thirteen (43.113) through forty-three point
 21 one hundred eighteen (43.118) of the Code shall apply only
 22 to cities to which this chapter is made applicable by this
 23 section.

24 ~~In other cities, and in towns, candidates of a political~~
 25 ~~party which at the last preceding general state election cast~~
 26 ~~in such city or town, for its candidate for governor at least~~
 27 ~~two percent of the total vote cast in such city or town, may,~~
 28 ~~under the provisions of chapter 44, be nominated by a~~
 29 ~~convention or caucus for city or town offices elective by~~
 30 ~~the people.~~

31 Sec. 60. Section forty-three point one hundred thirteen
 32 (43.113), Code 1973, is amended to read as follows:

33 43.113 DUTY OF CITY AND-TOWN OFFICERS. The duties
 34 devolving upon the ~~county auditor~~ commissioner and board of
 35 supervisors, by this chapter, shall, in municipal elections

1 authorized by section forty-three point one hundred twelve
2 (43.112) of the Code, devolve upon the city clerk and city
3 council, respectively. Said-council-shall-meet-to-perform
4 said-duties-within-two-days-next-following-the-primary
5 election.

6 Sec. 61. Section forty-three point one hundred fourteen
7 (43.114), Code 1973, is amended to read as follows:

8 43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

9 In special charter cities holding a municipal primary election
10 under the provisions of section 43.112 such primary shall
11 be held on the first Monday Tuesday in October of the year
12 in which general municipal elections are held.

13 Sec. 62. Section forty-three point one hundred fifteen
14 (43.115), Code 1973, is amended to read as follows:

15 43.115 NOMINATION PAPERS--PERCENTAGE NUMBER OF SIGNERS.

16 All candidates for nominations to be made in primary elections
17 held pursuant to section forty-three point one hundred twelve
18 (43.112) of the Code shall file nomination papers with the
19 city clerk not less than thirty days prior to the date of
20 the election as established by section forty-three point one
21 hundred fourteen (43.114) of the Code, except that candidates
22 for precinct committee member shall file affidavits of
23 candidacy as required by section four hundred twenty point
24 one hundred thirty (420.130) of the Code. The percentage
25 number of voters eligible electors signing petitions required
26 for printing the name of a candidate upon the official primary
27 ballot shall be the-same-as-is-required-of-a-candidate-for
28 a-county-office-and-shall-be-based-upon-the-vote-cast-for
29 mayer-by-the-respective-parties-in-the-preceding-city-elec-
30 tion one hundred for an office to be filled by the voters
31 of the entire city and twenty-five for an office to be filled
32 by the voters of a subdivision of the city.

33 Sec. 63. Section forty-three point one hundred seventeen
34 (43.117), Code 1973, is amended to read as follows:

35 43.117 PLURALITY VOTE NOMINATES AND ELECTS. A plurality

1 shall nominate the party candidate for ~~alderman~~ all offices
2 filled by elections authorized by section forty-three point
3 one hundred twelve (43.112) of the Code, and a plurality shall
4 elect the precinct committeemen ~~and-delegates-to-the-city~~
5 ~~convention~~.

6 Sec. 64. Section forty-three point one hundred eighteen
7 (43.118), Code 1973, is amended to read as follows:

8 43.118 EXPENSE. The entire expense of conducting said
9 municipal primary election and preparation of election
10 registers shall be audited by the city council and paid by
11 the city.

12 Sec. 65. Section forty-three point one hundred nineteen
13 (43.119), Code 1973, is amended to read as follows:

14 43.119 MISCONDUCT. Any party committeeman or any primary
15 election officer or public officer upon whom a duty is imposed
16 by this chapter or by chapters herein made applicable, who
17 shall willfully neglect to perform any such duty, or who shall
18 willfully perform it in such a way as to hinder the objects
19 thereof, or shall disclose to anyone, except as may be ordered
20 by any court of justice, the manner in which a ballot may
21 have been voted, shall be punished by a fine of not less than
22 one hundred dollars nor more than one thousand dollars, or
23 by imprisonment in the penitentiary county jail for not to
24 exceed five-years one year, or by both such fine and
25 imprisonment.

26 Sec. 66. Section forty-four point one (44.1), Code 1973,
27 is amended to read as follows:

28 44.1 POLITICAL NONPARTY ORGANIZATIONS. Any convention
29 or caucus of qualified eligible electors representing a
30 political organization which is not a political party as
31 defined by law, may, for the state, or for any division or
32 municipality thereof, or for any county, or for any subdivision
33 thereof, for which such convention or caucus is held, make
34 one nomination of a candidate for each office to be filled
35 therein at the general election. ~~Provided-that~~ However, in

1 order to qualify for any nomination made for a state-wide
2 elective office by such a political organization there shall
3 ~~require~~ be in attendance, at the convention or caucus where
4 the nomination is made a minimum of two hundred fifty ~~qualified~~
5 eligible electors ~~with~~ including at least one eligible elector
6 from each of twenty-five counties. ~~To~~ In order to qualify
7 for any nomination ~~made-for-a~~ to the office of United States
8 representative there shall ~~require~~, be in attendance, at the
9 convention or caucus where the nomination is made a minimum
10 of fifty ~~qualified~~ eligible electors who are residents of
11 the congressional district ~~with~~ including at least one eligible
12 elector from each of at least one-half of the counties of
13 the congressional district. In order to qualify for any
14 nomination to an office to be filled by the voters of a county
15 or of a city there shall be in attendance at the convention
16 or caucus where the nomination is made a minimum of ten
17 eligible electors who are residents of the county or city,
18 as the case may be, including at least one eligible elector
19 from at least one-half of the voting precincts in that county
20 or city. ~~To~~ In order to qualify for any nomination made for
21 the general assembly there shall ~~require~~, be in attendance,
22 at the convention or caucus where the nomination is made a
23 minimum of ten ~~qualified~~ eligible electors who are residents
24 of the representative district or twenty eligible electors
25 who are residents of the senatorial district, as the case
26 may be, with at least one eligible elector from one-half of
27 the voting precincts in the district, in each case. The names
28 of all delegates in attendance at such convention or caucus
29 and such fact shall be certified to the ~~secretary-of~~ state
30 commissioner together with the other certification requirements
31 of this chapter.

32 Sec. 67. Section forty-four point four (44.4), Code 1973,
33 is amended to read as follows:

34 44.4 NOMINATIONS AND OBJECTIONS--TIME AND PLACE OF FILING.
35 Nominations made under provisions of this chapter, chapter

43 and chapter 45 which are required to be filed in the office of the ~~secretary-of-the~~ state commissioner shall be filed in said office not more than eighty-five nor less than sixty-five days prior to the date of the general election to be held in November; and those nominations which are required to be filed in the office of the ~~county-auditor~~ commissioner shall be filed in said office not less than fifty-five days prior to the date of said general election. Such nominations for ~~municipal~~ city office shall be filed ~~with-the-city-or town-clerk at-least-four-weeks~~ not more than sixty-five days nor less than forty days prior to the ~~municipal~~ city election with the city clerk, who shall process them as provided by law.

Objection to the legal sufficiency of a certificate of nomination or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. Such objections must be filed with the officer with whom such certificate is filed and within the following time:

1. Those filed with the ~~secretary-of~~ state commissioner, not less than sixty days before the day of election.

2. Those filed with the ~~county-auditor~~ commissioner, not less than fifty days before the day of election.

3. Those filed with the city ~~or-town~~ clerk, at least ~~twenty-three~~ thirty days prior to the municipal election.

3 4. In case of nominations to fill vacancies occurring after ~~said-sixty-five-or-fifty-five-days, as-the-case-may~~ be the time when an original nomination for any office is required to be filed, objections shall be filed within three days after the filing of the certificate, ~~provided-such vacancies-shall-be-filled-not-later-than-sixty-days-prior to-the-election-in-the-case-of-offices, certificate-for-which is-required-to-be-filed-in-the-office-of-the-secretary-of state, and-not-later-than-fifty-days-prior-to-the-election in-case-of-offices, certificate-for-which-is-required-to-be~~

1 ~~filed-in-the-office-of-the-county-auditor.~~

2 Sec. 68. Section forty-four point six (44.6), Code 1973,
3 is amended to read as follows:

4 44.6 HEARING BEFORE ~~SECRETARY-OF~~ STATE COMMISSIONER.

5 Objections filed with the ~~secretary-of~~ state commissioner
6 shall be considered by the secretary of state and auditor
7 of state and attorney general, and a majority decision shall
8 be final; but if the objection is to the certificate of nomina-
9 tion of one or more of the above named officers, said officer
10 or officers so objected to shall not pass upon the same, but
11 their places shall be filled, respectively, by the treasurer
12 of state, the governor, and the ~~superintendent-of-public~~
13 instruction secretary of agriculture.

14 Sec. 69. Section forty-four point seven (44.7), Code 1973,
15 is amended to read as follows:

16 44.7 HEARING BEFORE ~~COUNTY-AUDITOR~~ COMMISSIONER.

17 Objections filed with the ~~county-auditor~~ commissioner shall
18 be considered by the county auditor, clerk of the district
19 court, and county attorney, and a majority decision shall
20 be final; but if the objection is to the certificate of nomina-
21 tion of one or more of the above named county officers, said
22 officer or officers so objected to shall not pass upon such
23 objection, but their places shall be filled, respectively,
24 by the county treasurer, the sheriff, and county ~~superin-~~
25 tendent recorder.

26 Sec. 70. Section forty-four point eight (44.8), Code 1973,
27 is amended to read as follows:

28 44.8 HEARING BEFORE MAYOR. Objections filed with the
29 city ~~or-town~~ clerk shall be considered by the mayor and clerk
30 and one member of the council chosen by the council by ballot,
31 and a majority decision shall be final; but if the objection
32 is to the certificate of nomination of either of ~~said~~ those
33 city ~~or-town~~ officials, he shall not pass upon said objection,
34 but his place shall be filled by a member of the council
35 against whom no such objection exists, chosen as above pro-

1 vided.

2 Sec. 71. Section forty-four point nine (44.9), Code 1973,
3 is amended to read as follows:

4 44.9 WITHDRAWALS. Any candidate named under this chap-
5 ter or chapter 43 may withdraw his nomination by a written
6 request, signed and acknowledged by him before any officer
7 empowered to take acknowledgment of deeds. Such withdrawal
8 must be filed as follows:

9 1. In the office of the ~~secretary-of~~ state commissioner,
10 at least sixty days before the day of election.

11 2. In the office of the proper ~~county-auditor~~ commissioner,
12 at least fifty days before the day of the election.

13 3. In the office of the proper city ~~or-town~~ clerk, at
14 least ~~twenty-three~~ thirty days before the day of the election.

15 4. In the office of the ~~secretary-of~~ state commissioner,
16 in case of a special election to fill vacancies, at least
17 sixteen days before the day of election.

18 5. In the office of the proper ~~county-auditor~~ commissioner,
19 or city ~~or-town~~ clerk, in case of a special election to fill
20 vacancies, at least ~~twenty-three~~ thirty days before the day
21 of election.

22 Sec. 72. Section forty-four point eleven (44.11), Code
23 1973, is amended to read as follows:

24 44.11 VACANCIES FILLED. If a candidate named under this
25 chapter declines a nomination, or dies before election day,
26 or should any certificate of nomination be held insufficient
27 or inoperative by the officer with whom it is required to
28 be filed, or in case any objection made to any certificate
29 of nomination, or to the eligibility of any candidate therein
30 named, is sustained by the board appointed to determine such
31 questions, the vacancy or vacancies thus occasioned may be
32 filled by the convention, or caucus, or in such manner as
33 such convention or caucus has previously provided. The vacancy
34 or vacancies shall be filled not less than sixty days prior
35 to the election in the case of nominations required to be

1 filed with the state commissioner, not less than fifty days
2 prior to the election in the case of nominations required
3 to be filed with the commissioner, and not less than twenty
4 days prior to the election in the case of nominations required
5 to be filed in the office of the city clerk.

6 Sec. 73. Section forty-four point fourteen (44.14), Code
7 1973, is amended to read as follows:

8 44.14 FILING OF CERTIFICATES. Said certificates of
9 nominations shall be filed as follows:

10 1. For state, congressional, and legislative offices,
11 with the ~~secretary-of~~ state commissioner, not more than eighty-
12 five nor less than sixty-five days before the general election,
13 and such certificates for all other offices, except for cities
14 ~~and towns~~, shall be filed with the ~~county-auditor~~ commissioner
15 not more than seventy-five nor less than fifty-five days
16 before the general election.

17 2. For municipal office, with the city ~~or town~~ clerk at
18 ~~least-four-weeks~~ not more than sixty-five days nor less than
19 forty days prior to the municipal election.

20 3. In case of special elections to fill vacancies for
21 offices to be filled by the electors of a larger district
22 than a county, with the ~~secretary-of~~ state commissioner, not
23 less than fifteen days before the time of holding such special
24 election.

25 4. In case of special elections to fill vacancies for
26 offices to be filled by the voters of a county, with the
27 ~~county-auditor~~ commissioner, not less than twelve days before
28 the time of holding such special election.

29 Sec. 74. Section forty-five point one (45.1), Code 1973,
30 is amended to read as follows:

31 45.1 NOMINATIONS BY PETITION. Nominations for candidates
32 for state offices may be made by nomination papers signed
33 by not less than one thousand qualified-voters eligible
34 electors of the state; for candidates for offices filled by
35 the voters of a county, district or other division, not less

1 than a county, by such ~~paper-or~~ papers signed by ~~at-least~~
 2 ~~two-percent-of-the-qualified-voters~~ eligible electors residing
 3 in the county, district or division, ~~as-shown-by~~ equal in
 4 number to at least two percent of the total vote of received
 5 by all candidates for president of the United States or
 6 governor, as the case may be, at the last preceding general
 7 election in such county, district or division; and for
 8 township, city, ~~town~~ or ward, by such ~~paper-or~~ papers signed
 9 by not less than twenty-five ~~qualified-voters~~ eligible
 10 electors, residents of such township, city or ward.

11 Sec. 75. Section forty-five point two (45.2), Code 1973,
 12 is amended to read as follows:

13 45.2 ADDING NAME BY PETITION--RESTRICTION. The name of
 14 a candidate placed upon the ballot by any other method than
 15 by petition shall not be added by petition for the same office.
 16 No person who was a candidate for a nomination to any office
 17 in the primary election shall in the same year have his name
 18 placed upon the general election ballot by petition as a can-
 19 didate for the same office.

20 Sec. 76. Section forty-five point three (45.3), Code 1973,
 21 is amended to read as follows:

22 45.3 PREPARATION OF PETITION. Each petitioning voter
 23 shall add to his signature his ~~place-of-business, post-office~~
 24 residence address, and date of signing. Before filing said
 25 petition, there shall be endorsed thereon or attached thereto
 26 the affidavit of at least one of the signers of said petition,
 27 which affidavit or affidavits shall show:

28 1. The name and residence (including street and number,
 29 if any) of said nominee, and the office to which he is
 30 nominated.

31 2. That each of said signers ~~are-qualified-voters~~ is or
 32 will by the date of the next succeeding general election
 33 become an eligible elector of the state, as defined by section
 34 thirty-nine point three (39.3) of the Code, and entitled to
 35 vote for such nominee for such office.

1 3. That each of said petitioners voluntarily signed said
2 petition.

3 Such petition when so verified shall be known as a
4 nomination paper.

5 Sec. 77. Section forty-six point one (46.1), Code 1973,
6 is amended to read as follows:

7 46.1 APPOINTMENT OF STATE JUDICIAL NOMINATING
8 COMMISSIONERS. The governor shall appoint, subject to
9 confirmation by the senate, one eligible elector of each
10 congressional district to the state judicial nominating
11 commission for a six-year term beginning July 1. The terms
12 of no more than three nor less than two of such members shall
13 expire within the same two-year period. The governor shall
14 within thirty days following the organization of each regular
15 session of the general assembly, appoint for a like term,
16 with approval of the senate, a successor to the member of
17 the commission from a congressional district whose term of
18 office will expire June 30 following.

19 Sec. 78. Section forty-six point two (46.2), Code 1973,
20 is amended to read as follows:

21 46.2 ELECTION OF STATE JUDICIAL NOMINATING COMMISSIONERS.
22 The resident members of the bar of each congressional district
23 shall elect one eligible elector of such district to the state
24 judicial nominating commission for a six-year term beginning
25 July 1. The terms of no more than three nor less than two
26 of such members shall expire within the same two-year period,
27 the expiration dates being governed by the expiration dates
28 of the terms of the original appointive members. The members
29 of the bar of the respective congressional districts shall
30 in January, immediately preceding the expiration of the term
31 of a member of the commission, elect a successor for a like
32 term.

33 Sec. 79. Section forty-six point three (46.3), Code 1973,
34 is amended to read as follows:

35 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING COMMIS-

1 SIONERS. In January 1972 the governor shall appoint five
2 eligible electors of each judicial election district to the
3 district judicial nominating commission for terms commencing
4 February 1, 1972. He shall appoint two such commissioners
5 to serve until January 31, 1974, two to serve until January
6 31, 1976, and one to serve until January 31, 1978. In the
7 month of January when each of those terms expire and every
8 six years thereafter the governor shall appoint district
9 judicial nominating commissioners for six-year terms.

10 Sec. 80. Section forty-six point four (46.4), Code 1973,
11 is amended to read as follows:

12 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING
13 COMMISSIONERS. In January 1972 the resident members of the
14 bar of each judicial election district shall elect five
15 eligible electors of the district to the district judicial
16 nominating commission for terms commencing February 1, 1972.
17 One of such commissioners shall serve until January 31, 1974,
18 two until January 31, 1976, and two until January 31, 1978,
19 as determined by lot by such commissioners. In the month
20 of January when each of those terms expire and every six years
21 thereafter such members of the bar of the respective judicial
22 election districts shall elect nominating commissioners for
23 six-year terms.

24 Sec. 81. Section forty-six point ten (46.10), Code 1973,
25 is amended to read as follows:

26 46.10 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.
27 In order to have his name printed on the ballot for state
28 or district judicial nominating commissioner, an eligible
29 elector must file in the office of the clerk of the supreme
30 court at least thirty days prior to expiration of the period
31 within which the election must be held a nominating petition
32 signed by at least fifty resident members of the bar of the
33 congressional district in case of a candidate for state
34 judicial nominating commissioner, or at least ten resident
35 members of the bar of the judicial district in case of a can-

1 didate for district judicial nominating commissioner. No
2 member of the bar may sign more nominating petitions for state
3 or district judicial nominating commissioner than there are
4 such commissioners to be elected.

5 Ballots for state and district judicial nominating commis-
6 sioners shall contain blank lines equal to the number of such
7 commissioners to be elected, where names may be written in.

8 Sec. 82. Section forty-six point eleven (46.11), Code
9 1973, is amended to read as follows:

10 46.11 CERTIFICATION OF COMMISSIONERS. The governor and
11 the clerk of the supreme court respectively shall promptly
12 certify the names and addresses of appointive and elective
13 judicial nominating commissioners to the ~~secretary-of~~ state
14 commissioner of elections and the chairman of the respective
15 nominating commissions.

16 Sec. 83. Section forty-six point twelve (46.12), Code
17 1973, is amended to read as follows:

18 46.12 NOTIFICATION OF VACANCY AND RESIGNATION. When a
19 vacancy occurs or will occur within sixty days in the supreme
20 court or district court, the ~~secretary-of~~ state commissioner
21 of elections shall forthwith so notify the chairman of the
22 proper judicial nominating commission. The chairman shall
23 call a meeting of the commission within ten days after such
24 notice; if he fails to do so, the chief justice shall call
25 such meeting.

26 When a judge of the supreme court or district court resigns,
27 he shall submit a copy of his resignation to the ~~secretary~~
28 ~~of state~~ commissioner of elections at the time he submits
29 his resignation to the governor; and when a judge of the
30 supreme court or district court dies, the clerk of district
31 court of the county of his residence shall in writing forthwith
32 notify the ~~secretary-of~~ state commissioner of elections of
33 such fact.

34 Sec. 84. Section forty-six point nineteen (46.19), Code
35 1973, is amended to read as follows:

1 46.19 ~~POllBOOKS~~ ELECTION REGISTERS. The ~~pollbooks~~ election
2 registers used for the general election shall also constitute
3 the ~~pollbooks~~ election registers for the judicial election.

4 Sec. 85. Section forty-six point twenty (46.20), Code
5 1973, is amended to read as follows:

6 46.20 DECLARATION OF CANDIDACY. At least ninety days
7 prior to the judicial election preceding expiration of his
8 initial or regular term of office, a judge of the supreme
9 court or district court including district associate judges
10 may file a declaration of candidacy with the ~~secretary-of~~
11 state commissioner of elections, whereupon such judge shall
12 stand for retention or rejection at that election. If a judge
13 fails to file such declaration, his office shall be vacant
14 at the end of his term. District associate judges filing
15 such a declaration shall stand for retention in the county
16 of their residence.

17 Sec. 86. Section forty-six point twenty-one (46.21),
18 unnumbered paragraph one (1), Code 1973, is amended to read
19 as follows:

20 At least fifty-five days prior to each judicial election,
21 the ~~secretary-of~~ state commissioner of elections shall certify
22 to the county ~~auditor~~ commissioner of elections of each county
23 a list of the judges of the supreme court and district court
24 including district associate judges to be voted on in such
25 county at that election. The ~~auditor~~ county commissioner
26 of elections shall place the names upon the ballot in the
27 order in which they appear in the certificate, unless only
28 one county is voting thereon. The ~~secretary-of~~ state
29 commissioner of elections shall rotate the names in the
30 certificate by county, or the ~~auditor~~ county commissioner
31 of elections shall rotate them upon the ballot by precinct
32 if only one county is voting thereon. The names of all judges
33 to be voted on shall be placed upon one ballot, which shall
34 be in substantially the following form:

35 Sec. 87. Section forty-six point twenty-three (46.23),

1 Code 1973, is amended to read as follows:

2 46.23 GENERAL ELECTION AND ABSENT VOTER LAWS. So far
3 as applicable general election and absent voter laws shall
4 apply to judicial elections. An application for an absent
5 voter ballot for a general election shall also constitute
6 an application for an absent voter ballot for a judicial
7 election to be held at the same time, and the ballots shall
8 be mailed or delivered to the voter together. The sealed
9 envelope transmitted by the absent voter to the ~~auditor~~ county
10 commissioner of elections containing the absent voter general
11 election ballot may also contain the judicial election ballot.

12 Sec. 88. Section forty-six point twenty-four (46.24),
13 Code 1973, is amended to read as follows:

14 46.24 RESULTS OF ELECTION. A judge of the supreme court
15 or district court including district associate judge must
16 receive more affirmative than negative votes to be retained
17 in office. When the poll is closed, the election judges shall
18 publicly canvass the vote forthwith. The board of supervisors
19 shall canvass the returns at its meeting on Monday after the
20 election, and shall promptly certify the number of affirmative
21 and negative votes on each judge to the ~~secretary-of~~ state
22 commissioner of elections.

23 The state board of canvassers shall, at the time of
24 canvassing the vote cast at a general election, open and
25 canvass all of the returns for the judicial election. Each
26 judge of the supreme court or district court including district
27 associate judge who has received more affirmative than negative
28 votes shall receive from the state board of canvassers an
29 appropriate certificate so stating.

30 Sec. 89. Chapter forty-six (46), Code 1973, is amended
31 by adding the following new section:

32 NEW SECTION. ELIGIBLE ELECTOR DEFINED. As used in this
33 chapter, the term "eligible elector" has the meaning assigned
34 that term by section thirty-nine point three (39.3) of the
35 Code.

1 Sec. 90. Section forty-seven point two (47.2), Code 1973,
2 is amended to read as follows:

3 47.2 COUNTY COMMISSIONER OF ELECTIONS. The county auditor
4 of each county is designated as the county commissioner of
5 elections in each county. The county commissioner of elec-
6 tions shall conduct voter registration pursuant to chapter
7 48 and conduct all elections within the county.

8 ~~If-a~~ When an election is to be held as required by law
9 or is called by a political subdivision of the state and the
10 political subdivision is located in more than one county,
11 the county commissioner of elections of the county having
12 the greatest taxable base within the political subdivision
13 shall conduct ~~the~~ that election. The county commissioners
14 of elections of the other counties in which the political
15 subdivision is located shall co-operate with the county
16 commissioner of elections who is conducting the election.

17 The commissioner may designate as a deputy county commis-
18 sioner of elections any officer of a political subdivision
19 who is required by law to accept nomination papers filed by
20 candidates for office in that political subdivision, and when
21 so designated that person shall assist the commissioner in
22 adminiistering elections conducted by the commissioner for
23 that subdivision. The designation of a person as a deputy
24 commissioner of elections pursuant to this section, once made,
25 shall continue in effect until the designation is withdrawn
26 by the commissioner.

27 The commissioner shall appoint the city clerk to conduct
28 municipal elections in cities acting under a special charter
29 in 1973 and having a population of over fifty thousand.

30 Sec. 91. Section forty-seven point three (47.3), Code
31 1973, is amended to read as follows:

32 47.3 ELECTION EXPENSES. The costs of conducting a special
33 election called by the governor, general election, and the
34 primary election held prior to the general election shall
35 be paid by the county.

1 The cost of conducting other elections shall be paid by
2 the political subdivision for which the election is held.
3 The costs shall include, but not be limited to, the printing
4 of the ballots and the election register, publication of
5 notices, printing of declaration of eligibility affidavits,
6 compensation for precinct election boards, canvass materials,
7 and the preparation and installation of voting machines.
8 The county commissioner of elections shall certify to the
9 county board of supervisors a statement of cost for an elec-
10 tion. The cost shall be assessed by the county board of
11 supervisors against the political subdivision for which the
12 election was held.

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

15 If voting machines are used in any election, the county
16 commissioner of elections shall not charge any political
17 subdivision of the state a rental fee for the use of any
18 voting machines.

19 Sec. 92. Section forty-seven point four (47.4), Code 1973,
20 is amended by striking the section and inserting in lieu
21 thereof the following:

22 47.4 VOTER QUALIFICATIONS.

23 1. Every citizen of the United States of the age of
24 eighteen years or older who is a resident of this state shall
25 be an eligible elector.

26 2. Every qualified elector of the state shall have only
27 one voting residence.

28 3. Every citizen of the United States of the age of
29 eighteen or older is presumed to have a residence some place
30 in the United States for the purpose of voting for president
31 and vice president of the United States.

32 4. A person's residence, for voting purposes only, is
33 the place which he declares is his home with the intent to
34 remain there permanently or for a definite or indefinite or
35 undeterminable length of time.

1 5. Every eligible elector shall be registered pursuant
2 to the provisions of chapter forty-eight (48) of the Code
3 to qualify to vote in any election.

4 If a person who meets the above requirements moves to a
5 new residence, within or without the state, and does not meet
6 the voter requirements at his new residence, he may vote at
7 his former precinct in Iowa until he meets the voter require-
8 ments of his new residence. However, a person who has moved
9 to a new residence and fails to register to vote at his new
10 residence after becoming eligible to do so shall not there-
11 after be entitled to vote at his former precinct in Iowa.

12 Sec. 93. Section forty-eight point one (48.1), Code 1973,
13 is amended by striking the section and inserting in lieu
14 thereof the following:

15 48.1 COMMISSIONER OF REGISTRATION. The commissioner of
16 elections of each county is designated the commissioner of
17 registration for that county. He may designate the city clerk
18 of any city in the county as a deputy commissioner of regis-
19 tration who shall be responsible for voter registration, sub-
20 ject to the supervision of the county commissioner.

21 Sec. 94. Section forty-eight point four (48.4), Code 1973,
22 is amended to read as follows:

23 48.4 COMMISSIONER OF REGISTRATION--DUTIES. The said
24 commissioner of registration shall have complete charge of
25 the registration of all qualified voters within ~~such-city~~
26 ~~or the~~ county. He shall appoint such deputies and clerks
27 as may be necessary, from the two political parties receiving
28 the highest vote at the last general election. The number
29 of such deputies and clerks for all precinct registration
30 places, and the central registration office, shall be equally
31 divided between the members of the two said political parties.
32 These appointments shall be subject to the approval of the
33 ~~city-council-or~~ county board of supervisors ~~as-the-case-may~~
34 ~~be~~. The commissioner of registration shall provide such
35 printed forms and blanks as may be necessary, together with

1 such other supplies and equipment as are necessary to properly
2 carry out the provisions of this chapter. Registration places
3 shall be established throughout the cities and counties.

4 Sec. 95. Section forty-eight point five (48.5), Code 1973,
5 is amended to read as follows:

6 48.5 REGISTRATION RECORDS. The county commissioner of
7 registration shall safely maintain at his office or other
8 designated locations the original registration records of
9 all qualified electors in his county. The original registra-
10 tion records shall not be removed from his office or other
11 designated locations except upon court order. One copy of
12 the original registration records which includes the elector's
13 name, address, precinct, and party affiliation shall be pre-
14 pared before the primary election and on August first preceding
15 the general election, upon request and without charge, for
16 the county chairman of each political party. ~~A list of~~
17 ~~electors who have registered between the primary and the gen-~~
18 ~~eral election shall be prepared, upon demand and without~~
19 ~~charge on August 4 prior to the general election and at least~~
20 ~~every two weeks thereafter until the close of registration,~~
21 ~~for the county chairman of each political party polling in~~
22 ~~excess of two percent of the popular vote in the county in~~
23 ~~the last preceding general election. If the county~~
24 ~~commissioner of registration maintains a computerized list~~
25 ~~of qualified electors by precinct, he shall, upon demand and~~
26 ~~without charge, on August 4 prior to the general election,~~
27 ~~provide the county chairman for each political party, a~~
28 ~~complete list of all qualified electors, by precinct, within~~
29 ~~the county.~~ The county commissioner of registration, ~~if~~
30 ~~computerized lists of qualified electors are maintained~~ shall,
31 each week, upon demand and without charge, from August 4 first
32 until October 4 first, prior to the general election and each
33 day, ~~or on each day~~ thereafter ~~that the computerized list~~
34 ~~is updated,~~ until the close of registration, provide the
35 county chairman of each political party a list of electors

1 who have registered since the last such list was provided.
2 Additional copies may be provided to political parties at
3 cost. Duplicate registration records shall be open to
4 inspection by the public at reasonable times.

5 Such lists shall not be used for any commercial purpose,
6 advertising, or solicitation, of any kind or nature, other
7 than to request such person's vote at, a primary or general
8 election, or any other bona fide political purpose. The
9 ~~commission~~ commissioner shall keep a list of the name, address,
10 telephone number, and social security number of each person
11 who copies or duplicates such lists. Any person ~~7-firm, or~~
12 ~~corporation~~ that uses such lists in violation of this section
13 shall, upon conviction, be imprisoned in the county jail,
14 not to exceed one year, or be fined not to exceed one thousand
15 dollars, or by both such fine and imprisonment, for each
16 violation.

17 Sec. 96. Section forty-eight point six (48.6), Code 1973,
18 is amended to read as follows:

19 48.6 FORM OF RECORDS. ~~The-form-of-the-registration-records~~
20 ~~shall-be-substantially-as-set-forth-in-this-section.--The~~
21 ~~commissioner-of-registration-shall-provide-suitable-forms~~
22 ~~for-the-purpose-of-registration.~~ The registration forms shall
23 be large enough to contain the necessary information required
24 in legible writing. The registration form shall require the
25 following information to be provided:

26 1. The name of the applicant ~~7-giving-surname-and-Christian~~
27 ~~names~~ in full. Whenever any change of name shall occur due
28 to marriage, or divorce or dissolution of marriage, or
29 otherwise, the registrant shall not be allowed to vote until
30 the registrant has reregistered, and after such reregistration
31 the previous registration record shall be removed from the
32 files.

33 2. Residence, giving name and number of the street, avenue,
34 or other location of the dwelling, and such additional clear
35 and definite description as may be necessary to give the exact

1 residence of the applicant. Post office box numbers shall
2 not be used unless no other method of identifying the residence
3 exists for the community.

4 3. Date of birth.

5 4. Sex.

6 5. ~~Term-of-residence-in-the-United-States,-in-the-state,~~
7 ~~in-the-county~~ Date of registration.

8 6. Ward, precinct, school district, and such other dis-
9 tricts in which the registrant resides which are empowered
10 to call special elections.

11 ~~7.--Place-of-birth.--If-the-registrant-is-not-native-born~~
12 ~~he-shall-give-the-date-of-his-naturalization-or-of-the-parent~~
13 ~~through-whom-he-claims-naturalization,-and-the-place-of-court,~~
14 ~~and-any-other-information-necessary-to-establish-citizenship.~~

15 8. 7. Last previous address if the registrant has resided
16 at his present address for less than five years.

17 9. 8. Party affiliation. No party affiliation need be
18 stated if the registrant declines to make such statement.

19 ~~40.~~ 9. An affidavit in such form as prescribed by the
20 state commissioner of elections which states that the
21 registrant will be a qualified elector on the day of the next
22 known election.

23 ~~44.~~ 10. An expressed authorization to cancel all other
24 registrations to vote.

25 ~~42.~~ 11. The social security number of the registrant,
26 if available.

27 ~~43.~~ 12. The signature of registrant.

28 A receipt of registration shall be given to each regis-
29 trant. If a person registers to vote while registration is
30 closed preceding any election, the county commissioner of
31 registration shall affix a date to the receipt which date
32 shall be the day after the election for which registration
33 is closed and the receipt shall state on its face that the
34 person is registered and qualifies to vote in any election
35 held on or after the date affixed to the registration receipt.

1 Sec. 97. Section forty-eight point seven (48.7), Code
2 1973, is amended to read as follows:

3 48.7 CHANGE OF ADDRESS NOTICE. Change of address notice
4 shall be provided for the use of any registered voter moving
5 to a new location within the county. Change of address notice
6 shall provide space for the previous address of the voter,
7 the address of the exact location to which he is moving, and
8 his signature. Any written notification from the voter
9 containing the required information and signature shall be
10 sufficient to validate his registration. If the commissioner
11 of registration receives written notification of change of
12 address from any registered voter in the county and the
13 notification does not contain the required information, the
14 commissioner shall immediately mail to the voter at his last
15 known address notice that his registration is defective.
16 Upon receipt of any valid change of address notice received
17 ~~not-later-than-ten-days~~ on or before the last day of registra-
18 tion before any election, the commissioner of registration
19 shall make entry of any change on the original and duplicate
20 registration lists and the voter shall be qualified to vote
21 in the new election precinct. If an elector moves before
22 the close of registration and does not record a change of
23 address with the county commissioner of registration, he shall
24 not be qualified to vote.

25 Sec. 98. Section forty-eight point ten (48.10), Code 1973,
26 is amended to read as follows:

27 48.10 DECEASED PERSONS--RECORD. It is the mandatory duty
28 of each local registrar and deputy registrar of vital
29 statistics to provide the commissioner of registration of
30 his ~~city-or~~ county, ~~as-the-case-may-be,~~ with a certified list
31 of the names and last known addresses, and social security
32 numbers and dates of birth, if known, of all persons eighteen
33 years of age or over who have died in his county. Such lists
34 shall be delivered by the tenth day of each month. The
35 commissioner of registration, shall, upon receipt of such

1 report, examine the original registration list and shall
2 remove ~~therefrom, to an inactive file,~~ the registration records
3 of all registered persons certified by the local registrar
4 or deputy registrar of vital statistics as deceased.

5 Sec. 99. Section forty-eight point eleven (48.11), Code
6 1973, is amended to read as follows:

7 48.11 REGISTRATION TIME LIMITS. The county commissioner
8 of registration shall register, on forms prescribed by the
9 state commissioner of elections, electors for elections in
10 a precinct until the close of registration in the precinct.
11 An elector may register during the time registration is closed
12 in the elector's precinct but the registration shall not
13 become effective until registration opens again in his
14 precinct.

15 Registration shall close in a precinct ~~ten~~ at five o'clock
16 p.m., twelve days before an election.

17 Sec. 100. Section forty-eight point seventeen (48.17),
18 Code 1973, is amended to read as follows:

19 48.17 QUALIFICATION OF OFFICERS. Before entering upon
20 his duties, each officer or clerk in whatever capacity shall
21 subscribe to an oath in such form as provided by the ~~attorney~~
22 ~~for the city~~ state commissioner.

23 Sec. 101. Section forty-eight point twenty-seven (48.27),
24 Code 1973, is amended by striking the section and inserting
25 in lieu thereof the following:

26 48.27 MOBILE DEPUTY REGISTRARS--QUALIFICATIONS-DUTIES.

27 1. Mobile deputy registrars shall be appointed by the
28 county commissioner of elections not more than one hundred
29 twenty days prior to any primary, general, or partisan city
30 election, or any election held pursuant to section sixty-nine
31 point fourteen (69.14) of the Code, in accordance with the
32 following guidelines:

33 a. Mobile deputy registrars shall be selected from lists
34 of nominees submitted to the county commissioner of
35 registration by the county chairman of the two political

1 parties receiving the highest number of votes in that county
2 in the last preceding general election.

3 b. Each political party shall submit a list of nominees,
4 not later than sixty days prior to the election, and may re-
5 quest not more than six persons for each ten thousand resi-
6 dents or major fraction thereof in the county to be appointed
7 as mobile deputy registrars.

8 c. The county commissioner of registration shall make
9 the requested number of appointments from the lists submitted
10 by the county chairmen not more than thirty days from the
11 date the lists of nominees were submitted. If persons listed
12 by the county chairman cannot serve or are disqualified, the
13 county chairman may add additional names to his list. The
14 additional persons shall be appointed within five days if
15 the next election is to be held within ninety-five days.

16 d. The appointment of mobile deputy registrars from one
17 political party shall not be contingent upon the other
18 political party submitting a list of nominees.

19 e. The number of mobile deputy registrars selected from
20 each list need not be equal in number as long as the total
21 number appointed does not exceed the maximum allowed.

22 f. The term of office of mobile deputy registrars appointed
23 under the provisions of this subsection shall expire at five
24 o'clock p.m. on the day registration closes prior to the
25 general election or at the time the mobile deputy registrar
26 returns his supplies to the county commissioner of
27 registration, whichever occurs first.

28 g. When an election has been called pursuant to section
29 sixty-nine point fourteen (69.14) of the Code, mobile deputy
30 registrars shall be appointed within three days after
31 submission of a list of nominees by the county chairman of
32 either of the two political parties whose candidates for
33 president of the United States or for governor, as the case
34 may be, received the largest and next largest number of votes
35 in the county at the last general election.

1 2. There is established in each county a permanent board
2 of mobile deputy registrars who shall be selected from lists
3 of nominees submitted to the county commissioner of registra-
4 tion by the county chairman of the two political parties
5 polling the highest number of votes in the county in the last
6 preceding general election. The chairmen of the two political
7 parties shall submit a list of nominees to serve as registrars
8 on the permanent mobile deputy registrar board not later than
9 January fifteenth of each year. The county commissioner of
10 registration shall, not later than January thirty-first of
11 each year, appoint one person from each political party for
12 each ten thousand residents or major fraction thereof in the
13 county to serve as mobile deputy registrars on the permanent
14 mobile deputy registrar board. The county commissioner of
15 registration shall appoint at least two mobile deputy
16 registrars to serve on the board in each county from each
17 political party. If a county chairman of a political party
18 does not submit a list of nominees for the permanent mobile
19 deputy registrar board, the county commissioner of registration
20 shall appoint persons known to be members of that political
21 party to serve as permanent mobile deputy registrars. The
22 term of office of permanent mobile deputy registrars shall
23 commence on the date of appointment and shall continue until
24 December thirty-first of that year.

25 3. Mobile deputy registrars shall meet the following
26 qualifications:

27 a. Mobile deputy registrars shall reside in the county
28 of the county commissioner of registration making the
29 appointment.

30 b. Mobile deputy registrars shall be persons of known
31 good character who are at least eighteen years of age and
32 who are familiar with the registration laws of the state.
33 Mobile deputy registrars shall be persons who have clear
34 handwriting and who exhibit to the commissioner the capability
35 for making records in a neat and accurate manner. The

1 commissioner may require a handwriting sample to insure that
2 this requirement is fulfilled.

3 c. Mobile deputy registrars shall take a training course
4 prescribed by the commissioner and upon completion thereof
5 shall take an oath of office administered by the commissioner.

6 d. No candidate for an office to be filled by the voters
7 at any election shall serve as a mobile deputy registrar.

8 4. Mobile deputy registrars shall perform their duties
9 according to the following guidelines:

10 a. They shall secure registration of eligible voters any-
11 where in the jurisdiction of the county commissioner of regis-
12 tration. It shall be unlawful for any mobile deputy registrar
13 to refuse to register any eligible voter and any unreasonable
14 refusal shall be a misdemeanor.

15 b. Mobile deputy registrars shall register electors on
16 registration forms provided by the county commissioner of
17 registration. These forms shall be numbered and accounted
18 for by the mobile deputy registrar to the county commissioner
19 of registration. There shall be provided on said form a space
20 for the signature of the mobile deputy registrar who shall
21 sign same and identify himself in the presence of the voter
22 with appropriate identity papers or badge provided by the
23 county commissioner of registration. The mobile deputy
24 registrar shall give the voter a receipt signed by the mobile
25 deputy registrar stating that such person is duly registered.

26 c. No mobile deputy registrar shall take registrations
27 at a place where alcoholic beverages, beer, or wine are served
28 on the licensed premises.

29 d. Mobile deputy registrars shall serve without compensa-
30 tion from any source.

31 e. Mobile deputy registrars shall return all completed
32 registration records at least weekly to the county commissioner
33 of registration except that completed registration records
34 shall be turned in at least every two working days during
35 the last ten days of registration. All completed and unused

1 material must be turned in no later than six o'clock on the
2 day registration closes for the election. Failure to comply
3 with this provision shall be a misdemeanor.

4 f. Mobile deputy registrars shall not influence the elec-
5 tor in designating party affiliation during the registration
6 process.

7 g. It shall be the duty of the state commissioner to
8 designate a suitable voter registration form for the purposes
9 of this section.

10 5. The county commissioner of registration may terminate
11 the appointment of a mobile deputy registrar who is not prop-
12 erly registering electors, and shall immediately terminate
13 the appointment upon the written request of the county chairman
14 of the party from whose list of nominees the mobile deputy
15 registrar was selected. When an appointment is terminated
16 the county commissioner of registration shall promptly notify
17 the county chairman of the political party which nominated
18 the mobile deputy registrar whose appointment has been
19 terminated, and shall appoint another person within five days
20 from a list of substitute nominees provided by that county
21 chairman. A mobile deputy registrar whose appointment is
22 terminated shall immediately return all his supplies to the
23 county commissioner of registration. If a mobile deputy
24 registrar's appointment is terminated within thirty days of
25 an election, other than by request of the county chairman
26 of the party from whose list of nominees the mobile deputy
27 registrar was appointed, a replacement shall be appointed
28 within twenty-four hours from a list of substitute nominees
29 provided by the appropriate county chairman.

30 Sec. 102. Section forty-eight point thirty-one (48.31),
31 unnumbered paragraph two (2), Code 1973, is amended to read
32 as follows:

33 Whenever a registration is canceled, notice of the cancel-
34 lation shall be sent to the registrant at his last known
35 address shown upon the registration records. Such notice

1 shall be sent first class mail and bear the words "Please
2 Forward". However, notice is not necessary when the
3 cancellation is due to death or if an authorization for the
4 removal of his registration is received as provided in this
5 chapter.

6 Sec. 103. Section forty-nine point one (49.1), Code 1973,
7 is amended to read as follows:

8 49.1 ELECTIONS INCLUDED. The provisions of this chapter
9 shall apply to all elections ~~known-to-the-laws-of-the-state,~~
10 except ~~schœet~~ those special elections which by the terms of
11 the statutes authorizing them are exempt from the provisions
12 of this chapter.

13 Sec. 104. Section forty-nine point three (49.3), Code
14 1973, is amended by striking the section and inserting in
15 lieu thereof the following:

16 49.3 ELECTION PRECINCTS. Election precincts shall be
17 drawn by the county board of supervisors in all unincorporated
18 portions of each county, and by the city council of each city
19 in which it is necessary or deemed advisable to establish
20 more than one precinct. Precincts established as provided
21 by this chapter shall be used for all elections, except where
22 temporary merger of established precincts is specifically
23 permitted by law for certain elections, and no political sub-
24 division shall concurrently maintain different sets of
25 precincts for use in different types of elections. Elec-
26 tion precincts shall be drawn so that:

27 1. No precinct shall have a total population in excess
28 of three thousand five hundred, as shown by the most recent
29 federal decennial census.

30 2. Each precinct is contained wholly within an existing
31 legislative district, except:

32 a. When adherence to this requirement would force creation
33 of a precinct which includes the places of residence of fewer
34 than fifty qualified electors.

35 b. When the general assembly by resolution designates

1 a period after the federal decennial census is taken and
2 before the next succeeding reapportionment of legislative
3 districts required by Article three (III), section thirty-
4 five (35), Constitution of the state of Iowa as amended in
5 1968, during which precincts may be drawn without regard to
6 the boundaries of existing legislative districts.

7 Sec. 105. Section forty-nine point four (49.4), Code 1973,
8 is amended by striking the section and inserting in lieu
9 thereof the following:

10 49.4 PRECINCTS DRAWN BY COUNTY BOARD. In the absence
11 of contrary action by the board of supervisors, each civil
12 township which does not include any part of a city of over
13 two thousand population, and the portion of each civil township
14 containing any such city which lies outside the corporate
15 limits of that city or those cities, shall constitute an
16 election precinct.

17 1. Where a civil township, or the portion of a civil
18 township outside the corporate limits of any city of over
19 two thousand population contained therein, is divided into
20 two or more election precincts, the precincts shall be so
21 drawn that their total populations shall be reasonably equal
22 on the basis of data available from the most recent federal
23 decennial census.

24 2. Counties using alternative supervisor representation
25 plans two or three, as described in section three hundred
26 thirty-one point eight (331.8) of the Code, shall be
27 apportioned into single-member supervisor districts on the
28 basis of population. The boundaries of supervisor districts
29 shall follow the boundaries of election precincts.

30 Sec. 106. Section forty-nine point five (49.5), Code 1973,
31 is amended by striking the section and inserting in lieu
32 thereof the following:

33 49.5 CITY PRECINCTS. The council of a city where estab-
34 lishment of more than one precinct is necessary or deemed
35 advisable shall at the time required by law, by ordinance

1 definitely fixing the boundaries, divide the city into such
2 number of election precincts as will best serve the convenience
3 of the voters.

4 1. Election precincts within the same city shall be so
5 drawn that their total populations shall be reasonably equal
6 on the basis of the most recent federal decennial census.
7 The boundaries of each precinct shall follow the boundaries
8 of areas for which official population figures are avail-
9 able from the most recent federal decennial census, however
10 in cities for which block-by-block data from that census are
11 not available and the areas for which data from that census
12 are available are not suitable for forming precincts, the
13 city council may use other reliable and documented indicators
14 of population distribution in forming precincts in the city
15 or any portion of it.

16 2. Each city of over twenty-five thousand population shall
17 enter into the necessary arrangements with the United States
18 bureau of the census or its successor agency for the next
19 succeeding federal decennial census to be taken in the city
20 on a block-by-block basis. Any charge therefor imposed on
21 the city by the federal government, which the city would not
22 otherwise be liable to pay, may be reported to the state
23 commissioner, who shall forward the report to the next regular
24 session of the general assembly. The city shall preserve
25 data on the composition and population of each area within
26 its boundaries defined as a city block for the most recent
27 federal decennial census. Precincts in the city shall to
28 the greatest extent practicable follow the boundaries of such
29 areas.

30 3. Cities using any form of city government authorized
31 by law in which some or all members of the city council are
32 elected from wards shall be apportioned into wards on the
33 basis of population. The ward boundaries shall follow the
34 boundaries of election precincts.

35 Sec. 107. Section forty-nine point six (49.6), Code 1973,

1 is amended by striking the section and inserting in lieu
2 thereof the following:

3 49.6 POWER TO COMBINE TOWNSHIP AND CITY PRECINCTS. Elec-
4 tion precincts composed partially of unincorporated territory
5 and partially of all or any part of a city may be established
6 within a single county in any manner which is not contrary
7 to section forty-nine point three (49.3) of the Code and is
8 mutually satisfactory to the board of supervisors and the
9 city council of the city involved.

10 Sec. 108. Section forty-nine point seven (49.7), Code
11 1973, is amended by striking the section and inserting in
12 lieu thereof the following:

13 49.7 WHEN REPRECINCTING REQUIRED. Each county board of
14 supervisors and city council shall make any changes in pre-
15 cinct boundaries necessary to comply with sections forty-nine
16 point three (49.3), forty-nine point four (49.4) and forty-
17 nine point five (49.5) of the Code not earlier than July first
18 nor later than December thirty-first of the year immediately
19 following each year in which the federal decennial census
20 is taken, unless the general assembly by joint resolution
21 establishes different dates for compliance with these sections.
22 Any or all of the publications required by section forty-nine
23 point eleven (49.11) of the Code may be made after December
24 thirty-first if necessary. Each county board and city council
25 shall notify the state commissioner and the commissioner
26 whenever the boundaries of election precincts are changed
27 and shall provide a map delineating the new boundary lines.
28 Upon failure of any county board or city council to make the
29 required changes by the dates established by or pursuant to
30 this section, the state commissioner shall make or cause to
31 be made the necessary changes as soon as possible, and shall
32 assess to the county or city, as the case may be, the expenses
33 incurred in so doing. The state commissioner may request
34 the services of personnel of and materials available to the
35 legislative service bureau to assist him in making any required

1 changes in election precinct boundaries which become his
2 responsibility.

3 Sec. 109. Section forty-nine point eight (49.8), Code
4 1973, is amended by striking the section and inserting in
5 lieu thereof the following:

6 49.8 CHANGES IN PRECINCTS. After any required changes
7 in precinct boundaries have been made following each federal
8 decennial census, at the time established by or pursuant to
9 section forty-nine point seven (49.7) of the Code, the county
10 board or city council shall make no further changes in pre-
11 cinct boundaries until after the next federal decennial census,
12 except in the following circumstances:

13 1. When deemed necessary by the board of supervisors of
14 any county because of a change in the location of the bound-
15 aries, dissolution or establishment of any civil township,
16 the boundaries of precincts actually affected may be changed
17 as necessary to conform to the new township boundaries.

18 2. When territory is annexed to a city the city council
19 may attach all or any part of the annexed territory to any
20 established precinct or precincts which are contiguous to
21 the annexed territory, however this subsection shall not
22 prohibit establishment of one or more new precincts in the
23 annexed territory.

24 3. A city may have one special federal census taken each
25 decade and the population figures obtained may be used to
26 revise precinct boundaries in accordance with the requirements
27 of sections forty-nine point three (49.3) and forty-nine point
28 five (49.5) of the Code.

29 4. When the boundaries of any county supervisor, city
30 council, or school director district, or any other district
31 from which one or more members of any public representative
32 body other than the general assembly are elected by the voters
33 thereof, are changed by annexation, reprecincting or other
34 means, the change shall not result in the term of any officer
35 elected from the former district being terminated before or

1 extended beyond the expiration of the term to which the officer
2 was last elected.

3 Sec. 110. Section forty-nine point ten (49.10), Code 1973,
4 is amended to read as follows:

5 49.10 POLLING PLACES FOR CERTAIN PRECINCTS.

6 1. Polling places for precincts outside the limits of
7 a city, but within the township, or originally within and
8 set off as a separate township from the township in which
9 the city is in whole or in part situated, and a polling place
10 for a township which entirely surrounds another township con-
11 taining a city, may be fixed at some room or rooms in the
12 courthouse or in some other building within the limits of
13 the city as the ~~board-of-supervisors~~ commissioner may provide.

14 2. If a petition be filed with the ~~county-supervisors~~
15 commissioner ninety days before any primary, general or special
16 election stating that there is no suitable or adequate polling
17 place within a township constituting a voting precinct and
18 that it is desirable and to the interest of the voters of
19 such township voting precinct that a voting place therefore
20 be designated outside the territorial limits of such town-
21 ship precinct, the ~~board-of-supervisors~~ commissioner shall
22 fix as a polling place for such township precinct, such polling
23 place outside the township precinct as ~~the-board~~ he deems
24 most convenient to the electors of the township precinct.
25 Such petition must be signed by voters of the precinct
26 exceeding in number one-half the total number of votes cast
27 in the township precinct for the office of president of the
28 United States or governor, as the case may be, at the last
29 preceding general election. When the ~~board-of-supervisors~~
30 commissioner has fixed such a polling place it shall remain
31 the polling place at all subsequent primary, general and
32 special elections, until such time as ~~the-county-board-of~~
33 ~~supervisors, upon-its-own-motion,~~ he shall fix a different
34 polling place within said precinct.

35 3. ~~The-city-council-of~~ In any city in which precinct lines

1 have been changed to comply with section 49.5, the commissioner
2 may fix the polling place for any precinct outside the
3 boundaries of the precinct if there is no building or facility
4 within the precinct suitable and available for use as a polling
5 place. In so doing, the ~~council~~ commissioner shall fix the
6 polling place at the point nearest the precinct which is
7 suitable and available for use as a polling place and is
8 reasonably accessible to voters of the precinct. No single
9 room or area of any building or facility shall be fixed as
10 the polling place for more than one precinct unless there
11 are separate entrances thereto each clearly marked on the
12 days on which elections are held as the entrance to the polling
13 place of a particular precinct, and suitable arrangements
14 are made within such room or area to prevent direct access
15 from the polling place of any precinct to the polling place
16 of any other precinct. When the ~~council~~ commissioner has
17 fixed such a polling place for any precinct it shall remain
18 the polling place at all subsequent ~~primary, general and~~
19 ~~special~~ elections, except elections for which the precinct
20 is merged with another precinct as permitted by section forty-
21 nine point eleven (49.11) of the Code, until the boundaries
22 of the precinct are changed or ~~the-council~~ the commissioner
23 fixes a new polling place, except that the polling place shall
24 be changed to a point within the boundaries of the precinct
25 at any time not less than sixty days before the next succeeding
26 primary, general or special election that a building or
27 facility suitable for such use becomes available within the
28 precinct.

29 4. If two or more contiguous townships have been combined
30 into one election precinct by the board of supervisors, the
31 ~~board~~ commissioner shall provide a polling place which is
32 convenient to all of the electors in the precinct.

33 Sec. 111. Section forty-nine point eleven (49.11), Code
34 1973, is amended to read as follows:

35 49.11 NOTICE OF BOUNDARIES OF PRECINCTS--MERGER. The

1 board of supervisors or council shall number or name the
2 several precincts established, and cause the boundaries of
3 each to be recorded in the records of said board of super-
4 visors or council, as the case may be, and publish notice
5 thereof in some newspaper of general circulation, published
6 in such county or city, once each week for three consecutive
7 weeks, the last to be made at least thirty days before the
8 next general election. The precincts thus established shall
9 continue until changed in the manner provided by law, except
10 that for any election other than the primary or general elec-
11 tion the county commissioner of elections may consolidate
12 two or more precincts into one. However, he shall not do
13 so if there is filed with him at least twenty days before
14 the election a petition signed by twenty-five or more eligible
15 electors of any precinct requesting that it not be merged
16 with any other precinct. There shall be attached to the
17 petition the affidavit of an eligible elector of the precinct
18 that the signatures on the petition are genuine and that all
19 of the signers are to the best of the affiant's knowledge
20 and belief eligible electors of the precinct.

21 If a special election is to be held in which only those
22 qualified electors residing in a specified portion of any
23 established precinct are entitled to vote, that portion of
24 the precinct may be merged by the commissioner with one or
25 more other established precincts or portions of established
26 precincts for the special election, and the right to petition
27 against merger of a precinct shall not apply.

28 Sec. 112. Section forty-nine point twelve (49.12), Code
29 1973, is amended by striking the section and inserting in
30 lieu thereof the following:

31 49.12 ELECTION BOARDS. There shall be appointed in each
32 election precinct an election board which shall ordinarily
33 consist of three judges and two clerks. However, in precincts
34 using only one voting machine the board shall consist of three
35 judges, two of whom shall also act as clerks, and in pre-

1 cincts using more than three voting machines one additional
2 judge may be appointed for each such additional machine.
3 Not more than a simple majority of the members of the election
4 board in any precinct shall be members of the same political
5 party or organization if one or more qualified electors of
6 another party or organization are qualified and willing to
7 serve on the board. Double election boards may be appointed
8 for any precinct as provided by chapter fifty-one (51) of
9 the Code.

10 Sec. 113. Section forty-nine point thirteen (49.13), Code
11 1973, is amended by striking the section and inserting in
12 lieu thereof the following:

13 49.13 COMMISSIONER TO APPOINT MEMBERS, CHAIRMAN. The
14 membership of each precinct election board shall be appointed
15 by the commissioner, not less than fifteen days before each
16 election held in the precinct, from the election board panel
17 drawn up as provided in section forty-nine point fifteen
18 (49.15) of the Code. Each election board member shall be
19 a member of one of the two political parties whose candidates
20 for president of the United States or for governor, as the
21 case may be, received the largest and next largest number
22 of votes in the precinct at the last general election, except
23 that persons not members of either of these parties may be
24 appointed to serve for any election in which no candidates
25 appear on the ballot under the heading of either of these
26 political parties. The commissioner shall designate one
27 member of each precinct election board as chairman of that
28 board, and also of the counting board authorized by chapter
29 fifty-one (51) of the Code if one is appointed, with authority
30 over the mechanics of the work of both boards.

31 Sec. 114. Section forty-nine point fifteen (49.15), Code
32 1973, is amended by striking the section and inserting in
33 lieu thereof the following:

34 49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not
35 less than twenty days before each primary election, the commis-

1 sioner shall draw up for each precinct an election board panel
2 from which members of the precinct election board shall be
3 appointed for each election held in the precinct during the
4 ensuing two years. Each panel shall include members of each
5 of the political parties referred to in section forty-nine
6 point thirteen (49.13) of the Code, whose names may be desig-
7 nated by the county chairmen of each of these political parties
8 not less than thirty days prior to each primary election.
9 The commissioner may place on the election board panel names
10 of persons known to him to be members of these political
11 parties, if the respective county chairmen fail to designate
12 a sufficient number of names, and may also add names of persons
13 not members of either of these political parties who have
14 advised him they are willing to serve on the election board
15 for elections in which no candidates appear on the ballot
16 under the heading of either of these political parties.

17 Sec. 115. Section forty-nine point sixteen (49.16), Code
18 1973, is amended by striking the section and inserting in
19 lieu thereof the following:

20 49.16 TENURE OF ELECTION BOARD PANEL. Each person whose
21 name is placed on the election board panel as provided in
22 section forty-nine point fifteen (49.15) of the Code, shall
23 remain available for appointment to the election board of
24 the precinct, subject to the provisions of section forty-nine
25 point twelve (49.12) of the Code, until a new panel is drawn
26 up unless his name is sooner deleted from the panel by the
27 commissioner. The election board for each election held in
28 the precinct shall be drawn from the panel, however:

29 1. No person shall serve on the election board at any
30 election in which he or any person related to him within the
31 third degree of consanguinity or affinity is a candidate to
32 be voted upon in that precinct, and it shall be the
33 responsibility of each person whose name is listed on the
34 election board panel to notify the commissioner not less than
35 fifteen days before any election at which he is ineligible

1 to serve by reason of this subsection. However, this
2 subsection shall not apply in the case of any candidate or
3 relative of a candidate seeking an office or nomination which
4 no opposing candidate is seeking. Any candidate for an office
5 or for nomination to an office to which two or more persons
6 are to be elected at large is unopposed, for the purpose of
7 this subsection, if the number of candidates for the office
8 or nomination does not exceed the number of persons to be
9 elected or nominated.

10 2. When all or portions of two or more precincts are
11 merged for any election as permitted by section forty-nine
12 point eleven (49.11) of the Code, the commissioner may appoint
13 the election board for the merged precinct from the election
14 board panels of any of the precincts so merged.

15 3. Persons whose names are listed on the election board
16 panel shall not be required to serve on the election board
17 for any election which by the terms of the statute authorizing
18 it is exempt from the provisions of this chapter. The
19 necessary officers for such elections shall be designated
20 as provided by law or, if there is no applicable statute,
21 by the commissioner.

22 Sec. 116. Section forty-nine point eighteen (49.18), Code
23 1973, is amended to read as follows:

24 49.18 VACANCIES OCCURRING ON ELECTION DAY. If, at the
25 opening of the polls in any precinct, there shall be a vacancy
26 in the office of clerk or judge of election, the same vacancy
27 shall be filled by the commissioner or, with his approval
28 and for that election only by the members of the board present,
29 and-from-the-political-party-which-is-entitled-to-such-vacant
30 office-under-the-provisions-of-this-chapter consideration
31 being given to the political party affiliation of the person
32 appointed if necessary in order to comply with the requirements
33 of sections forty-nine point twelve (49.12) and forty-nine
34 point thirteen (49.13) of the Code.

35 Sec. 117. Section forty-nine point twenty (49.20), Code

1 1973, is amended to read as follows:

2 49.20 COMPENSATION OF MEMBERS. The members of election
3 boards shall receive two dollars per hour while engaged in
4 the discharge of their duties and ten cents per mile for
5 actual and necessary travel. Compensation shall be paid to
6 members of election boards only after the vote has been can-
7 vassed and it has been determined in the course of such can-
8 vass that the ~~pollbook-jurat~~ election record certificate has
9 been properly executed by the election board.

10 Sec. 118. Section forty-nine point twenty-one (49.21),
11 Code 1973, is amended to read as follows:

12 49.21 POLLING PLACES. ~~In townships the trustees, except~~
13 ~~as otherwise provided, shall provide, at the expense of the~~
14 ~~county, suitable places in which to hold all elections pro-~~
15 ~~vided for in this chapter, and see that the same are warmed~~
16 ~~and lighted.~~

17 Upon the application of the ~~county auditor or the town-~~
18 ~~ship trustees~~ commissioner, the authority which has control
19 of any buildings or grounds supported by taxation under the
20 laws of this state shall make available the necessary space
21 therein for the purpose of holding elections, without charge
22 for the use thereof.

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

28 Sec. 119. Section forty-nine point twenty-three (49.23),
29 Code 1973, is amended to read as follows:

30 49.23 NOTICE OF CHANGE. When a change is made from the
31 usual polling place of holding elections in the township,
32 precinct or when the precinct polling place for any primary
33 or general election is different from that used for the
34 precinct at the last preceding primary or general election,
35 notice of such change shall be given by ~~posting-up notices~~

1 ~~in-three-public-places-in-the-township~~, publication in a
2 newspaper of general circulation in the precinct not more
3 than fifteen nor less than ~~ten~~ five days prior to the day
4 on which the election is to be held. In addition a notice
5 of the present polling place for the precinct shall be posted,
6 not later than the hour at which the polls open on the day
7 of the election, on each door to the usual or former polling
8 place in the precinct and shall remain there until the polls
9 have closed.

10 Sec. 120. Section forty-nine point twenty-four (49.24),
11 Code 1973, is amended to read as follows:

12 49.24 SCHOOLHOUSES AS POLLING PLACES. In precincts out-
13 side of cities ~~and-towns~~ the election shall, if practicable,
14 be held in the public school building. All damage to the
15 building or furniture shall be paid by the county.

16 Sec. 121. Section forty-nine point twenty-five (49.25),
17 Code 1973, is amended to read as follows:

18 49.25 ~~ARRANGEMENT-AND-NUMBER-OF~~ EQUIPMENT REQUIRED AT
19 POLLING PLACES ~~AND-BOOTHs~~. ~~The~~ In any county or portion of
20 a county where voting machines are not in use the commissioner
21 shall furnish to each precinct the necessary ballot boxes,
22 suitably equipped with locks and keys, and shall insure that
23 the number, arrangement, and construction of ~~polling-places~~
24 ~~and~~ voting booths ~~shall-be~~ at the polling place in each
25 precinct are as follows:

26 1. Each booth shall be at least three feet square, and
27 have three sides enclosed, the side in front to open and shut
28 by a door swinging outward, or closed with a curtain.

29 2. Each side of the booth shall be seven feet high, and
30 the door or curtain shall extend to within two feet of the
31 floor, and shall be closed while the voter is preparing his
32 ballot.

33 3. Each booth shall contain a shelf at least one foot
34 wide, at a convenient height for writing, and shall be well
35 lighted.

1 4. The number of voting booths shall not be less than
2 one to every four hundred voters or fraction thereof ~~who-voted~~
3 ~~at-the-last-preceding-election~~ registered in the precinct.

4 5. The booths ~~and-compartments~~ shall be so built and
5 arranged, if possible, as to be permanent, so that after the
6 election they may be taken down and deposited with the ~~town-~~
7 ~~ship,-city,-or-town-clerk,-as-the-case-may-be,~~ commissioner
8 or his designee for safekeeping and for future use.

9 Sec. 122. Section forty-nine point twenty-six (49.26),
10 Code 1973, is amended by striking the section and inserting
11 in lieu thereof the following:

12 49.26 VOTING MACHINES FURNISHED. The commissioner shall
13 furnish for each precinct to which section forty-nine point
14 twenty-five (49.25) of the Code is not applicable a minimum
15 of one voting machine, meeting the requirements of chapter
16 fifty-two (52) of the Code, for every four hundred voters
17 or major fraction thereof registered in the precinct.

18 Sec. 123. Section forty-nine point twenty-seven (49.27),
19 Code 1973, is amended to read as follows:

20 49.27 SEPARATE MACHINES OR BALLOT BOX AND BALLOTS FOR
21 TOWNSHIP-OFFICERS IN CERTAIN PRECINCTS. When the territory
22 of a precinct is such that one or more of the ~~officers-of~~
23 ~~a-township~~ candidates or questions on the ballot in any
24 election can be legally voted for by only a part of the pre-
25 cinct voters, and more than one voting machine is available
26 for use in the precinct, the county commissioner of elections
27 may place the candidates or questions for which not all voters
28 of the precinct may legally vote on one or more, but not all,
29 of the voting machines in the precinct. If this procedure
30 is not feasible, or there are fewer than two voting machines
31 available for use in the precinct, the auditor county
32 commissioner of elections shall prepare separate ballots for
33 such ~~township-officer-or-officers~~ candidates or questions,
34 and ~~the-trustees~~ shall furnish a separate ballot box in which
35 such special ballots shall be deposited when voted. Only

1 such special ballots shall be placed in said special ballot
2 box. ~~The judges of election shall have the right to require~~
3 ~~any person to sign an affidavit which shall be substantially~~
4 ~~in the form set out in section 49.77 and such judges may~~
5 ~~examine such person in order to determine whether he is~~
6 ~~entitled to vote for the township officer or officers.~~

7 Sec. 124. Section forty-nine point twenty-eight (49.28),
8 Code 1973, is amended to read as follows:

9 49.28 AUDITOR COMMISSIONER TO FURNISH POLLBOOKS REGISTERS
10 AND SUPPLIES. The auditor commissioner shall prepare and
11 furnish to each precinct ~~two pollbooks~~ an election register,
12 and all other books, blanks, materials, and supplies necessary
13 to carry out the provisions of this chapter. ~~Each pollbook~~
14 ~~shall contain a column for the names of the voters, a column~~
15 ~~for the number, and sufficient printed blank leaves to contain~~
16 ~~the entries of the oaths, certificates, and returns.~~ Voter
17 registration records shall be kept so that the election
18 register for each precinct contains the names of no electors
19 except those eligible to vote in that precinct. When a
20 precinct lies in more than one political subdivision or
21 district from which any officer is elected, the election
22 register must clearly indicate who are the eligible electors
23 of each political subdivision or district in which the pre-
24 cinct lies.

25 Sec. 125. Section forty-nine point twenty-nine (49.29),
26 Code 1973, is amended to read as follows:

27 49.29 VOTING BY BALLOT OR MACHINE. In all elections
28 regulated by this chapter, the voting shall be by ballots
29 printed and distributed as ~~hereinafter~~ provided, except as
30 may be otherwise specially directed by law, or by voting
31 machines meeting the requirements of chapter fifty-two (52)
32 of the Code.

33 Sec. 126. Section forty-nine point thirty (49.30), Code
34 1973, is amended to read as follows:

35 49.30 ALL CANDIDATES ON ONE BALLOT--EXCEPTION. The names

1 of all candidates to be voted for in ~~such~~ each election
2 precinct, except presidential electors, shall be printed on
3 one ballot, except that at any election where voting machines
4 are used, and it is impossible to place the names of all
5 candidates on the machine ballot, the ~~county-auditor, city~~
6 ~~clerk, or town clerk,~~ commissioner may provide a separate
7 printed ballot for the candidates for judge of district court
8 ~~where there is no contest,~~ and the township ticket, or either;
9 one of each of said printed ballots to be furnished each
10 qualified voter.

11 Sec. 127. Section forty-nine point thirty-one (49.31),
12 Code 1973, is amended to read as follows:

13 49.31 ARRANGEMENT OF ~~PARTY-NOMINEES~~ NAMES ON BALLOT.

14 All nominations of any political party or group of petitioners,
15 except as provided in section 49.30, shall be placed under
16 the party name or title of such party or group, as desig-
17 nated by them in their certificates of nomination or petitions,
18 or if none be designated, then under some suitable title,
19 and the ballot shall contain no other names, except as pro-
20 vided in section 49.32.

21 ~~In counties where two or more senators or representatives~~
22 ~~are to be elected to the general assembly at a general or~~
23 ~~special election the names of candidates shall be arranged~~
24 ~~and printed on the ballots in the following manner:~~

25 The ~~county-auditor~~ commissioner shall prepare a list of
26 the election precincts of his county, by arranging the various
27 townships, ~~towns~~ and cities in the county in alphabetical
28 order, and the wards or precincts in each city, ~~town,~~ or
29 township in numerical order under the name of such city, ~~town,~~
30 or township. He shall then arrange the surnames of each
31 political party's candidates for such offices alphabetically
32 for the respective offices for the first precinct on the list;
33 thereafter, for each political party and for each succeeding
34 precinct, the names appearing first for the respective offices
35 in the last preceding precinct shall be placed last, so that

1 the names that were second before the change shall be first
2 after the change. The procedure for arrangement of names
3 on ballots provided in this section shall likewise be
4 substantially followed in elections in political subdivisions
5 of less than a county. ~~In-representative-districts-of-two~~
6 ~~or-more-counties-in-which-two-representatives-are-to-be-chosen,~~
7 ~~each-county-auditor-shall-comply-with-the-above-requirements~~
8 ~~in-his-county.~~

9 The ballots for any city elections or school elections,
10 or any special election at which any office is to be filled
11 on a nonpartisan basis shall contain the names of all nominees
12 or candidates arranged in alphabetical order by surname under
13 the heading of the office to be filled. When a city election,
14 school election or special election to fill an office is held
15 in more than one precinct, the candidates' names shall be
16 rotated on the ballot from precinct to precinct in the manner
17 prescribed by the preceding paragraph of this section.

18 If electors in any precinct are entitled to vote for more
19 than one nominee or candidate for a particular office, the
20 heading for that office on the precinct ballot shall be imme-
21 diately followed by a notation of the number of nominees or
22 candidates for that office for whom each elector may vote.
23 Provision shall be made on the ballot to allow the elector
24 to write in the name of any person for whom he desires to
25 vote for any office or nomination on the ballot.

26 Sec. 128. Section forty-nine point forty-two (49.42),
27 unnumbered paragraph one (1), Code 1973, is amended to read
28 as follows:

29 ~~Said~~ The ballot for the general election shall be
30 substantially in the following form, except that the counties
31 of residence of candidates for the general assembly shall
32 not be listed:

33 Sec. 129. Section forty-nine point forty-three (49.43),
34 Code 1973, is amended by striking the section and inserting
35 in lieu thereof the following:

1 49.43 BALLOT FOR CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC
2 MEASURE. When a constitutional amendment or other public
3 measure is to be voted upon by paper ballot it shall be printed
4 in full upon a separate ballot, preceded by the words "Shall
5 the following amendment to the Constitution (or public measure)
6 be adopted?" Upon the right-hand side of the ballot, opposite
7 these words, two spaces shall be left, one for votes favoring
8 the amendment or public measure and the other for votes
9 opposing it. In one of these spaces the word "yes" or other
10 word required by law shall be printed; in the other, "no"
11 or other word required by law shall be printed. Immediately
12 to the right of each of these spaces a square shall be printed
13 to receive the voting cross or check.

14 Sec. 130. Section forty-nine point forty-four (49.44),
15 Code 1973, is amended by striking the section and inserting
16 in lieu thereof the following:

17 49.44 STATE COMMISSIONER TO PREPARE SUMMARY. When a pro-
18 posed constitutional amendment or other public measure to
19 be decided by the voters of the entire state is to be voted
20 upon, the state commissioner shall prepare a written summary
21 of the amendment or measure. The summary shall be printed
22 following the text of the proposed amendment or measure on
23 the paper ballot referred to in section forty-nine point
24 forty-three (49.43) of the Code and, in precincts where the
25 amendment or measure will be voted on by machine, shall be
26 placed in the voting machine inserts as required by section
27 fifty-two point twenty-five (52.25) of the Code.

28 Sec. 131. Section forty-nine point forty-five (49.45),
29 Code 1973, is amended to read as follows:

30 49.45 GENERAL FORM OF BALLOT. Ballots referred to in
31 ~~sections~~ section 49.43 ~~and-49.44~~ shall be substantially in
32 the following form:

33 "Shall the following amendment to	Yes ☐
34 the Constitution (or public measure)	No ☐
35 be adopted?"	

1 (Here insert the summary, if it be for a constitutional amend-
2 ment or statewide public measure, and in full the proposed
3 constitutional amendment or public measure.)

4 Sec. 132. Section forty-nine point fifty-one (49.51),
5 Code 1973, is amended to read as follows:

6 49.51 COUNTY-AUDITOR COMMISSIONER TO CONTROL PRINTING.

7 For all elections held under ~~this chapter except those of~~
8 ~~cities and towns~~ his jurisdiction, the ~~county auditor~~
9 commissioner shall have charge of the printing of ballots
10 in his county, and shall cause to be placed thereon the names
11 of all candidates and questions which have been certified
12 to him by the ~~secretary of~~ state commissioner, in the order
13 the same appear upon said certificate, together with those
14 of all other candidates and questions to be voted for thereat,
15 whose nominations have been made in conformity with law.

16 Sec. 133. Section forty-nine point fifty-three (49.53),
17 Code 1973, is amended by striking the section and inserting
18 in lieu thereof the following:

19 49.53 PUBLICATION OF BALLOT AND NOTICE. The commissioner
20 shall, not less than four nor more than seven days prior to
21 the day of each election to which this chapter applies except
22 those elections for which more specific notice or publication
23 requirements are provided by law, publish a list of all candi-
24 dates or nominees for public office and all public questions
25 which are to be voted upon at the election. The list shall
26 be published as nearly as possible in the form in which the
27 candidates' or nominees' names and the public questions, if
28 any, will appear on the official ballot. The list shall be
29 accompanied by a notice stating on what day the election is
30 to be held, the hours the polls will be open, and the location
31 of the polling place for each precinct. No fact which is
32 apparent from the ballot as published in the required notice
33 need be set forth in words in the notice. The publication
34 shall be in two newspapers representing, if possible, the
35 two political parties whose candidates for president of the

1 United States or for governor, as the case may be, received
2 the largest and next largest number of votes in the county
3 at the last preceding general election.

4 Sec. 134. Section forty-nine point fifty-four (49.54),
5 Code 1973, is amended to read as follows:

6 49.54 PUBLICATION OF BALLOT. For publication of the
7 official ballot and accompanying notice in each-of-the-two
8 newspapers-in-which-the-ballot-shall-be-published the manner
9 required by section forty-nine point fifty-three (49.53) of
10 the Code, the cost shall not exceed an amount determined by
11 the director of the state printing-board department of general
12 services or his designee.

13 Sec. 135. Section forty-nine point fifty-five (49.55),
14 Code 1973, is amended to read as follows:

15 49.55 DELIVERY OF ~~BALLOTS~~ SUPPLIES TO JUDGES. In all
16 cases the necessary election supplies, including paper ballots
17 for precincts where they are to be used, shall be furnished
18 the election judges ~~at-the-polling-place-in-each-precinct~~
19 not less than ~~twelve-hours~~ one hour before the opening of
20 the polls on the morning of the election.

21 Sec. 136. Section forty-nine point fifty-six (49.56),
22 Code 1973, is amended to read as follows:

23 49.56 MAXIMUM COST OF PRINTING. The cost of printing
24 the official election ballots and printed supplies for voting
25 machines shall not exceed an amount determined by the director
26 of the state printing-board department of general services
27 or his designee.

28 Sec. 137. Section forty-nine point fifty-seven (49.57),
29 subsection five (5), Code 1973, is amended to read as follows:

30 5. On the outside of the ballot, so as to appear when
31 folded, shall be printed the words "Official ballot", followed
32 by the designation of the polling place for which the ballot
33 is prepared, the date of the election, and a facsimile of
34 the signature of the ~~auditor-or-ether-officer~~ commissioner
35 who has caused the ballot to be printed.

1 Sec. 138. Section forty-nine point fifty-eight (49.58),
2 Code 1973, is amended to read as follows:

3 49.58 VACANCIES CERTIFIED BEFORE BALLOTS ARE PRINTED.
4 The name supplied for a vacancy by the certificate of the
5 ~~secretary-of~~ state commissioner, or by nomination certificates
6 or papers for a vacancy filed with the ~~county-auditor-or~~
7 ~~city-or-town-clerk,~~ commissioner shall, if the ballots are
8 not already printed, be placed on the ballots in place of
9 the name of the original nominee.

10 Sec. 139. Section forty-nine point sixty (49.60), Code
11 1973, is amended to read as follows:

12 49.60 INSERTING NAME OF VACANCY NOMINEE. When it may
13 not be practicable, after a vacancy has been certified, to
14 have new ballots printed, the ~~election-officers-having-charge~~
15 ~~of-them~~ commissioner shall place the name supplied for the
16 vacancy upon each ballot used before delivering it to the
17 judges of election.

18 Sec. 140. Section forty-nine point sixty-one (49.61),
19 Code 1973, is amended to read as follows:

20 49.61 FURNISHING JUDGES NAME OF VACANCY NOMINEE--PASTERS.
21 If said ballots have been delivered to the judges of election
22 before a vacancy has been certified, ~~said-auditor-or-clerk~~
23 the commissioner shall immediately furnish the name of such
24 substituted nominee to all judges of election within the
25 territory in which said nominee may be a candidate.

26 Pastors with the name of the substituted nominee thereon
27 shall likewise be furnished the voter with his ballot when
28 possible to do so.

29 Sec. 141. Section forty-nine point sixty-three (49.63),
30 Code 1973, is amended to read as follows:

31 49.63 TIME OF PRINTING--INSPECTION AND CORRECTION. Ballots
32 shall be printed and in the possession of the ~~officer-charged~~
33 ~~with-their-distribution~~ commissioner in time to enable him
34 to furnish ballots to absent voters as provided by law.--~~Said~~
35 sections fifty-three point eight (53.8) and fifty-three point

1 eleven (53.11) of the Code. The printed ballots shall be
2 subject to the inspection of candidates and their agents.
3 If mistakes are discovered, they shall be corrected without
4 delay, in the manner provided in this chapter.

5 Sec. 142. Section forty-nine point sixty-four (49.64),
6 Code 1973, is amended to read as follows:

7 49.64 NUMBER BALLOTS DELIVERED. The ~~officers-charged~~
8 ~~with-the-printing-of-the-ballots~~ commissioner shall cause
9 ballots of the kind to be voted in each precinct, to be
10 delivered to the judges of election as follows: In general
11 elections which are presidential elections seventy-five ballots
12 for every fifty votes, or fraction thereof, cast in said
13 precinct at the last preceding general election which was
14 also a presidential election; and in general elections which
15 are not presidential elections, seventy-five ballots for every
16 fifty votes, or fraction thereof, cast therein at the last
17 preceding general election which was not a presidential
18 election.

19 Sec. 143. Section forty-nine point sixty-five (49.65),
20 Code 1973, is amended by striking the section and inserting
21 in lieu thereof the following:

22 49.65 PACKING BALLOTS--DELIVERY--RECEIPTS--RECORDS. The
23 required number of ballots for each precinct shall be wrapped
24 and sealed, and each package shall be clearly marked on the
25 outside to indicate the number of ballots contained in the
26 package and the name or number of the precinct and the loca-
27 tion of the polling place for which they are intended. The
28 ballots shall be delivered to the precinct election judges
29 together with other necessary election supplies, as provided
30 by section forty-nine point fifty-five (49.55) of the Code,
31 and one of the judges shall sign a receipt for the ballots
32 which receipt shall be preserved by the commissioner. The
33 commissioner shall keep a record of the number of ballots
34 delivered for each polling place, the person who signed the
35 receipt for them, and the time they were delivered, on a form

1 which also provides space for the entries required by section
2 fifty point ten (50.10) of the Code.

3 Sec. 144. Section forty-nine point sixty-six (49.66),
4 Code 1973, is amended to read as follows:

5 49.66 RESERVE SUPPLY OF BALLOTS. ~~Any-officer-charged~~
6 ~~with-the-printing-and-distribution-of-ballots~~ The commissioner
7 shall provide and retain at his office an ample supply of
8 ballots, in addition to those distributed to the several
9 voting precincts, and if at any time the ballots furnished
10 to any precinct shall be lost, destroyed, or exhausted before
11 the polls are closed, on written application, signed by a
12 majority of the judges of such precinct, or signed and sworn
13 to by one of such judges, he shall immediately cause to be
14 delivered to such judges, at the polling place, such additional
15 supply of ballots as may be required, and sufficient to comply
16 with the provisions of this chapter.

17 Sec. 145. Section forty-nine point sixty-eight (49.68),
18 unnumbered paragraph one (1), Code 1973, is amended to read
19 as follows:

20 The ~~secretary-of state~~ commissioner with the approval of
21 the attorney general shall prepare, and from time to time
22 revise, written instructions to the voters relative to voting,
23 and shall furnish each commissioner with copies of the instruc-
24 tions. Such instructions shall cover the following matters:

25 Sec. 146. Section forty-nine point seventy (49.70), Code
26 1973, is amended to read as follows:

27 49.70 JUDGES FURNISHED INSTRUCTIONS. The ~~county-auditor~~
28 ~~and-city-clerk~~ commissioner shall cause copies of the fore-
29 going instructions to be printed in large, clear type, under
30 the heading of "Card of Instructions", and shall furnish the
31 judges of election with a sufficient number of such cards
32 as will enable them to comply with section 49.71.

33 Sec. 147. Section forty-nine point seventy-two (49.72),
34 Code 1973, is amended by striking the section and inserting
35 in lieu thereof the following:

1 49.72 ABSENTEE VOTERS DESIGNATED BEFORE POLLING PLACE
2 OPENED. The commissioner shall deliver to each precinct elec-
3 tion board not less than one hour before the time at which
4 the polls are to open for any election the list of all
5 qualified electors of that precinct who have been given or
6 sent an absentee ballot for that election, and the election
7 board shall immediately designate those qualified electors
8 who are so listed and therefore not entitled to vote in person
9 at the polls, as required by section 53.19 of the Code.

10 Sec. 148. Section forty-nine point seventy-three (49.73),
11 Code 1973, is amended to read as follows:

12 49.73 TIME OF OPENING AND CLOSING POLLS. At all elec-
13 tions ~~in-precincts-in-which-permanent-registration-is-not~~
14 ~~required-the-polls-shall-be-opened-at-eight-o'clock-a.m.~~
15 ~~At-all-elections-in-precincts-in-which-permanent-registration~~
16 ~~is-required~~ the polls shall be opened at seven o'clock a.m.,
17 or ~~in-each-case~~ as soon thereafter as vacancies in the places
18 of judges or clerks of election have been filled. In all
19 cases the polling places shall be closed at eight o'clock
20 p.m.

21 Sec. 149. Section forty-nine point seventy-four (49.74),
22 Code 1973, is amended by striking the section and inserting
23 in lieu thereof the following:

24 49.74 QUALIFIED ELECTORS ENTITLED TO VOTE AFTER CLOSING
25 TIME. Every qualified elector who is on the premises of his
26 precinct polling place at the time the polling place is to
27 be closed for any election shall be permitted to vote in that
28 election. Wherever possible, when there are persons on the
29 premises of a polling place awaiting an opportunity to claim
30 their vote at the time the polling place is to be closed,
31 the election board shall cause those persons to move inside
32 the structure in which the polling place is located and shall
33 then shut the doors of the structure and shall not admit any
34 additional persons to the polling place for the purpose of
35 voting. If it is not feasible to cause persons on the prem-

ises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed to move inside the structure in which the polling place is located, the election board shall cause those persons to be designated in some reasonable manner and shall not receive votes after that time from any persons except those qualified electors so designated.

Sec. 150. Section forty-nine point seventy-six (49.76), Code 1973, is amended to read as follows:

49.76 HOW ADMINISTERED. Any one of the judges or clerks present may administer the oath to the others, and it shall be entered in the ~~pollbooks~~ election records, subscribed by the person taking it, and certified by the officer administering it.

Sec. 151. Section forty-nine point seventy-seven (49.77), Code 1973, is amended to read as follows:

49.77 BALLOT FURNISHED TO VOTER. The judges of election of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall give his name and address to the judges, and one of whom shall announce the person's name aloud for the benefit of political party challengers if any are present in the polling place. No person whose name does not appear on the election register of the precinct in which he claims his vote shall be permitted to vote unless the county commissioner of elections informs the judges that an error has been made and that the person is a qualified elector of that precinct. The elector shall sign a voter's declaration provided by the judges of the election, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

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

I am a qualified elector. I have not voted and will not

1 vote in any other precinct in said election.

2 (For primary election only:) I am affiliated with the .
3 party.

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

6
7

8 Signature of Voter

9
10

11 Address

12
13 Approved:

14
15

16 Judge or Clerk of the Election

17 ~~In-precincts-where-the-judges-of-the-election-are-fur-~~
18 ~~nished-registration-lists,-an~~ An election judge may require
19 of an elector unknown to the judge, identification upon which
20 the elector's signature or mark ~~of-such-person~~ appears. If
21 identification is established to the satisfaction of the
22 judges of the election, the person may then be allowed to
23 vote.

24 All voters' declarations may ~~then~~ be seen by the chal-
25 lengers of each political party, at the request of such chal-
26 lengers.

27 Sec. 152. Section forty-nine point seventy-nine (49.79),
28 Code 1973, is amended to read as follows:

29 49.79 CHALLENGES. Any person offering to vote may be
30 challenged as unqualified by any judge or elector; and it
31 is the duty of each of the judges to challenge any person
32 offering to vote whom he knows or suspects not to be duly
33 qualified. At primary elections challenges may be made on
34 the grounds stated in section forty-three point forty-four
35 (43.44) of the Code. No judge shall receive a ballot from

1 a voter who is challenged, until such voter shall have
2 established his right to vote.

3 Sec. 153. Section forty-nine point eighty (49.80), sub-
4 section one (1), Code 1973, is amended to read as follows:

5 1. When the status of any person as a qualified elec-
6 tor is so challenged, the judges shall explain to him the
7 qualifications of an elector, ~~require-such-person-to-sign~~
8 ~~an-affidavit-as-set-forth-in-section-49.777~~ and may examine
9 him under oath touching his qualifications as a voter.

10 Sec. 154. Section forty-nine point eighty (49.80), Code
11 1973, is amended by adding the following new subsection:

12 NEW SUBSECTION. In case of a challenge on the grounds
13 stated in section forty-three point forty-four (43.44) of
14 the Code, the procedures set forth in that section shall be
15 followed.

16 Sec. 155. Section forty-nine point eighty-one (49.81),
17 Code 1973, is amended by striking the section and inserting
18 in lieu thereof the following:

19 49.81 OATH IN CASE OF CHALLENGE. If the elector is
20 challenged when offering to vote, but offers a receipt of
21 registration to the election judges as proof of his eligibility
22 to vote, the commissioner shall decide whether the elector
23 shall be entitled to vote. If in the opinion of the
24 commissioner there is sufficient evidence of the elector's
25 eligibility, one of the election judges shall tender to the
26 challenged elector an affidavit prescribed by the state
27 commissioner which reaffirms the challenged elector's
28 eligibility.

29 Sec. 156. Section forty-nine point eighty-three (49.83),
30 Code 1973, is amended to read as follows:

31 49.83 NAMES TO BE ENTERED MARKED ON POLLBOOK-OR ELECTION
32 REGISTER. ~~In-precincts-in-which-permanent-registration-is~~
33 ~~not-required-the-name-of-each-person7-when-a-ballot-is~~
34 ~~delivered-to-him7-shall-be-entered-by-each-of-the-clerks-of~~
35 ~~election-in-the-pollbook-kept-by-him-in-the-place-provided~~

1 ~~therefor---in-precincts-in-which-permanent-registration-is~~
2 ~~required,--the~~ The name of each voter shall be marked on the
3 election register by a clerk of election when the voter's
4 declaration of eligibility has been approved by the judges
5 of election.

6 Sec. 157. Section forty-nine point eighty-four (49.84),
7 Code 1973, is amended to read as follows:

8 49.84 MARKING AND RETURN OF BALLOT. On receipt of the
9 ballot, the voter shall, without leaving the enclosed space,
10 retire alone to one of the voting booths, and without delay
11 mark his ballot, and, before leaving the voting booth, shall
12 fold the same in such manner as to conceal the marks thereon,
13 and deliver the same to one of the judges of election. ~~The~~
14 ~~number-of-the-voter-on-the-pollbooks-or-register-lists~~ No
15 identifying mark or symbol shall ~~not~~ be endorsed on the back
16 of his ballot.

17 Sec. 158. Section forty-nine point eighty-six (49.86),
18 Code 1973, is amended to read as follows:

19 49.86 FAILURE TO VOTE--RETURN OF BALLOT. Any voter who,
20 after receiving an official ballot, decides not to vote,
21 shall, before entering the voting booth, surrender to the
22 election officers the official ballot which has been given
23 him, and such fact shall be noted on ~~each-of~~ the ~~poll-lists~~
24 election records. A refusal to surrender such ballot shall
25 subject the person so offending to immediate arrest and the
26 penalties provided ~~in~~ for violation of this chapter.

27 Sec. 159. Section forty-nine point eighty-eight (49.88),
28 Code 1973, is amended to read as follows:

29 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR VOTING.
30 No more than one person shall be allowed to occupy any voting
31 booth at any time. No person shall occupy such booth for
32 more than three minutes to cast his ~~ballot-in-precincts-using~~
33 ~~voting-machines,--nor-for-more-than-three-minutes-in-precincts~~
34 ~~using-paper-ballots~~ vote. Nothing in this section shall pro-
35 hibit assistance to voters under section 49.90.

1 Sec. 160. Section forty-nine point eighty-nine (49.89),
2 Code 1973, is amended to read as follows:

3 49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS. At, or
4 before, the opening of the polls, the judges of each precinct
5 shall select two members of the election board, of different
6 political parties, to assist voters who may be unable to ~~mark~~
7 ~~their-ballets~~ cast their votes without assistance. Voters
8 who are blind may have the assistance of any person they may
9 select.

10 Sec. 161. Section forty-nine point ninety (49.90), Code
11 1973, is amended to read as follows:

12 49.90 ASSISTING VOTER. Any voter who may declare upon
13 oath that he cannot read the English language, or that, by
14 reason of any physical disability other than intoxication,
15 he is unable to ~~mark-his-ballet~~ cast his vote without assis-
16 tance, shall, upon request, be assisted by said two officers,
17 or by any person the blind voter may select, in ~~marking-said~~
18 ~~ballet~~ casting his vote. Said officers, or person selected
19 by the blind voter, shall ~~mark-said-ballet-as-directed-by~~
20 ~~the-voter~~ cast the vote of the voter requiring assistance,
21 and shall thereafter give no information regarding the same.

22 Sec. 162. Section forty-nine point ninety-one (49.91),
23 Code 1973, is amended to read as follows:

24 49.91 ASSISTANCE INDICATED ON ~~POLLBOOK~~ REGISTER. The
25 clerks of election shall ~~enter~~ mark upon the ~~poll-lists~~
26 election register, ~~after~~ the name of any elector who received
27 such assistance in ~~marking-his-ballet~~, ~~a-memorandum-of-the~~
28 ~~fact~~ casting his vote.

29 Sec. 163. Section forty-nine point ninety-four (49.94),
30 first unnumbered paragraph, Code 1973, is amended to read
31 as follows:

32 If the names of all the candidates for whom a voter desires
33 to vote in any election other than the primary election appear
34 upon the same ticket, and he desires to vote for all candidates
35 whose names appear upon such ticket he may do so in any one

1 of the following ways:

2 Sec. 164. Section forty-nine point ninety-nine (49.99),
3 Code 1973, is amended to read as follows:

4 49.99 WRITING NAME ON BALLOT. The voter may also insert
5 in writing in the proper place the name of any person for
6 whom he desires to vote and place a cross or check in the
7 square opposite thereto. The writing of such name shall
8 constitute a valid vote for the person whose name has been
9 written on the ballot without making regard to whether the
10 voter has made a cross or check opposite thereto, -or- the.
11 The making of a cross or check in a square opposite a blank
12 without writing a name therein, shall not affect the validity
13 of the remainder of the ballot.

14
15 Sec. 165. Section forty-nine point one hundred five
16 (49.105), Code 1973, is amended to read as follows:

17 49.105 ORDERING ARREST. Any judge or clerk of election
18 shall order the arrest of any person who conducts himself
19 in a noisy, riotous, tumultuous or disorderly manner at or
20 about the polls, so as to disturb the election, or insults
21 or abuses the judges or clerks of election, or commits a
22 breach of the peace, or violates any of the provisions of
23 this chapter. If the person so arrested is a qualified elector
24 of the precinct which that polling place serves, and has not
25 yet voted, he shall be permitted to do so before being removed
26 from the polling place.

27 Sec. 166. Section forty-nine point one hundred thirteen
28 (49.113), Code 1973, is amended to read as follows:

29 49.113 OFFICIAL NEGLIGENCE OR MISCONDUCT. Any public officer
30 upon whom a duty is imposed by this chapter, who shall
31 willfully neglect to perform such duty, or who shall willfully
32 perform it in such a way as to hinder the object thereof,
33 or shall disclose to anyone, except as may be ordered by any
34 court of justice competent jurisdiction, the manner in which
35 any ballot may have been voted, shall be punished by a fine

1 of not less than five dollars nor more than one thousand
2 dollars, or by imprisonment in the ~~penitentiary-not-less-than~~
3 ~~one-ner-more-than-five-years~~ county jail for not more than
4 one year, or by both fine and imprisonment.

5 Sec. 167. Section forty-nine point one hundred twenty
6 (49.120), Code 1973, is amended to read as follows:

7 49.120 PROMISE OF POSITION. It shall be unlawful for
8 any candidate for any office to be voted for at any ~~primary~~
9 ~~general~~~~-municipal~~~~-or-special~~ election, prior to his
10 nomination or election, to promise, either directly or
11 indirectly, to support or use his influence in behalf of any
12 person or persons for any position, place, or office, or to
13 promise directly or indirectly to name or appoint any person
14 or persons to any place, position, or office in consideration
15 of any person or persons supporting him or using his, her,
16 or their influence in securing his or her nomination, election,
17 or appointment.

18 Sec. 168. Section forty-nine point one hundred twenty-
19 one (49.121), Code 1973, is amended to read as follows:

20 49.121 PROMISE OF INFLUENCE. It shall be unlawful for
21 any person to solicit from any candidate for any office to
22 be voted for at any ~~primary~~~~-municipal~~~~-general~~~~-or-special~~
23 election, or any candidate for appointment to any public
24 office, prior to his nomination, election, or appointment,
25 a promise, directly or indirectly, to support or use his or
26 her influence in behalf of any person or persons for any
27 position, place, or office, or a promise either directly or
28 indirectly to name or appoint any person or persons to any
29 place, position, or office in consideration of any person
30 or persons supporting him or her, or using his, her, or their
31 influence in securing his or her nomination, election, or
32 appointment.

33 Sec. 169. Section forty-nine point one hundred twenty-
34 four (49.124), Code 1973, is amended to read as follows:

35 49.124 TRAINING COURSE BY ~~AUDITOR~~ COMMISSIONER. It shall

1 be the duty of the ~~county-auditor~~ commissioner to conduct,
2 not less than three days before each primary and general
3 election, a training course of not more than two hours for
4 all election personnel, and the commissioner may do so before
5 any other election he administers. Such personnel shall
6 include judges, clerks, ~~special-police,-constables,~~ and any
7 other persons who will be employed in or around the polling
8 places on election day. At least one judge and one clerk
9 who will serve on each precinct election board at the
10 forthcoming election shall attend the training course, and
11 if the entire board does not attend, those members who do
12 attend shall so far as possible be persons who have not
13 previously attended a similar training course.

14 Sec. 170. Section forty-nine point one hundred twenty-
15 six (49.126), Code 1973, is amended to read as follows:

16 49.126 ~~MANUAL BY SECRETARY-OF STATE~~ COMMISSIONER. It
17 shall be the duty of the ~~secretary-of~~ state commissioner to
18 provide a training manual and such additional materials as
19 may be necessary to all ~~county-auditors~~ commissioners for
20 conducting the required training course ~~by-April-15,-1974~~
21 and to revise the manual from time to time as may be necessary.

22 Sec. 171. Section forty-nine point one hundred twenty-
23 seven (49.127), Code 1973, is amended to read as follows:

24 49.127 ~~AUDITOR-AND-CLERK~~ COMMISSIONER TO EXAMINE MACHINES.
25 It shall be the duty of each ~~county-auditor-or-city-or-town~~
26 clerk commissioner to determine that all voting machines are
27 operational and functioning properly and that all materials
28 necessary for the conduct of the election are in his possession
29 and are correct. ~~Such-auditor-or-city-or-town-clerk-shall~~
30 ~~verify-such-facts-on-the-forms-provided-by-the-secretary-of~~
31 ~~state-and-shall-send-such-completed-forms-by-registered-mail~~
32 ~~to-the-secretary-of-state-not-less-than-forty-eight-hours~~
33 ~~before-the-election.~~

34 Sec. 172. Section fifty point one (50.1), Code 1973, is
35 amended to read as follows:

1 50.1 CANVASS BY JUDGES. At every election conducted under
2 chapter forty-nine (49) of the Code, except the primary elec-
3 tion provided for by chapter forty-three (43) of the Code,
4 and at every other election unless the law authorizing the
5 election otherwise requires, the vote shall be canvassed at
6 each polling place by the election board in the manner
7 prescribed by this chapter. When the poll is closed, the
8 judges shall forthwith, and without adjournment:

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

11 2. Ascertain the result of the vote.

12 3. ~~Compare the poll lists and correct errors therein~~
13 Prepare in writing a list of any apparently or possibly
14 erroneous information appearing in the precinct election
15 register.

16 4. Cause each clerk to keep a tally list of the count.

17 Sec. 173. Section fifty point six (50.6), Code 1973, is
18 amended to read as follows:

19 50.6 ~~BALLOTS~~ VOTES IN EXCESS OF POLL-LIST VOTER DEC-
20 LARATIONS. If the ~~ballots~~ number of votes cast for any office
21 exceed or on any question exceeds the number of ~~the-voters~~
22 in-the-poll-lists voters' declarations of eligibility signed
23 as required by section forty-nine point seventy-seven (49.77)
24 of the Code, such fact shall be certified, with the number
25 of the excess, in the return.

26 Sec. 174. Section fifty point seven (50.7), Code 1973,
27 is amended to read as follows:

28 50.7 ERROR ON COUNTY OFFICE--TOWNSHIP OFFICE. If, in
29 case of such excess, the vote of the precinct where the error
30 occurred would change the result as to a county office if
31 the person appearing to be elected were deprived of so many
32 votes, then the election shall be set aside as to him in that
33 precinct, and a new election ordered therein; but no person
34 residing-in-another who was not a qualified elector in that
35 precinct at the time of the general election shall be allowed

1 to vote at such special election. If the error occurs in
2 relation to ~~a township office, the trustees~~ an office of a
3 city, school district, township, or of any special district
4 whose elections may be conducted under this chapter, the
5 governing body of the political subdivision involved may order
6 a new election or not, in their discretion.

7 Sec. 175. Section fifty point eight (50.8), Code 1973,
8 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. If the error affects the result of the election,
13 the canvass shall be suspended and a new vote ordered in the
14 precinct where the error occurred. When there is a tie vote
15 due to such an excess, there shall be a new election. No
16 person ~~residing in another~~ 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. 176. Section fifty point nine (50.9), Code 1973,
21 is amended to read as follows:

22 50.9 RETURN OF BALLOTS NOT VOTED. Ballots not voted,
23 or spoiled by voters while attempting to vote, shall be
24 returned by the judges of election to the ~~officer or~~
25 ~~authorities charged with their printing and distribution~~
26 commissioner, and a receipt taken therefor, and they shall
27 be preserved for six months.

28 Sec. 177. Section fifty point ten (50.10), Code 1973,
29 is amended by striking the section and inserting in lieu
30 thereof the following:

31 50.10 RECORD OF BALLOTS RETURNED. The commissioner shall
32 enter on the record maintained as required by section forty-
33 nine point sixty-five (49.65) of the Code a notation of the
34 number and character of the ballots returned from each
35 precinct, and the time when and the person by whom they are

1 returned.

2 Sec. 178. Section fifty point eleven (50.11), Code 1973,
3 is amended to read as follows:

4 50.11 PROCLAMATION OF RESULT. When the canvass is com-
5 pleted one of the judges shall publicly announce the total
6 number of votes received by each of the persons voted for,
7 the office for which he is designated, as announced by the
8 clerks, and the number of votes for, and the number of votes
9 against, any proposition which shall have been submitted to
10 a vote of the people, and he shall communicate said informa-
11 tion by telephone or telegraph or in person to the ~~county~~
12 ~~auditer-of-the-county-in-which-said-polling-place-is-located~~
13 commissioner who is conducting the election immediately upon
14 completion of the canvass; and the ~~county-auditer~~ commissioner
15 shall remain on duty until such information is communicated
16 to him from each polling place in his county.

17 Sec. 179. Section fifty point twelve (50.12), Code 1973,
18 is amended to read as follows:

19 50.12 RETURN AND PRESERVATION OF BALLOTS. Immediately
20 after making such proclamation, and before separating, the
21 judges of each precinct in which votes have been received
22 by paper ballot shall fold in two folds, and string closely
23 upon a single piece of flexible wire, all ballots which have
24 been counted by them, except those endorsed "Rejected as
25 double", "Defective", or "Objected to", unite the ends of
26 such wire in a firm knot, seal the knot in such a manner that
27 it cannot be untied without breaking the seal, enclose the
28 ballots so strung in an envelope, and securely seal such
29 envelope. The judges shall ~~at-once~~ return all the ballots
30 to the ~~officer-from-whom-they-were-received~~ commissioner,
31 who shall carefully preserve them for six months.

32 Sec. 180. Section fifty point thirteen (50.13), Code 1973,
33 is amended to read as follows:

34 50.13 DESTRUCTION OF GENERAL-ELECTION BALLOTS. If at
35 the expiration of six months no contest is pending, the officer

1 ~~having-the-ballots-in-custody~~ commissioner, without opening
 2 the package in which they have been enclosed, shall destroy
 3 the same ~~by-burning~~, in the presence of two electors, one
 4 from each of the two leading political parties, who shall
 5 be designated by the chairman of the board of supervisors,
 6 ~~or-in-municipal-elections, by-the-mayor-of-the-city-or-town.~~

7 Sec. 181. Section fifty point sixteen (50.16), Code 1973,
 8 is amended to read as follows:

9 50.16 TALLY LIST OF BOARD. The tally list shall be ~~made~~
 10 ~~in-each-pollbook~~ prepared in writing by the election board,
 11 giving, in legibly printed numerals, the whole number of
 12 ballots cast for each officer, except those rejected, the
 13 name of each person voted for, and the number of votes given
 14 to each person for each different office; which tally list
 15 shall be signed by the judges, and be substantially as follows:

16 At an election at in township, or in
 17 precinct of city or township, in
 18 county, state of Iowa, on the day of A.D.
 19, there were ballots cast for the office of
 20 of which

21 A. B. had. votes.

22 C. D. had. votes.

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

24 A true tally list:

25 L. M.)

26 N. O.) Judges of Election

27 P. Q.)

28 Attest: R. S.) Clerks of Election.

29 T. U.)

30 Sec. 182. Section fifty point seventeen (50.17), Code
 31 1973, is amended by striking the section and inserting in
 32 lieu thereof the following:

33 50.17 RETURN OF ELECTION REGISTER. The precinct elec-
 34 tion register prepared for each election, together with the
 35 ballots to be returned pursuant to section fifty point twelve

1 (50.12) of the Code, if any, and the signed and attested tally
2 list, shall be delivered to the commissioner by one of the
3 precinct judges of election within two days after the day
4 of the election.

5 Sec. 183. Section fifty point nineteen (50.19), Code 1973,
6 is amended to read as follows:

7 50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The ~~receiving~~
8 ~~officer~~ commissioner shall file ~~said-books~~ precinct election
9 registers, and the registry ~~books-and~~ lists and other papers
10 pertaining to registration, together with the affidavits of
11 eligibility signed by voters at the election, in his office,
12 and preserve the same for ~~three~~ four years and until the
13 determination of any contest then pending, after which they
14 shall be destroyed.

15 Sec. 184. Section fifty point twenty-three (50.23), Code
16 1973, is amended to read as follows:

17 50.23 MESSENGERS FOR MISSING TALLY LISTS. The ~~county~~
18 ~~auditor~~ commissioner shall, on the fourth day following an
19 election, send messengers for all tally lists not then re-
20 ceived by him. The expense of securing such tally lists shall
21 be paid by the county.

22 Sec. 185. Section fifty point twenty-four (50.24), Code
23 1973, is amended by striking the section and inserting in
24 lieu thereof the following:

25 50.24 CANVASS BY BOARD OF SUPERVISORS. The county board
26 of supervisors shall meet ~~at~~ not later than twelve o'clock
27 noon on the first Monday after the day of each election to
28 which this chapter is applicable, unless the law authorizing
29 the election specifies another date for the canvass, and shall
30 open and canvass the tally lists. The board shall prepare
31 abstracts stating, in words written at length, the number
32 of votes cast in the county, or in that portion of the county
33 in which the election was held, for each office or on each
34 question on the ballot for the election. The abstract shall
35 further indicate the name of each person who received votes

1 for each office on the ballot, and the number of votes each
2 person named received for that office, and the number of votes
3 for and against each question submitted to the voters at the
4 election.

5 Sec. 186. Section fifty point twenty-five (50.25), Code
6 1973, is amended to read as follows:

7 50.25 ABSTRACT OF VOTES IN THE GENERAL ELECTION. The
8 At the canvass of the general election, the abstract of the
9 votes for each of the following classes shall be made on a
10 different sheet:

- 11 1. President and vice-president of the United States.
- 12 2. Governor and lieutenant governor.
- 13 3. All state officers not otherwise provided for.
- 14 4. Representatives in Congress.
- 15 5. Senators and representatives in the general assembly
16 for the county alone.
- 17 6. Senators or representatives in the general assembly
18 by districts comprising more than one county.
- 19 7. County officers.
- 20 8. Senators in the Congress of the United States.

21 Sec. 187. Section fifty point twenty-six (50.26), Code
22 1973, is amended to read as follows:

23 50.26 DUPLICATE ABSTRACTS. All abstracts of votes cast
24 in the general election, except the abstracts of votes for
25 county officers, shall be made in duplicate, and signed by
26 the board of county canvassers. One of said abstracts shall
27 be forwarded to the ~~secretary-of~~ state commissioner, and the
28 other filed by the ~~county-auditor~~ commissioner.

29 Sec. 188. Section fifty point twenty-seven (50.27), Code
30 1973, is amended to read as follows:

31 50.27 DECLARATION OF ELECTION. Each abstract of the votes
32 for such officers as the county alone elects at the general
33 election, except district judges, and senators and represen-
34 tatives in the general assembly, or of the votes for officers
35 of political subdivisions whose elections are conducted by

1 the commissioner, shall contain a declaration of whom the
2 canvassers determine to be elected.

3 Sec. 189. Section fifty point twenty-eight (50.28), Code
4 1973, is amended to read as follows:

5 50.28 TALLY LISTS FILED. When the canvass is concluded,
6 the board shall deliver the original tally lists to the ~~audi-~~
7 ter commissioner, who shall file the same, and record each
8 of the abstracts above mentioned in the election book.

9 Sec. 190. Section fifty point twenty-nine (50.29), Code
10 1973, is amended to read as follows:

11 50.29 CERTIFICATE OF ELECTION. When any person is thus
12 declared elected, there shall be delivered to him a certifi-
13 cate of election, under the official seal of the county, in
14 substance as follows:

15 STATE OF IOWA)

16 County.)

17 At an election holden in said county on the day
18 of, A.D. A. B. was
19 elected to the office of ~~of-the-said-county~~ for the
20 term of years from the day of,
21 A. D. (or if he was elected to fill a vacancy, say
22 for the residue of the term ending on the day of
23, A. D.,
24 and until his successor
25 is elected and qualified.

26 C. D. ,

27 President of Board of Canvassers.

28 Witness, E. F. ,

29 County ~~Auditer~~ Commissioner of Elections (clerk).

30 Such certificate shall be presumptive evidence of his elec-
31 tion and qualification.

32 Sec. 191. Section fifty point thirty (50.30), unnumbered
33 paragraph one (1), Code 1973, is amended to read as follows:

34 The ~~auditer~~ commissioner shall, within ten days after the
35 election, forward to the ~~secretary-of~~ state commissioner,

1 in separate, securely sealed envelopes, one of the said
2 duplicate abstracts of votes for each of the following offices:

3 Sec. 192. Section fifty point thirty-two (50.32), Code
4 1973, is amended to read as follows:

5 50.32 ENDORSEMENT ON OTHER ENVELOPES. Said remaining
6 envelopes shall be endorsed substantially in the manner pro-
7 vided in section 50.31, with changes necessary to indicate
8 the particular office, and each shall be addressed, "To the
9 Secretary-of State Commissioner of Elections".

10 Sec. 193. Section fifty point thirty-three (50.33), Code
11 1973, is amended to read as follows:

12 50.33 FORWARDING OF ENVELOPES. Said envelopes, including
13 the one addressed to the speaker, after being prepared, sealed,
14 and endorsed as aforesaid, shall be placed in one package
15 and forwarded to the secretary-of state commissioner.

16 Sec. 194. Section fifty point thirty-four (50.34), Code
17 1973, is amended to read as follows:

18 50.34 MISSING ABSTRACTS. If the abstracts from any county
19 are not received at the office of the secretary-of state
20 commissioner within fifteen days after the day of election,
21 he shall send a messenger to the auditor commissioner of such
22 county, who shall furnish him with them, or, if they have
23 been sent, with a copy thereof, and he shall return them to
24 the secretary state commissioner without delay.

25 Sec. 195. Section fifty point thirty-five (50.35), Code
26 1973, is amended to read as follows:

27 50.35 ABSTRACTS ON GOVERNOR. The envelopes containing
28 the abstracts of votes for governor and lieutenant governor
29 shall not be opened by the secretary-of state commissioner,
30 but he shall securely preserve the same and deliver them to
31 the speaker of the house of representatives at the time said
32 abstracts are canvassed as provided by law.

33 Sec. 196. Section fifty point thirty-six (50.36), Code
34 1973, is amended to read as follows:

35 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS. All other

1 envelopes containing abstracts of votes shall be kept by the
2 ~~seeretary-of~~ state commissioner, unopened, until the time
3 fixed by law for the canvass of such abstracts, and they shall
4 then be opened only in the presence of the state board of
5 canvassers.

6 Sec. 197. Section fifty point thirty-seven (50.37), Code
7 1973, is amended to read as follows:

8 50.37 STATE CANVASSING BOARD. The executive council shall
9 constitute a board of canvassers of all abstracts of votes
10 required to be filed with the ~~seeretary-of~~ state commissioner,
11 except for the offices of governor and lieutenant governor.
12 No member of such board shall take part in canvassing the
13 votes for an office for which he is a candidate.

14 Sec. 198. Section fifty point forty (50.40), Code 1973,
15 is amended to read as follows:

16 50.40 RECORD OF CANVASS. The ~~seeretary-of~~ state commis-
17 sioner shall file the abstracts when received and shall have
18 the same bound in book form to be kept by him as a record
19 of the result of said state election, to be known as the state
20 election book.

21 Sec. 199. Section fifty point forty-two (50.42), Code
22 1973, is amended to read as follows:

23 50.42 CERTIFICATES MAILED. The ~~seeretary-of~~ state commis-
24 sioner shall deliver or mail certificates of election to the
25 persons declared elected.

26 Sec. 200. Section fifty point forty-six (50.46), Code
27 1973, is amended to read as follows:

28 50.46 SPECIAL ELECTIONS--CANVASS AND CERTIFICATE. ~~In~~
29 case When a special election has been held to fill a vacancy,
30 pursuant to section sixty-nine point fourteen (69.14) of the
31 Code, the board of county canvassers shall meet at one o'clock
32 in the afternoon of the second day thereafter, and canvass
33 the votes cast thereat. The ~~county-auditer~~ commissioner,
34 as soon as the canvass is completed, shall transmit to the
35 ~~seeretary-of~~ state commissioner an abstract of the votes so

1 canvassed, and the state board, within five days after
2 receiving such abstracts, shall canvass the tally lists.
3 A certificate of election shall be issued by the county or
4 state board of canvassers, as in other cases. All the
5 provisions regulating elections, obtaining tally lists, and
6 canvass of votes at general elections, except as to time,
7 shall apply to special elections.

8 Sec. 201. Section fifty-one point one (51.1), Code 1973,
9 is amended to read as follows:

10 51.1 ELECTION COUNTING BOARD. In all election precincts
11 the board of supervisors may authorize the commissioner to
12 appoint for each primary and general election three additional
13 judges and two additional clerks to be known as the election
14 counting board.

15 Sec. 202. Section fifty-one point two (51.2), Code 1973,
16 is amended by striking the section and inserting in lieu
17 thereof the following:

18 51.2 APPOINTMENT. The members of the election counting
19 board shall be appointed by the commissioner from the elec-
20 tion board panel drawn up as provided by section forty-nine
21 point fifteen (49.15) of the Code. The requirements of sec-
22 tion forty-nine point thirteen (49.13) of the Code, relative
23 to political party affiliation of members of the election
24 board appointed to serve for partisan elections shall apply
25 to the membership of the election counting board.

26 Sec. 203. Section fifty-one point three (51.3), Code 1973,
27 is amended to read as follows:

28 51.3 "RECEIVING" AND "COUNTING" BOARDS DEFINED. The
29 judges and clerks of election as provided in ~~existing-law~~
30 chapter forty-nine (49) of the Code shall be known as the
31 receiving board and it shall be their duty to supervise the
32 casting of ballots at said election, and the judges and clerks
33 provided for in sections 51.1 and 51.2 shall be known as the
34 counting board.

35 Sec. 204. Section fifty-one point four (51.4), Code 1973,

1 is amended to read as follows:

2 51.4 ~~SELECTION-OF-COUNTING-BOARD--DUTIES~~ DUTIES OF
 3 RECEIVING BOARD. ~~The-counting-board-shall-be-chosen-from~~
 4 ~~the-two-political-parties-casting-the-highest-number-of-votes~~
 5 ~~at-the-last-general-election;--Not-more-than-two-judges-nor~~
 6 ~~more-than-one-clerk-shall-belong-to-the-same-political~~
 7 ~~organization;--provided-that-two-of-such-judges-shall-be-chosen~~
 8 ~~from-the-political-party-casting-the-highest-number-of-votes~~
 9 ~~at-the-last-preceding-general-election; The receiving board~~
 10 shall perform all the functions of judges and clerks of elec-
 11 tion as now provided by law except as to counting and certi-
 12 fying the vote as by this chapter provided.

13 Sec. 205. Section fifty-one point five (51.5), unnumbered
 14 paragraph one (1), Code 1973, is amended to read as follows:

15 All judges and clerks shall take an oath as now provided
 16 in ~~existing-law~~ section forty-nine point seventy-five (49.75)
 17 of the Code, for judges of election and in addition to such
 18 oath the counting board shall take the following oath:

19 Sec. 206. Section fifty-one point seven (51.7), Code 1973,
 20 is amended to read as follows:

21 51.7 DUTIES OF DOUBLE BOARDS. The counting boards shall
 22 proceed to the respective voting places to which they have
 23 been appointed, at one o'clock p.m., or in any precinct in
 24 which the ~~board-of-supervisors~~ commissioner shall deem it
 25 necessary, at such earlier hour after nine o'clock a.m., as
 26 ~~such-board-of-supervisors~~ the commissioner may direct, and
 27 shall take charge of the ballot box containing the ballots
 28 already cast in that precinct. It shall retire to a
 29 partitioned space or room provided for that purpose and there
 30 proceed to count and tabulate the ballots as it shall find
 31 them deposited in the ballot box. The receiving board shall
 32 continue to receive the votes of electors in the other box
 33 provided, until such time as the counting board shall have
 34 finished counting and tabulating the ballots cast in the first
 35 ballot box. The two boards shall then exchange the first

1 box for the second box and so continue until they have counted
2 and tabulated all the votes cast on that election day. When
3 the hour arrives for closing the polls, the receiving board
4 shall certify to all matters pertaining to casting of ballots
5 and shall then unite with the counting board in the counting
6 of ballots. The judges shall then divide the ballots not
7 counted and each group of judges and clerks shall proceed
8 to canvass their portion of the same. When the canvass has
9 been completed the judges and clerks shall report the result
10 of their canvass ~~by telephone or telegraph or in person to~~
11 ~~the county auditor of the county in which said voting place~~
12 ~~is located immediately after completion thereof, which report~~
13 ~~shall be incorporated~~ in the returns manner provided by law
14 section fifty point eleven (50.11) of the Code.

15 Sec. 207. Section fifty-one point eight (51.8), Code 1973,
16 is amended to read as follows:

17 51.8 BALLOT BOXES. It shall be the duty of the ~~board~~
18 ~~of supervisors~~ commissioner to provide the judges of election
19 with such ballot boxes and other election supplies as may
20 be required to be furnished in duplicate to accomplish the
21 purpose of this chapter.

22 Sec. 208. Section fifty-one point nine (51.9), Code 1973,
23 is amended to read as follows:

24 51.9 MANNER OF COUNTING. Whenever the counting board
25 receives from the receiving board the ballot box, they shall
26 also be furnished a statement from the receiving board giving
27 the number of ~~votes as shown by the pollbooks~~ voters'
28 declarations of eligibility signed up to that time, which
29 shall equal the number of votes in the ballot box. The
30 counting board shall on opening the ballot box first count
31 the ballots therein. If the number of ballots found in the
32 ballot box exceeds the number as shown by the statement
33 received from the receiving board the counting judges shall
34 proceed to examine the official endorsement of said ballots,
35 and, if any ballots are found that do not bear proper official

1 endorsement, said ballots shall be kept separate and a record
2 of such ballots shall be made and returned under the head
3 of excess ballots. The counting board shall then proceed
4 to count the ballots as now provided by law.

5 Sec. 209. Section fifty-one point twelve (51.12), Code
6 1973, is amended to read as follows:

7 51.12 COUNTING QUARTERS--GUARDING BALLOTS. ~~Boards-of~~
8 ~~supervisors~~ The commissioner shall provide suitable places
9 for the counting of ballots, but when it becomes necessary
10 to remove the ballot box from one room to another, or from
11 one building to another, and at all times when they are in
12 possession of the counting board, they shall be under constant
13 observation of at least ~~two-counting-judges~~ one counting judge
14 from each political party.

15 Sec. 210. Section fifty-one point thirteen (51.13), Code
16 1973, is amended to read as follows:

17 51.13 CERTIFICATION OF COUNT--RETURNS. Both boards shall
18 certify to all matters pertaining to counting and canvassing
19 of votes and shall return ~~pollbooks~~ all materials and ballots
20 to the ~~county-auditor~~ commissioner as provided by law.

21 Sec. 211. Section fifty-one point fifteen (51.15), Code
22 1973, is amended to read as follows:

23 51.15 APPLICABILITY OF LAW. This chapter shall apply
24 to all general and primary elections, but shall not apply
25 ~~to-school-elections-or-town-elections~~ where voting machines
26 are used.

27 Sec. 212. Section fifty-two point one (52.1), Code 1973,
28 is amended to read as follows:

29 52.1 USE OF VOTING MACHINES. At all ~~state, county, city,~~
30 ~~town, primary, and township~~ elections held-in-the-state,
31 ballots-or conducted under chapter forty-nine (49) of the
32 Code, and at any other election unless specifically prohibited
33 by the statute authorizing the election, votes may be cast,
34 registered, recorded, and counted by means of voting machines,
35 as hereinafter provided.

1 Sec. 213. Section fifty-two point two (52.2), Code 1973,
2 is amended to read as follows:

3 52.2 PURCHASE. The board of supervisors of any county,
4 ~~or-the-council-of-any-incorporated-city-or-town-in-the-state~~
5 may, by a majority vote, authorize, purchase, and order the
6 use of voting machines in any one or more voting precincts
7 within said county,~~city, or town,~~ until otherwise ordered
8 by said board of supervisors ~~or city or town council.~~

9 Sec. 214. Section fifty-two point three (52.3), Code 1973,
10 is amended to read as follows:

11 52.3 TERMS OF PURCHASE--TAX LEVY. The ~~local-authorities~~
12 county board of supervisors, on the adoption and purchase
13 of a voting machine, may provide for the payment therefor
14 in such manner as they may deem for the best interest of the
15 ~~locality~~ county, and may for that purpose issue bonds,
16 certificates of indebtedness, or other obligations, which
17 shall be a charge on the county, ~~city, or town,~~ or levy not
18 to exceed one-half mill,~~and any.~~ Any amounts so levied and
19 collected in excess of actual costs of voting machines shall
20 revert to the general fund of the county,~~city, or town~~
21 ~~concerned,--in-the-case-of-a-city-or-town, any such funds~~
22 ~~collected under this section shall be held in a separate~~
23 ~~account in the municipal enterprises fund and shall be used~~
24 ~~for no other purpose than the purchase of voting machines.~~
25 Such bonds, certificates, or other obligations may be issued
26 with or without interest, payable at such time or times as
27 the ~~authorities~~ county board may determine, but shall not
28 be issued or sold at less than par.

29 Sec. 215. Section fifty-two point eight (52.8), Code 1973,
30 is amended to read as follows:

31 52.8 EXPERIMENTAL USE. The board of supervisors of any
32 county ~~or-the-council-of-any-city-or-town~~ may provide for
33 the experimental use at an election in one or more districts,
34 of a machine which it might lawfully adopt, without a formal
35 adoption thereof; and its use at such election shall be as

1 valid for all purposes as if it had been lawfully adopted.

2 Sec. 216. Section fifty-two point nine (52.9), unnumbered
3 paragraphs one (1) and two (2), Code 1973, are amended to
4 read as follows:

5 The ~~local-authorities-adopting-a-voting~~ commissioner having
6 jurisdiction of any precinct for which the board of supervisors
7 has adopted voting by machine shall, as soon as practicable
8 thereafter, provide for ~~each~~ the precinct polling place one
9 or more voting machines in complete working order, and shall
10 thereafter keep them in repair, and shall have the custody
11 thereof and of the furniture and equipment of the polling
12 place when not in use at an election. If it shall be
13 impracticable to supply each and every election ~~district~~
14 precinct for which machine voting has been adopted with a
15 voting machine or voting machines at any election following
16 such adoption, as many may be supplied as it is practicable
17 to procure, and the same may be used in such election ~~district~~
18 ~~or-districts-within-the-county,-city,-or-town~~ precincts as
19 the ~~officers-adopting-the-same~~ commissioner may direct.

20 It shall be the duty of the ~~county-auditor-or-the-city~~
21 ~~clerk-or-their~~ commissioner or his duly authorized agents
22 when so requested by the county chairman of one of the
23 political parties referred to in section forty-nine point
24 thirteen (49.13) of the Code, to examine and test the voting
25 machines to be used at any election not less than twelve hours
26 before the opening of the polls on the morning of the election.
27 ~~to-examine-and-test-said-machines.--The~~ If voting machines
28 are to be so examined and tested, the chairman of each
29 political party shall be notified in writing of the time said
30 machines shall be examined and tested so that they may be
31 present, or have a representative present. Those present
32 for the examination and testing shall sign a certificate which
33 shall read substantially as follows:

34 Sec. 217. Section fifty-two point eleven (52.11), Code
35 1973, is amended to read as follows:

1 52.11 LOCKING OF UNUSED PARTY ROW. At all general elec-
2 tions the ~~offieer~~ commissioner in ~~charge-of~~ preparing the
3 ballot upon every voting machine shall cause the party row
4 next underneath the names of the Republican candidates, and
5 also the party row underneath the names of the Democratic
6 candidates, to be locked and left blank except when more than
7 ~~seven~~ five political parties have nominated candidates whose
8 names are entitled to be placed on the official ballot.

9 Sec. 218. Section fifty-two point thirteen (52.13), Code
10 1973, is amended to read as follows:

11 52.13 SAMPLE BALLOTS. The ~~offieers-or-board-charged-with~~
12 ~~the-duty-of-providing-ballots-for-any-polling-place~~
13 commissioner shall provide ~~therefor~~ for each precinct polling
14 place at which votes are to be cast by machine two sample
15 ballots, which shall be arranged in the form of a diagram
16 showing the entire front of the voting machine as it will
17 appear after the official ballots are arranged for voting
18 on election day. Such sample ballots shall be open to public
19 inspection at such polling place during the day of election
20 and the day next preceding election day.

21 Sec. 219. Section fifty-two point fifteen (52.15), Code
22 1973, is amended by striking the section and inserting in
23 lieu thereof the following:

24 52.15 DELIVERY OF BALLOTS AND SUPPLIES. The voting machine
25 ballots and other necessary supplies shall be delivered to
26 the election judges of each precinct in which votes are to
27 be cast by machine at the time required by section forty-nine
28 point fifty-five (49.55) of the Code.

29 Sec. 220. Section fifty-two point sixteen (52.16), Code
30 1973, is amended to read as follows:

31 52.16 DUTIES OF ELECTION OFFICERS--INDEPENDENT BALLOTS.
32 The ~~judges-of-election-and-clerks~~ election board of each
33 precinct in which votes are to be cast by machine shall meet
34 at the precinct polling place ~~therein~~, at least ~~three-quarters~~
35 ~~of-an~~ one hour before the time set for the opening of the

1 polls at each election, and shall proceed to arrange within
2 the guardrail the furniture, stationery, and voting machine
3 for the conduct of the election. ~~The judges of election shall~~
4 ~~then and there have the voting machine, ballots, and stationery~~
5 ~~required to be delivered to them for such election, and, if~~
6 ~~it be an election at which registered voters only can vote,~~
7 ~~the registry of such electors required to be made and kept~~
8 ~~therefor.~~ The judges shall thereupon cause at least two
9 instruction cards to be posted conspicuously within the polling
10 place. If not previously done, they shall arrange, in their
11 proper place on the voting machine, the ballots containing
12 the names of the offices to be filled at such election, and
13 the names of the candidates nominated therefor. If not
14 previously done, the machine shall be so arranged as to show
15 that no vote has been cast, and the same shall not be
16 thereafter operated, except by electors in voting. Before
17 the polls are open for election, each judge shall carefully
18 examine every machine and see that no vote has been cast,
19 and the same shall be subject to inspection of the election
20 officers. Ballots voted for any person whose name does not
21 appear on the machine as a nominated candidate for office,
22 are herein referred to as independent ballots. When two or
23 more persons are to be elected to the same office, and the
24 machine requires that all independent ballots voted for that
25 office be deposited in a single receptacle or device, an
26 elector may vote in or by such receptacle or device for one
27 or more persons whose names do not appear upon the machine
28 with or without the names of one or more persons whose names
29 do so appear. With that exception, and except for presidential
30 electors, no independent ballot shall be voted for any person
31 for any office whose name appears on the machine as a nominated
32 candidate for that office; any independent ballot so voted
33 shall not be counted. An independent ballot must be cast
34 in its appropriate place on the machine, or it shall be void
35 and not counted.

1 Sec. 221. Section fifty-two point twenty-one (52.21),
2 last unnumbered paragraph, Code 1973, is amended to read as
3 follows:

4 After the canvass has been completed ~~said the judges and~~
5 clerks shall immediately communicate-the-result-thereof-by
6 telephone-or-telegraph-or-in-person-to-the-county-auditor
7 of-the-county-in-which-said-polling-place-is-located report
8 the result of the canvass in the manner provided by section
9 fifty point eleven (50.11) of the Code.

10 Sec. 222. Section fifty-two point twenty-two (52.22),
11 Code 1973, unnumbered paragraph one (1) is amended to read
12 as follows:

13 The judges of election shall, as soon as the count is com-
14 pleted and fully ascertained as in this chapter required,
15 lock the machine against voting, and it shall so remain until
16 thirty days after the proclamation of the results of said
17 election, except that it shall remain locked only ten days
18 after a primary election, including a city primary election,
19 if such election is not contested. However, if the machines
20 in any precinct are so constructed as to deliver, immediately
21 upon conclusion of the voting at any election, multiple copies
22 of a printed record of the votes cast and the totals for each
23 candidate or question appearing on the face of the machine,
24 the machines may be unlocked upon expiration of the time for
25 requesting a recount of votes in a primary election or for
26 contesting any other election, unless the precinct election
27 board informs the commissioner that the printed record produced
28 by the machine is smeared, torn or otherwise unreadable.
29 In the latter case, the machines shall be kept locked for
30 the period of time prescribed for machines which do not print
31 such a record.

32 Sec. 223. Section fifty-two point twenty-three (52.23),
33 Code 1973, is amended to read as follows:

34 52.23 WRITTEN STATEMENTS OF ELECTION. After the total
35 vote for each candidate has been ascertained, and before

1 leaving the room or voting place, the judges shall make and
2 sign the canvass forms referred to in section 52.21, which
3 canvass shall serve as a written statement of election. Said
4 canvass statement shall be in lieu of the tally list required
5 in section 50.16 ~~where-permanent-registration-is-in-effect,~~
6 ~~except-that-the-registration-books-shall-be-preserved-and~~
7 ~~returned-with-said-certificate-of-election-officials-and-can-~~
8 ~~vass.~~

9 Sec. 224. Section fifty-two point twenty-four (52.24),
10 Code 1973, is amended to read as follows:

11 52.24 WHAT STATUTES APPLY--SEPARATE BALLOTS. All of the
12 provisions of the election law ~~now-in-force-and~~ not incon-
13 sistent with the provisions of this chapter shall apply with
14 full force to all counties, ~~cities,~~ ~~and towns~~ adopting the
15 use of voting machines. Nothing in this chapter shall be
16 construed as prohibiting the use of a separate ballot for
17 public measures.

18 Sec. 225. Section fifty-two point twenty-five (52.25),
19 Code 1973, is amended to read as follows:

20 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE. The question
21 of a constitutional convention, amendments and public measures
22 including bond issues may be voted on the voting machines
23 in the following manner:

24 The entire convention question, amendment or public mea-
25 sure shall be printed and displayed prominently in at least
26 two places within the voting precinct and on the left-hand
27 side inside the curtain of each voting machine, said printing
28 to be in conformity with the provisions of chapter 49. The
29 public measure shall be summarized by the auditor or city
30 clerk and in the largest type possible printed on the inserts
31 used in said voting machines, except in the case of the ques-
32 tion of a constitutional convention, or of an amendment or
33 measure to be voted on in more than one county, the summary
34 to be placed in the voting machine inserts shall be worded
35 by the ~~secretary-of~~ state commissioner of elections as required

1 by section forty-nine point forty-four (49.44) of the Code
2 and-said-summary-shall-be-used-in-each-county.

3 ~~Any-portion-of-sections-49.43-to-49.47-in-conflict-here-~~
4 ~~with-is-hereby-declared-inapplicable-to-these-counties-which~~
5 ~~have-adopted-voting-machines-and-follow-the-procedure-of-this~~
6 ~~section.~~

7 Sec. 226. Section fifty-three point one (53.1), Code 1973,
8 is amended by striking the section and inserting in lieu
9 thereof the following:

10 53.1 RIGHT TO VOTE--CONDITIONS. Any qualified elector
11 may, subject to the provisions of this chapter, vote at any
12 election:

13 1. When he expects to be absent on election day during
14 the time the polls are open from the precinct in which he
15 is a qualified elector.

16 2. When, through illness or physical disability, he expects
17 to be prevented from going to the polls and voting on elec-
18 tion day.

19 Sec. 227. Section fifty-three point two (53.2), Code 1973,
20 is amended by striking the section and inserting in lieu
21 thereof the following:

22 53.2 APPLICATION FOR BALLOT. Any qualified elector, under
23 the circumstances specified in section fifty-three point one
24 (53.1) of the Code, may on any day, except election day, and
25 not more than seventy days prior to the date of the election,
26 make written application to the commissioner for an absentee
27 ballot.

28 Each application shall contain the name of the qualified
29 elector, the address at which he is qualified to vote, and
30 the name or date of the election for which the absentee ballot
31 is requested, and such other information as may be necessary
32 to determine the correct absentee ballot for the qualified
33 elector. If insufficient information has been provided, the
34 commissioner shall, by the best means available, obtain the
35 additional necessary information.

1 Sec. 228. Section fifty-three point seven (53.7), Code
2 1973, is amended to read as follows:

3 53.7 PENALTY. It shall be unlawful for any employee of
4 the state or any political subdivision thereof to solicit
5 any application or request for application for an absentee
6 ballot, or to administer an oath or take an affidavit in
7 connection with any absentee ballot. However, any such
8 employee may administer such oath and take such affidavit
9 in connection with an absentee ballot which is cast by the
10 voter qualified elector in person in the office where such
11 employee is employed in accordance with section 53.11. This
12 section shall not apply to any elected official.

13 ~~Wherever-used-in-this-chapter-the-words-"absentee-ballot"~~
14 ~~include-any-ballot-authorized-by-this-chapter.~~

15 Sec. 229. Section fifty-three point eight (53.8), Code
16 1973, is amended by striking the section and inserting in
17 lieu thereof the following:

18 53.8 BALLOT MAILED. Upon receipt of an application for
19 an absentee ballot and immediately after the absentee ballots
20 are printed, it shall be the duty of the commissioner to mail
21 an absentee ballot to the applicant within twenty-four hours
22 The absentee ballot shall be enclosed in an unsealed envelope
23 bearing a serial number and affidavit. The absentee ballot
24 and unsealed envelope shall be enclosed in a carrier envelope
25 which bears the same serial number as the unsealed envelope.
26 The absentee ballot, unsealed envelope, and carrier envelope
27 shall be enclosed in a third envelope to be sent to the quali-
28 fied elector.

29 If an application is received so late that it is unlikely
30 that the absentee ballot can be returned in time to be counted
31 on election day, the commissioner shall enclose with the
32 absentee ballot a statement to that effect. The statement
33 shall also point out that it is possible for the applicant
34 to personally deliver his completed absentee ballot to the
35 office of the commissioner at any time before eight o'clock

1 p.m. on election day.

2 Sec. 230. Section fifty-three point eleven (53.11), Code
3 1973, is amended by striking the section and inserting in
4 lieu thereof the following:

5 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The commis-
6 sioner shall deliver an absentee ballot to any qualified elec-
7 tor applying in person at his office not more than forty days
8 before the date of the general election and the primary elec-
9 tion, and for all other elections, as soon as the ballot is
10 available. The qualified elector shall immediately mark the
11 ballot, enclose it in a ballot envelope with proper affidavit,
12 and return the absentee ballot to the commissioner. The
13 commissioner shall record the numbers appearing on the appli-
14 cation and ballot envelope along with the name of the qualified
15 elector.

16 Sec. 231. Section fifty-three point twelve (53.12), Code
17 1973, is amended by striking the section and inserting in
18 lieu thereof the following:

19 53.12 DUTY OF COMMISSIONER. The commissioner shall enclose
20 the absentee ballot in an unsealed envelope, to be furnished
21 by him, which envelope shall bear upon its face the words
22 "county commissioner of elections", the address of his office,
23 and the same serial number appearing on the unsealed envelope
24 shall be affixed to the application.

25 Sec. 232. Section fifty-three point fifteen (53.15), Code
26 1973, is amended to read as follows:

27 53.15 MARKING BALLOT. The ~~veter~~ qualified elector, on
28 receipt of ~~said-ballet-or-ballets~~ an absentee ballot, shall,
29 in the presence of the officer administering the oath ~~and~~
30 ~~of-no-other-person~~, mark such ballot ~~or-ballets~~, ~~but~~ in such
31 manner that such officer will not know how such ballot is
32 marked.

33 Qualified electors who are blind, cannot read, or because
34 of any other physical disability, are unable to mark their
35 own absentee ballot, may have the assistance of any person

1 the qualified elector may select.

2 Sec. 233. Section fifty-three point seventeen (53.17),
3 Code 1973, is amended by striking the section and inserting
4 in lieu thereof the following:

5 53.17 MAILING OR DELIVERING BALLOT--BALLOTING BY CONFINED
6 PERSONS. The sealed envelope containing the absentee ballot
7 shall be enclosed in a carrier envelope which shall be securely
8 sealed. The carrier envelope shall be delivered by the
9 qualified elector to the commissioner or a deputy in his
10 office, or mailed, postage paid, to the office of the
11 commissioner. The carrier envelope shall be received by the
12 commissioner until eight o'clock p.m. on election day.

13 An applicant who is a resident or patient in a health care
14 facility or hospital shall have his absentee ballot delivered
15 to him by one member of each of the political parties referred
16 to in section forty-nine point thirteen (49.13) of the Code,
17 who shall be appointed by the commissioner from the panel
18 drawn up as provided by section forty-nine point fifteen
19 (49.15) of the Code for the special precinct established by
20 section fifty-three point twenty-three (53.23) of the Code.
21 The persons so appointed by the commissioner shall be notaries
22 public and shall be sworn in the manner provided by section
23 forty-nine point seventy-five (49.75) of the Code for election
24 board members. They may assist the qualified electors in
25 filling out the ballot as provided in section forty-nine point
26 ninety (49.90) of the Code. The voted absentee ballots shall
27 be deposited in a sealed container which shall be returned
28 to the commissioner on the same day.

29 The persons appointed by the commissioner pursuant to this
30 section shall perform their duties during the three working
31 days preceding the election. They shall receive compensation
32 as provided in section forty-nine point twenty (49.20) of
33 the Code. They shall travel together in the same vehicle
34 and both shall be present when an applicant casts his absentee
35 ballot.

1 Sec. 234. Section fifty-three point eighteen (53.18),
2 Code 1973, is amended to read as follows:

3 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION. Upon
4 receipt of ~~such ballot~~ the absentee ballot, the ~~auditor or~~
5 ~~clerk~~ commissioner shall at once record the number appearing
6 on the application and ballot envelope and time of receipt
7 of such ballot and enclose the same, unopened, together with
8 the application made by the voter qualified elector, in a
9 large carrier envelope, and securely seal the same. ~~7-and~~
10 ~~endorse thereon 7-over his official signature 7-the following:~~

11 ~~1.---Names of the judges of election of the precinct (naming~~
12 ~~it) of which the voter is a resident.~~

13 ~~2.---The name of the city or town in which or near which~~
14 ~~such judges will hold the election in said precinct.~~

15 ~~3.---The street number 7-or other clear designation of the~~
16 ~~polling place in said precinct 7-and a statement that "This~~
17 ~~envelope contains an absent voter's ballot and must be opened~~
18 ~~only at the polls on election day while said polls are open."~~

19 Sec. 235. Section fifty-three point nineteen (53.19),
20 Code 1973, is amended by striking the section and inserting
21 in lieu thereof the following:

22 53.19 LISTING ABSENTEE BALLOTS. The commissioner shall
23 maintain a list of the absentee ballots provided to qualified
24 electors, the serial number appearing on the unsealed envelope,
25 the date the application for the absentee ballot was received,
26 and the date the absentee ballot was sent to the qualified
27 elector requesting the absentee ballot.

28 The commissioner shall provide each precinct election board
29 with a list of all qualified electors from that precinct who
30 have received an absentee ballot. The precinct officials
31 shall immediately designate on the election register those
32 qualified electors who have received an absentee ballot and
33 are not entitled to vote in person at the polls.

34 However, any qualified elector who has received an absentee
35 ballot and not voted it, may surrender the unmarked absentee

1 ballot to the precinct officials and vote in person at the
2 polls. The precinct officials shall mark the uncast absentee
3 ballot "void" and return it to the commissioner. Any qualified
4 elector who has been sent an absentee ballot by mail but for
5 any reason has not received it may present himself at his
6 precinct polling place on election day and sign an affidavit
7 to that effect, after which he shall be permitted to vote
8 in person. The form of the affidavit for use in such cases
9 shall be prescribed by the state commissioner.

10 Sec. 236. Section fifty-three point twenty-two (53.22),
11 Code 1973, is amended by striking the section and inserting
12 in lieu thereof the following:

13 53.22 ABSENTEE BALLOTS RECEIVED. All absentee ballots
14 forwarded to qualified electors and received by the commis-
15 sioner before the closing of the polls shall be counted by
16 the absentee ballot counting board.

17 Sec. 237. Section fifty-three point twenty-three (53.23),
18 Code 1973, is amended to read as follows:

19 53.23 MANNER-OF-COUNTING-BALLOTS ABSENTEE BALLOT COUNTING
20 BOARD.

21 ~~1.---Casting-ballots:---At-any-time-between-the-opening-and~~
22 ~~closing-of-the-polls-on-such-election-day-the-judges-of-elee-~~
23 ~~tion-of-said-precinct-shall-open-the-outer-or-carrier-envelope~~
24 ~~only,--announce-the-absent-or-disabled-voter's-name,--and-com-~~
25 ~~pare-the-signature-upon-the-application-with-the-signature~~
26 ~~upon-the-affidavit-on-the-ballot-envelope:--In-case-the-judges~~
27 ~~find-the-affidavits-executed,--that-the-signatures-correspond,~~
28 ~~the-applicant-a-duly-qualified-electer-of-the-precinct,--and~~
29 ~~that-the-applicant-has-not-voted-in-person-at-said-election,~~
30 ~~they-shall-open-the-envelope-containing-the-voter's-ballet~~
31 ~~in-such-manner-as-not-to-deface-or-destroy-the-affidavit~~
32 ~~thereon,--and-take-out-the-ballot-or-ballots-therein-contained~~
33 ~~without-unfolding-or-permitting-the-same-to-be-unfolded-or~~
34 ~~examined,--and-having-endorsed-the-ballot-in-like-manner-as~~
35 ~~other-ballots-are-required-to-be-endorsed, deposit the-same~~

1 in-the-proper-ballot-box-and-enter-the-voter's-name-in-the
2 pollbook,--the-same-as-if-he-had-been-present-and-voted-in
3 person.

4 ~~2.---Absentee-ballot-counting-boards.~~ There is created
5 a special precinct in each county in which all absentee ballots
6 cast at any general election in this state shall be counted.
7 ~~The-county-commissioner-of-elections-may-create-a-special~~
8 ~~precinct-for-counting-absentee-ballots-in-any-other-election.~~

9 The election board of the special precinct shall be known
10 as the absentee ballot counting board. The ~~county-board-of~~
11 ~~supervisors~~ commissioner shall appoint the absentee ballot
12 counting board in the manner prescribed in sections 49.12
13 and 49.15, except that the number of election judges and
14 clerks on the absentee ballot counting board shall be
15 sufficient to complete the counting of absentee ballots by
16 nine o'clock p.m.

17 The ~~county~~ commissioner ~~of-elections~~ shall set the convening
18 time for the absentee ballot counting board allowing a
19 reasonable amount of time to complete counting the absentee
20 ballots prior to closing of the polls.

21 The board's powers and duties shall be the same as pro-
22 vided in ~~this~~ chapter fifty (50) of the Code for judges and
23 clerks in regular precinct polling places, except that the
24 board shall receive and count all absentee ballots for all
25 precincts in the county upon receipt from the ~~county-auditor~~
26 commissioner.

27 The room occupied by the absentee ballot counting board
28 shall be policed in such manner as to prevent any person from
29 obtaining information regarding the progress of the count
30 before the polls are closed. No person shall be admitted
31 into the room where such ballots are being counted until the
32 polls are closed except the absentee ballot counting board,
33 one challenger representing each political party, and the
34 ~~county~~ commissioner ~~of-elections~~, or his designee.

35 The tally list shall be recorded on forms prescribed by

1 the state commissioner of elections.

2 ~~Within thirty days from the date of the official canvass~~
3 ~~of the votes, the county commissioner of elections shall~~
4 ~~correct the registration lists to indicate that the persons~~
5 ~~casting absentee ballots have voted in the preceding election.~~

6 ~~In nonregistration areas, not later than thirty days from~~
7 ~~the date of the official canvass, the affidavits of absentee~~
8 ~~voters shall be cross-checked with the precinct pollbooks~~
9 ~~to insure that no one has voted twice, in violation of law.~~

10 The absentee ballot counting board shall not release the
11 results of the balloting until the polls have been closed.

12 Sec. 238. Section fifty-three point twenty-five (53.25),
13 Code 1973, is amended to read as follows:

14 53.25 REJECTING BALLOT. In case such the absentee voter's
15 affidavit is found to be insufficient, ~~or that the signatures~~
16 ~~do not correspond~~, or that the applicant is not a duly
17 qualified elector in such precinct, or that the ballot envelope
18 is open, or has been opened and resealed, or that the ballot
19 envelope contains more than one ballot of any one kind, or
20 that said voter has voted in person, such vote shall not be
21 accepted or counted.

22 If the absentee ballot is rejected prior to the opening
23 of the ballot envelope, the voter casting the ballot shall
24 be notified by an election judge by the time the canvass is
25 completed of the reason for the rejection on a form prescribed
26 by the state commissioner of elections.

27 Sec. 239. Section fifty-three point thirty (53.30), Code
28 1973, is amended by striking the section and inserting in
29 lieu thereof the following:

30 53.30 BALLOT ENVELOPE PRESERVED. The ballot envelope
31 having the qualified elector's affidavit thereon shall be
32 preserved.

33 Sec. 240. Section fifty-three point thirty-two (53.32),
34 Code 1973, is amended to read as follows:

35 53.32 BALLOT OF DECEASED VOTER. When it shall be made

1 to appear by due proof to the judges of election that any
2 elector, who has so marked and forwarded his ballot, has died
3 before the ballot ~~is deposited in the ballot box~~ envelope
4 is opened, then the ballot of such deceased voter shall be
5 endorsed, "Rejected because voter is dead", and be returned
6 ~~by the judges of election with the unused ballots~~ to the
7 ~~official issuing it~~ commissioner; but the casting of the
8 ballot of a deceased voter shall not invalidate the election.

9 Sec. 241. Section fifty-three point thirty-six (53.36),
10 Code 1973, is amended to read as follows:

11 53.36 OFFENSES BY OFFICERS. If any ~~county auditor, city~~
12 ~~or town clerk,~~ commissioner or any election officer shall
13 refuse or neglect to perform any of the duties prescribed
14 by this chapter, or shall violate any of the provisions
15 thereof, he shall be fined not less than one hundred dollars
16 nor more than one thousand dollars, or imprisoned in the
17 county jail not to exceed ninety days.

18 Sec. 242. Section fifty-three point thirty-nine (53.39),
19 Code 1973, is amended to read as follows:

20 53.39 REQUEST FOR BALLOT. The provisions of ~~sections~~
21 section 53.2, ~~53.4 and 53.5~~ shall not apply in connection
22 with the primary and general elections in the case of a
23 qualified elector of the state of Iowa serving in the armed
24 forces of the United States; in any such case an application
25 for ballot as provided for in said ~~sections~~ section shall not
26 be required and an absent voter's ballot shall be sent or made
27 available to any such voter upon a request being made therefor
28 as provided for in this division. All official ballots to
29 be voted by qualified absent voters in the armed forces of
30 the United States at the primary election and the general
31 election shall be printed prior to forty days before the said
32 respective elections and shall be available for transmittal
33 to such qualified electors in the armed forces of the United
34 States forty days prior to the respective elections. The
35 provisions of this chapter shall apply to absent voting by

1 qualified voters in the armed forces of the United States
2 at said elections except as modified by the provisions of
3 this division.

4 Sec. 243. Section fifty-three point forty-six (53.46),
5 Code 1973, is amended to read as follows:

6 53.46 POWERS AND DUTIES OF ~~COMMISSION~~ STATE COMMISSIONER.

7 The ~~said-commission~~ state commissioner is authorized and
8 empowered:

9 1. To make rules and regulations for the purpose of carry-
10 ing out the provisions and intent of this division;

11 2. To prescribe and direct the preparation of specially
12 printed ballots, envelopes and other papers of different size
13 and weight to be used in connection with absent voting by
14 voters in the armed forces of the United States, if, in the
15 discretion of the ~~commission~~ state commissioner, ~~it~~ he shall
16 determine that such a special ballot and other papers will
17 facilitate voting by such voters; provided that the content
18 of any such specially printed matter shall be the same as
19 that used for absent voters generally in the particular
20 precinct in which said serviceman's ballot is to be cast,
21 and provided further that such ballots, envelopes and other
22 papers shall be substantially uniform in size and weight
23 throughout the state; and provided further that the provisions
24 of section 49.56, establishing the maximum cost of printing
25 ballots, shall apply to the cost of printing any such specially
26 printed ballots by the several counties;

27 3. To prescribe any forms that are not otherwise prescribed
28 by law, and which in the judgment of the ~~commission~~ state
29 commissioner are necessary to facilitate the carrying out
30 of the purposes and intent of this division;

31 4. To arrange for special transportation of ballots ~~either~~
32 in co-operation with the government of the United States
33 through any authorized instrumentality thereof ~~or otherwise~~,
34 and to that end the ~~commission~~ state commissioner is empowered
35 to direct the ~~county-auditors~~ commissioners of the several

1 counties of the state to send ballots to voters in the armed
2 forces of the United States other than in the usual course
3 of mail;

4 5. To employ such clerical assistance as ~~it~~ he may require
5 in carrying out its functions, to purchase and requisition
6 any office supplies ~~it~~ he may require, and certify for payment
7 the expenses of carrying out ~~its~~ his functions under this
8 division;

9 6. To call upon any department or division of the state
10 government for information and assistance in connection with
11 carrying out the provisions of this division;

12 7. To co-operate with any authorized departments, agencies
13 and instrumentalities of the government of the United States
14 in effecting the intent and purposes of this division.

15 Sec. 244. Section fifty-three point forty-seven (53.47),
16 Code 1973, is amended to read as follows:

17 53.47 MATERIALS FURNISHED BY PRINTING BOARD. In order
18 to establish uniformity in size, weight and other character-
19 istics of the ballot and facilitate its distribution and re-
20 turn, the ~~state-printing-board~~ department of general ser-
21 vices shall upon direction of the "~~Iowa-Servicemen's-Ballot~~
22 ~~Commission~~" state commissioner purchase any material needed
23 for any special ballots, envelopes and other printed matter,
24 and sell any such materials to the several counties of the
25 state at cost plus handling and transportation costs.

26 There is hereby appropriated to the ~~state-printing-board~~
27 department of general services from the general fund of the
28 state such sums as may be necessary to purchase any materials
29 provided for herein. The proceeds from sale of such materials
30 to counties shall be turned into the general fund of the state
31 upon receipt of same by the ~~state-printing-board~~ department
32 of general services.

33 Sec. 245. Section fifty-three point forty-eight (53.48),
34 Code 1973, is amended to read as follows:

35 53.48 POSTAGE ON BALLOTS. In the event the government

1 of the United States or any branch, department, agency or
2 other instrumentality thereof shall make provision for sending
3 of any voting matter provided for in this division through
4 the mails postage free, or otherwise, the election officials
5 of the state of Iowa and of the several counties of the state
6 are authorized to make use thereof under the direction of
7 the ~~Iowa-serviceemen's-commission~~ state commissioner.

8 Sec. 246. Section fifty-three point fifty (53.50), Code
9 1973, is amended to read as follows:

10 53.50 APPROPRIATION. There is hereby appropriated to
11 the ~~Iowa-serviceemen's-ballot-commission~~ state commissioner
12 from the general fund of the state such sums as are neces-
13 sary for ~~it~~ him to pay ~~its~~ his expenses and perform ~~its~~ his
14 functions under this division. Warrants shall be drawn by
15 the comptroller upon certification by the ~~chairman-of-the~~
16 ~~commission, or in the event of his inability or unavailability~~
17 ~~to act by three members of the commission~~ state commissioner
18 or his deputy.

19 Sec. 247. Section two hundred seventy-three point four
20 (273.4), Code 1973, is amended by adding the following new
21 unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. All elections held under the
23 provisions of this chapter shall be conducted by the county
24 commissioner of elections pursuant to the provisions of
25 chapters thirty-nine (39) through fifty-three (53) of the
26 Code, except as otherwise specifically provided in this
27 chapter.

28 Sec. 248. Section two hundred seventy-three point five
29 (273.5), Code 1973, is amended to read as follows:

30 273.5 NOMINATION PAPERS. Nomination papers in behalf
31 of a candidate for member of the county board of education
32 shall be filed with the county superintendent of schools not
33 more than ~~forty-five~~ sixty-five days, nor less than ~~twenty~~
34 forty days prior to the election at which a member is to be
35 elected. Nomination petitions shall be filed not later than

1 five o'clock p.m. on the last day for filing. Each candidate
2 shall be nominated by a petition signed by not less than
3 twenty-five ~~qualified~~ eligible electors of the area from which
4 a member is to be elected, which petition shall state the
5 name of the area from which a member is to be elected, the
6 office to which he is to be elected, the name of the candi-
7 date and that he is a resident and elector in the named area.
8 Signers of the petition shall, in addition to signing their
9 names, show their residence, including street and number,
10 if any, the school district in which they reside, and the
11 date of signing, and each nomination paper shall have appended
12 to it an affidavit of an elector other than the candidate
13 in substantially the form provided in section 43.17 except
14 as to the party affiliation.

15 The county superintendent of schools shall deliver all
16 nomination petitions to the county commissioner of elections
17 not later than five o'clock p.m. on the day following the
18 last day on which nomination petitions can be filed.

19 Sec. 249. Section two hundred seventy-three point seven
20 (273.7), Code 1973, is amended to read as follows:

21 273.7 CANVASS. ~~The ballots cast at any election for~~
22 ~~membership on the board shall be counted by the judges of~~
23 ~~election and return thereof shall be made by the judges on~~
24 ~~forms provided therefor to the secretary of the school dis-~~
25 ~~trict within forty hours after the closing of the polls.~~
26 Within five days following the election, the ~~secretary of~~
27 ~~each school district~~ county commissioner of elections shall
28 make return of the votes cast in said district to the county
29 board of education on forms provided therefor, ~~which~~ and the
30 county board of supervisors shall meet at ~~ten~~ eight o'clock
31 a.m. on the last Monday in September, and canvass the vote
32 and the county commissioner of elections shall issue certi-
33 ficates of election.

34 Sec. 250. Section two hundred seventy-three point twenty-
35 three (273.23), Code 1973, is amended to read as follows:

1 273.23 SPECIAL ELECTION ON PETITION TO MERGE. In addition
 2 to the procedure set forth in section 273.22 for the merger
 3 of county school systems the county boards of education of
 4 any two or more adjacent counties upon receipt of a petition
 5 signed by not less than ten percent of those voting for presi-
 6 dent of the United States or governor, as the case may be,
 7 in the last general election in each county, shall call a
 8 special election in said counties for the purpose of merging
 9 the respective county school systems into one school system.
 10 The elections shall be on the same day in each of said counties
 11 and the question on the ballot shall be: "Shall the county
 12 school systems of (insert the names of the counties) counties
 13 be merged into one school system?" If a majority of the votes
 14 cast in each of said counties be in favor of the proposal
 15 the county boards of education in the respective counties
 16 shall by concurrent action merge the county school systems
 17 into one school system. Prior to setting a date for said
 18 elections, approval of the state board of public instruction
 19 shall be obtained and all provisions covering a merger
 20 heretofore set out above shall also be applicable to a merger
 21 under this procedure.

22 The county commissioners of elections in the respective
 23 counties shall publish notice of the election and conduct
 24 the election pursuant to the provisions of chapters thirty-
 25 nine (39) through fifty-three (53) of the Code.

26 Sec. 251. Section two hundred seventy-five point eighteen
 27 (275.18), Code 1973, is amended to read as follows:

28 275.18 SPECIAL ELECTION CALLED--TIME. When the bound-
 29 aries of the territory to be included in a proposed school
 30 corporation and the number and method of the election of the
 31 school directors of such proposed school corporation have
 32 been determined as herein provided, the county superintendent
 33 with whom such petition is filed shall call a special election
 34 in such proposed school corporation within thirty days from
 35 the date of the final determination of such boundaries, by

1 giving-notice-by-one-publication-in-the-same-newspaper-as
2 previous-notices-concerning-it-have-been-published, and serve
3 notice on the county commissioner of elections of the county
4 in the proposed school corporation which has the greatest
5 taxable base in the proposed school corporation. The county
6 commissioner of elections shall give notice of the election
7 by one publication in the same newspaper in which previous
8 notices have been published regarding the proposed school
9 reorganization, and in addition thereto, if more than one
10 county is involved, by one publication in a legal newspaper
11 in each county other than that of the first publication, which
12 publication shall be not less than ten nor more than fifteen
13 days prior to the election. In the case of joint districts,
14 no notice for an election shall be published until the time
15 for appeal, which shall be the same as that provided in section
16 285.12, has expired; and in the event of an appeal, not until
17 the same has been disposed of.

18 Sec. 252. Section two hundred seventy-five point twenty-
19 three (275.23), Code 1973, is amended to read as follows:

20 275.23 CANVASS AND RETURN. The judges of election shall
21 count the ballots, make return to and deposit the ballots
22 with the county ~~superintendent~~ commissioner of elections,
23 who shall enter the return of record in his office. The
24 county commissioner of elections shall certify the results
25 of the election to the county superintendent. If the ma-
26 jority of the votes cast by the qualified electors are in
27 favor of the proposition, as provided in section 275.20, a
28 new school corporation shall be organized. The county super-
29 intendent shall file a written description of the boundaries
30 as provided in section 274.4.

31 Sec. 253. Section two hundred seventy-five point twenty-
32 five (275.25), Code 1973, is amended to read as follows:

33 275.25 ELECTION OF DIRECTORS. If the proposition to
34 establish a new corporation carries under the method herein-
35 above provided a special election shall be called by the

1 county superintendent ~~by-giving.~~ The county superintendent
2 shall notify the county commissioner of elections who shall
3 publish notice by one publication in the same newspaper in
4 which the former notices were published ~~and-he-shall-appoint~~
5 ~~judges-who-shall-serve-without-pay.~~ At such election, two
6 directors shall be elected to serve until the next regular
7 election, two until the second, and one until the third regular
8 election thereafter, except in districts which include all
9 or part of a city of fifteen thousand or more population and
10 in districts in which the proposition to establish a new
11 corporation provides for seven directors, three directors
12 shall be elected to serve until the third regular election
13 thereafter, all of whom to serve until such time as their
14 successors are elected and qualified. Provided, however,
15 that in all community school districts which include a city
16 of fifteen thousand or more population and which became
17 effective prior to July 4, 1955, and in all community school
18 districts containing a city which has attained a population
19 of fifteen thousand or more as shown by the most recent
20 decennial federal census, the board of directors shall consist
21 of seven members. Where it becomes necessary to increase
22 the membership of any such board under the provisions hereof,
23 two directors shall be added according to the procedure
24 described in section 277.23. ~~The judges-of-election-shall~~
25 ~~make-return~~ county board of supervisors shall canvass the
26 votes and the county commissioner of elections report the
27 results to the county superintendent who shall ~~enter-the~~
28 ~~return-of-record-in-his-office-and~~ notify the persons who
29 are elected directors. The new board shall organize within
30 fifteen days following their election upon call of the county
31 superintendent. The new board of directors shall have complete
32 control of the employment of all personnel for the newly
33 formed community school district for the ensuing school year.
34 Following the organization of the new board they shall have
35 authority to establish policy, organize curriculum, enter

1 into contracts and complete such other planning and take such
2 action as is essential for the efficient management of the
3 newly formed community school district.

4 Provided, however, in cases involving two districts only,
5 where the population of the new district does not exceed the
6 population of the more populous of said districts by more
7 than twenty-five percent, the incumbent board members of said
8 more populous district shall continue to hold office as ~~direeter~~
9 the directors of the new district for the remainder of their
10 elective terms. Vacancies on any board caused by change in
11 boundaries shall be filled in the manner provided in sections
12 279.6 and 279.7.

13 Sec. 254. Section two hundred seventy-five point twenty-
14 six (275.26), unnumbered paragraph one (1), Code 1973, is
15 amended to read as follows:

16 If a district is established or changes its boundaries
17 it shall pay all expenses incurred by the superintendent and
18 the board of education in connection with the proceedings,
19 ~~including-the-election-of-the-first-board-of-direeters.~~ The
20 county commissioner of elections shall assess the costs of
21 the election against the district as provided in section
22 forty-seven point three (47.3) of the Code. If the proposition
23 is dismissed or defeated at the election all expenses shall
24 be apportioned among the several districts in proportion to
25 the assessed valuation of property therein.

26 Sec. 255. Section two hundred seventy-five point thirty-
27 five (275.35), unnumbered paragraph one (1), Code 1973, is
28 amended to read as follows:

29 Any existing or hereafter created or enlarged school
30 district may change the number of directors from five to seven
31 and may also change its method of election of school directors
32 to any method authorized by section 275.12 by submission of
33 a proposal, stating the proposed new method of election and
34 describing the boundaries of the proposed director districts
35 if any, by the school board of such district to the electors

1 at any regular or special school election. ~~The school board~~
2 ~~shall give notice of the submission of such proposal to the~~
3 ~~voters by one publication at least ten days prior to such~~
4 ~~election of such proposal in a newspaper published within~~
5 ~~the school district, or if none is published therein, in a~~
6 ~~newspaper published in the county where the school district~~
7 ~~is located, and of general circulation in the territory~~
8 ~~described.~~ The school board shall notify the county
9 commissioner of elections who shall publish notice of the
10 election in the manner provided in section forty-nine point
11 fifty-three (49.53) of the Code. The election shall be
12 conducted pursuant to chapters thirty-nine (39) through fifty-
13 three (53) of the Code by the county commissioner of elections.
14 Such proposal shall be adopted:

15 Sec. 256. Section two hundred seventy-five point thirty-
16 seven (275.37), Code 1973, is amended to read as follows:

17 275.37 SPECIAL ELECTION. If change in the number or
18 method of the election of school directors is approved at
19 a regular or special school election by the voters of a school
20 district, the school board shall ~~by notice in one publication~~
21 ~~in the same newspaper which the notice of election required~~
22 ~~by section 275.35 was published,~~ call a special election to
23 be held on or before the tenth day of June next following,
24 for the election of new school directors under the newly
25 adopted method of election. The school board shall notify
26 the county commissioner of elections who shall publish notice
27 of the election and conduct the election. The school directors
28 elected at such election shall meet and organize on the first
29 Monday in July following their election.

30 Sec. 257. Section two hundred seventy-seven point one
31 (277.1), Code 1973, is amended to read as follows:

32 277.1 REGULAR ELECTION. The regular election shall be
33 held annually on the second Monday Tuesday in September in
34 each school district for the election of officers of the
35 district, merged area, and county school system and for the

1 purpose of submitting to the voters thereof any matter
2 authorized by law.

3 Sec. 258. Section two hundred seventy-seven point four
4 (277.4), Code 1973, is amended to read as follows:

5 277.4 NOMINATIONS REQUIRED. Nomination papers for all
6 candidates for election to office in each school district
7 shall be filed with the secretary of the school board not
8 more than ~~forty-five~~ sixty-five days, nor less than ~~twenty~~
9 forty days prior to the election. Nomination petitions shall
10 be filed not later than five o'clock p.m. on the last day
11 for filing. Each candidate shall be nominated by a petition
12 signed by not less than ten qualified electors of the district.
13 To each such petition shall be attached the affidavit of a
14 qualified elector of the district that all of the signers
15 thereof are electors of such district and that the signatures
16 thereto are genuine.

17 The secretary of the school board shall deliver all
18 nomination petitions to the county commissioner of elections
19 not later than five o'clock p.m. on the day following the
20 last day on which nomination petitions can be filed.

21 Sec. 259. Section two hundred seventy-seven point six
22 (277.6), Code 1973, is amended to read as follows:

23 277.6 TERRITORY OUTSIDE ~~CITY-OR-TOWN~~ A CITY OR COUNTY.
24 If there is within a school corporation any territory not
25 within the limits ~~of-a-city-or-town~~ of the city or county,
26 ~~the board~~ county commissioner of elections may divide the
27 territory which lies outside the city or county but within
28 the school district into additional precincts, or may attach
29 the various parts thereof to such contiguous city or county
30 precincts as will best serve the convenience of the electors
31 of said ~~outside~~ territory in voting on school matters, ~~but~~
32 ~~the-voters-within-such-territory-shall-not-be-required-to~~
33 ~~register.~~

34 Sec. 260. Section two hundred seventy-seven point twenty
35 (277.20), Code 1973, is amended to read as follows:

1 277.20 CANVASSING RETURNS. On the next Monday after the
2 election in each corporation ~~consisting-of-more-than-one~~
3 ~~precinct~~ the county board of supervisors shall canvass the
4 returns made to the secretary county commissioner of elections,
5 ascertain the result of the voting with regard to every matter
6 voted upon, declare the same, cause a record to be made
7 thereof, and the county commissioner of elections shall at
8 once issue a certificate to each person elected.

9 Sec. 261. Chapter two hundred seventy-seven (277), Code
10 1973, is amended by adding the following new section:

11 NEW SECTION. ELECTION LAWS APPLICABLE. The provisions
12 of chapters thirty-nine (39) through fifty-three (53) of the
13 Code shall apply to the conduct of all school elections and
14 the school elections shall be conducted by the county commis-
15 sioner of elections, except as otherwise specifically pro-
16 vided in this chapter.

17 Sec. 262. Section two hundred seventy-eight point two
18 (278.2), Code 1973, is amended to read as follows:

19 278.2 SUBMISSION OF PROPOSITION. The board may, and upon
20 the written request of twenty-five voters of any district
21 having a population of five thousand or less, or of fifty
22 voters of any other district ~~or-of-any-district-in-which~~
23 ~~registration-of-any-of-the-voters-is-required~~, shall direct
24 the county commissioner of elections to provide in the notice
25 for of the regular election for submitting any proposition
26 authorized by law to the voters. ~~All-propositions-shall-be~~
27 ~~voted-upon-by-ballot,-or-by-voting-machine-where-required,~~
28 ~~in-substantially-the-form-indicated-in-sections-49.45-and~~
29 ~~49.47,-and-the-voter-shall-indicate-his-vote-in-the-manner~~
30 ~~designated-in-section-49.46,-or-indicate-it-on-the-voting~~
31 ~~machine-as-the-case-may-be.~~

32 Sec. 263. Section two hundred seventy-nine point seven
33 (279.7), Code 1973, is amended to read as follows:

34 279.7 VACANCIES FILLED BY SPECIAL ELECTION--QUALIFICA-
35 TION--TENURE. In any case where a vacancy or vacancies occur

1 among the elective officers or members of a school board and
2 the remaining members of such board have not filled such
3 vacancy within ten days after the occurrence thereof, or when
4 the board is reduced below a quorum for any cause, the sec-
5 retary of the board, or if there be no secretary, the county
6 superintendent of schools shall call a special election in
7 the district, subdistrict, or subdistricts, as the case may
8 be, to fill such vacancy or vacancies, ~~giving~~. The county
9 commissioner of elections shall publish the notices required
10 by law for such special elections, which election shall be
11 held not sooner than ~~ten~~ thirty days nor later than ~~fourteen~~
12 forty days thereafter. In any case where the secretary fails
13 for more than three days to call such election, the county
14 superintendent shall call it ~~by-giving-the-notices-required~~
15 ~~by-law-for-special-elections~~.

16 Any appointment by the board to fill any vacancy in an
17 elective office on or after the day notice has been given
18 for a special election to fill such vacancy as provided herein
19 shall be null and void.

20 In any case of a special election as provided herein to
21 fill a vacancy occurring among the elective officers or mem-
22 bers of a school board before the expiration of a full term,
23 the person so elected shall qualify within ten days there-
24 after in the manner required by section 277.28 and shall hold
25 office for the residue of the unexpired term and until his
26 successor is elected, or appointed, and qualified.

27 Nomination petitions shall be filed in the manner pro-
28 vided in section two hundred seventy-seven point four (277.4)
29 of the Code, except that the petitions shall be filed not
30 less than ten days prior to the date set for the election.

31 Sec. 264. Section two hundred eighty point twenty-one
32 (280.21), Code 1973, is amended to read as follows:

33 280.21 SALE OF COMMUNITY OR JUNIOR COLLEGES--APPLICATION
34 OF PROCEEDS. Irrespective of the provisions of chapter 297,
35 any school corporation which has heretofore sold or may here-

1 after sell any public community or junior college building,
2 buildings, or other related property, whether under the pro-
3 visions of chapter 280A or otherwise, is hereby authorized
4 to use the proceeds of such sale to pay all or any part of
5 the cost of building, furnishing, reconstructing, repairing,
6 improving, or remodeling a schoolhouse or schoolhouses, or
7 additions thereto, or for procuring a site or sites therefor,
8 or any combination thereof, even though all of the bonds which
9 may have been issued by such school corporation to pay the
10 cost of the building, buildings or property sold have not
11 been paid and retired; provided, however, that the proposition
12 of using the money derived from such sale for any one or more
13 of the foregoing purposes must first be submitted to and
14 approved by the voters of the school corporation at an election
15 called and held in the manner hereinafter provided. The
16 election may be called by the board of directors of the school
17 corporation on its own motion, and the board shall notify
18 the county commissioner of elections who shall publish the
19 election notice. The notice of the election shall be published
20 once each week for four consecutive weeks in a newspaper
21 published in the school corporation, or if there is none,
22 in a newspaper published in the county and of general
23 circulation in the school corporation. The election shall
24 be held on a day not less than five nor more than twenty days
25 after the last publication of the notice. The ~~preparation~~
26 ~~of-the-ballet,-the-appointment-of-election-officials,-and~~
27 ~~other-details-of-the-election-shall-be-governed-by-the~~
28 ~~statutory-provisions-otherwise-applicable-to-regular-school~~
29 ~~elections~~ county commissioner of elections shall conduct the
30 election pursuant to the provisions of chapters thirty-nine
31 (39) through fifty-three (53) of the Code. The votes cast
32 in the election shall be canvassed by the county board of
33 supervisors and the county commissioner of elections shall
34 certify the results to the board of directors. No such
35 proposition shall be declared carried unless the affirmative

1 vote is equal to at least sixty percent of the total vote
2 cast for and against the proposition at the election.

3 Sec. 265. Section two hundred eighty A point eleven
4 (280A.11), subsection two (2), Code 1973, is amended to read
5 as follows:

6 2. Direct the county superintendent commissioner of
7 elections of the county in which the physical plant facilities
8 of the area vocational school or area community college are
9 to be located to call and conduct a special election to choose
10 the members of the initial governing board of the merged area.
11 If physical plant facilities are to be located in more than
12 one county, the county superintendent commissioner of elec-
13 tions of the county in which the school or college administra-
14 tive offices are to be located shall be responsible for calling
15 and conducting the special election.

16 Sec. 266. Section two hundred eighty A point fourteen
17 (280A.14), Code 1973, is amended to read as follows:

18 280A.14 EXPENSES PRORATED. All expenses incurred in
19 electing the initial board of a merged area shall be prorated
20 among the several county school systems included in the area,
21 in the proportion that the value of taxable property in each
22 county school system, or any portion thereof which is part
23 of the merged area, bears to the total value of taxable prop-
24 erty in the area. The superintendent county commissioner
25 of elections responsible for ~~calling-and~~ conducting the
26 election shall certify to each county board of education the
27 amount which each board owes.

28 Sec. 267. Section two hundred eighty A point fifteen
29 (280A.15), Code 1973, is amended to read as follows:

30 280A.15 CONDUCT OF ELECTIONS. The nomination of candi-
31 dates, preparation of ballots, and canvass for all elections
32 of members of the board of directors of an area vocational
33 school or an area community college, except as otherwise di-
34 rected, shall be conducted in the manner provided in sections
35 273.5, 273.6, and 273.7 for members of county boards of ed-

1 ucation. Nomination papers in behalf of a candidate shall
2 be filed with the secretary of the board of the merged area.
3 Each candidate shall be nominated by a petition signed by
4 not less than fifty qualified electors of the district from
5 which the member is to be elected. ~~The board-of-directors~~
6 ~~of-each-respective-merged-area-shall-be-responsible-for-causing~~
7 ~~the-printing-of~~ election ballots ~~and-the-printing-of-neeces-~~
8 ~~sary-forms-used-by-judges-and-clerks-of-election-and-by-see-~~
9 ~~retaries-of-local-school-districts-in-making-election-re-~~
10 ~~turns~~ notice shall be published as provided in chapter forty-
11 nine (49) and the election shall be conducted by the county
12 commissioner of elections pursuant to the provisions of
13 chapters thirty-nine (39) through fifty-three (53) of the
14 Code. The votes cast in the election shall be ~~returned-to~~
15 ~~the-respective~~ canvassed by the county board of supervisors
16 and the county commissioner of elections who shall canvass
17 the-vote-and issue certificates of election as prescribed
18 in section 273.7. Members elected to the board of directors
19 of a merged area shall qualify by taking the oath of office
20 prescribed in section 277.28.

21 Sec. 268. Section two hundred eighty A point thirty-nine
22 (280A.39), unnumbered paragraph one (1), Code 1973, is amended
23 to read as follows:

24 Any merged area may combine with any adjacent merged area
25 after a favorable vote by the electors of each of the areas
26 involved. If the boards of directors of two or more merged
27 areas agree to a combination, the question shall be submitted
28 to the electors of each area at a special election to be held
29 on the same day in each area. The special election shall
30 not be held within thirty days of any general election. Prior
31 to the special election, the board of each merged area shall
32 notify the county commissioner of elections of the county
33 in which the merged area's administrative offices are located
34 who shall publish notice of the election at least three times,
35 no oftener than once a week, in one or more newspapers of

1 general circulation within the merged area. The two respective
2 county commissioners of elections shall conduct the election
3 pursuant to the provisions of chapters thirty-nine (39) through
4 fifty-three (53) of the Code. The votes cast in the election
5 shall be canvassed by the county board of supervisors and
6 the county commissioners of elections who conducted the
7 election shall certify the results to the board of directors
8 of each merged area.

9 Sec. 269. Section two hundred ninety-one point six (291.6),
10 Code 1973, is amended by striking subsection five (5).

11 Sec. 270. Section two hundred ninety-six point three
12 (296.3), Code 1973, is amended to read as follows:

13 296.3 ELECTION CALLED. The president of the board of
14 directors on receipt of such petition shall, within ten days,
15 call a meeting of the board which shall call such election,
16 fixing the time ~~and place~~ thereof, which may be at the time
17 and place of holding the regular school election. The
18 president shall notify the county commissioner of elections
19 of the time of the election.

20 Sec. 271. Section two hundred ninety-six point four
21 (296.4), Code 1973, is amended to read as follows:

22 296.4 NOTICE--BALLOTS. Notice of such election shall
23 be given by the county commissioner of elections by publication
24 once each week for four weeks in some newspaper published
25 in the district, or, if there is none, in some newspaper
26 published in the county and of general circulation in the
27 district. The notice shall state the date of the election,
28 the hours of opening and closing the polls and the exact
29 location thereof, and the questions to be submitted, and shall
30 be in lieu of any other notice, any other statute to the
31 contrary notwithstanding. ~~At such election the ballot shall~~
32 ~~be prepared and used in substantially the form for submitting~~
33 ~~special questions at general elections.~~ The county
34 commissioner of elections shall conduct the election pursuant
35 to the provisions of chapters thirty-nine (39) through fifty-

1 three (53) of the Code and certify the results to the board
2 of directors.

3 Sec. 272. Section two hundred ninety-eight point eighteen
4 (298.18), unnumbered paragraph five (5), Code 1973, is amended
5 to read as follows:

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

33 Sec. 273. Section three hundred sixty-two point four
34 (362.4), Code 1973, is amended to read as follows:

35 362.4 CHANGE IN TERRITORIAL LIMITS. The court is vested

1 with power to change or limit the territory proposed to be
2 incorporated, ~~before appointing the commissioners as herein~~
3 ~~provided.~~

4 Sec. 274. Section three hundred sixty-two point five
5 (362.5), Code 1973, is amended to read as follows:

6 362.5 ~~COMMISSIONERS--NOTICE~~ NOTICE OF ELECTION. Upon
7 compliance with the foregoing provisions of this chapter,
8 the court shall ~~at once appoint five commissioners, who shall~~
9 ~~at once~~ give notice of an election for incorporation to the
10 county commissioner of elections, who shall publish notice
11 of the election as provided in this section. Such notice
12 shall state the time and place of holding the elections, a
13 description of the geographical limits of the proposed
14 municipal corporation, that a plat and description of such
15 limits are on file in the office of the clerk of the district
16 court, and shall be published once each week for three con-
17 secutive weeks in the manner provided by chapter 618.

18 Sec. 275. Section three hundred sixty-two point six
19 (362.6), Code 1973, is amended to read as follows:

20 362.6 ELECTION--BALLOTS--CANVASS. The ~~commissioners shall~~
21 ~~act as judges and clerks of the election, and shall qualify~~
22 ~~as required by law, and the~~ proposition to be submitted thereat
23 at the election shall be: "Shall the proposition for
24 incorporation be adopted?" ~~and the commissioners shall have~~
25 ~~charge of the printing of the ballots, and shall cause the~~
26 ~~proposition to be placed upon them, and the elector shall~~
27 ~~designate his vote in the same manner provided with respect~~
28 ~~to like or similar propositions in the title on elections.~~
29 The ~~commissioners~~ county commissioner of elections shall
30 promptly report the result of the election to the court which
31 may be confirmed and approved, or set aside, by said court.
32 If it is set aside, the court may order a new election ~~with~~
33 ~~the same or other commissioners.~~

34 Sec. 276. Section three hundred sixty-two point seven
35 (362.7), Code 1973, is amended to read as follows:

1 362.7 ELECTION OF OFFICERS. If a majority of the ballots
2 cast at such election be in favor of the incorporation and
3 the result has been confirmed and approved, the court shall
4 order the election of a mayor, treasurer, and council. The
5 court shall notify the county commissioner of elections of
6 the time and place of the election. The ~~commissioners~~ county
7 commissioner of elections shall cause notice of the time and
8 place of holding the election to be published once each week
9 for three consecutive weeks in the manner provided by chapter
10 618. At said election the qualified voters residing within
11 the limits of the town shall elect the officers. The election
12 shall be conducted, ~~so far as practicable,~~ in the manner of
13 municipal elections, ~~and the commissioners shall act as judges~~
14 and clerks of election provided in chapters thirty-nine (39)
15 through fifty-three (53) of the Code.

16 Sec. 277. Section three hundred sixty-two point eight
17 (362.8), Code 1973, is amended to read as follows:

18 362.8 REPORT--JUDGMENT. The ~~commissioners~~ county
19 commissioner of elections shall promptly report the results
20 of the election to the court, and it may confirm and approve
21 the election and report, or set the same aside and order a
22 new election ~~with the same or other commissioners~~. Upon the
23 confirmation of the election and report, a judgment shall
24 be entered of record, declaring the town duly incorporated
25 and confirming and approving the first election of officers.

26 Should any officer fail to qualify, the court shall de-
27 clare the office vacant and appoint some other person to fill
28 the vacancy.

29 Sec. 278. Section three hundred sixty-two point eleven
30 (362.11), Code 1973, is amended to read as follows:

31 362.11 HOW EFFECTED. Upon a petition of the voters
32 equaling twenty-five percent of the number voting at the last
33 preceding municipal election, to the district court of the
34 county wherein a municipal corporation is situated, for the
35 discontinuance of the same, the court shall notify the county

1 commissioner of elections to, thirty days prior to
2 the next regular city or town election, cause notice to be
3 given, that the question of discontinuing such corporation
4 will be submitted to the legal voters thereof at the said
5 election. ~~Such~~ The county commissioner of elections shall
6 publish notice ~~shall-be-published~~ once each week for three
7 consecutive weeks in the manner provided by chapter 618.
8 The proposition submitted shall be: "Shall the proposition
9 to discontinue the corporation of (inserting name) be adopted?"
10 ~~The clerk of the city or town shall cause the proposition~~
11 ~~to be printed on the ballots.~~

12 Sec. 279. Section three hundred sixty-two point twelve
13 (362.12), Code 1973, is amended to read as follows:

14 362.12 CANVASS--JUDGMENT. The vote shall be taken and
15 canvassed in the same manner as other municipal elections,
16 and returns thereof made by the county commissioner of
17 elections to the district court. If it finds that a majority
18 of the legal votes cast were for the discontinuance of the
19 incorporation, then a judgment shall be entered discontinuing
20 the same, and, upon the entry of said judgment, its corporate
21 powers shall cease.

22 Sec. 280. Section three hundred sixty-two point nineteen
23 (362.19), Code 1973, is amended to read as follows:

24 362.19 HOW EFFECTED. When any city or town desires to
25 consolidate with another contiguous city or town, the council
26 of each shall appoint three commissioners who shall meet and
27 fix the terms upon which the proposed consolidation shall
28 be made, and make report thereof to their respective councils.
29 If both councils approve the proposed terms, they shall by
30 identical ordinances so declare, and therein determine whether
31 the question shall be voted upon at a special election, fix-
32 ing the date thereof, or at the next regular city election.
33 Thereupon a copy of the ordinance, together with a statement
34 that both councils have adopted the same, shall be published
35 delivered to the county commissioner of elections. The county

1 commissioner of elections shall publish the ordinance and
2 the statement of both councils once each week for three
3 consecutive weeks in the manner provided by chapter 618.
4 The date of the third publication shall be not less than one
5 week nor more than two weeks prior to the election.

6 Sec. 281. Section three hundred sixty-two point twenty
7 (362.20), Code 1973, is amended to read as follows:

8 362.20 ELECTION--RECORD. The proposition to be submitted
9 at the election shall be: "Shall the proposition for the
10 consolidation of (naming the city or town) with (naming the
11 city or town) be adopted?" The county commissioner of elec-
12 tions shall conduct the election and an election return shall
13 be delivered to the council of each city or town. If a ma-
14 jority of the votes cast in each city or town is in favor
15 of consolidation, the council of each shall, by ordinance,
16 so declare. A certified copy of the whole proceedings for
17 the consolidation shall be filed with the clerk of the city
18 or town with which such consolidation is made, who shall file
19 a certified copy thereof with the secretary of state, and
20 in the recorder's office of the county, who shall record the
21 same.

22 Sec. 282. Section three hundred sixty-two point twenty-
23 six (362.26), subsection three (3), Code 1973, is amended
24 to read as follows:

25 3. The proposition shall be submitted to the voters of
26 said city or town and to the voters residing in the territory
27 proposed to be annexed at said election in the following form:
28 "Shall the proposition to annex the territory described as
29 follows: (here set out legal description of the territory);
30 in the resolution adopted by the council of the city (or town)
31 of, on the day of be approved?"
32 Notice of the submission of said proposition shall be given
33 by publication once each week for three consecutive weeks
34 in the manner provided by chapter 618. Publication of notice
35 shall be made by the county commissioner of elections and

1 the county commissioner of elections shall conduct the election
2 pursuant to the provisions of chapters thirty-nine (39) through
3 fifty-three (53) of the Code and report the election results
4 to the city council.

5 Sec. 283. Section three hundred sixty-three point eight
6 (363.8), Code 1973, is amended to read as follows:

7 363.8 WHEN HELD--VOTING PLACES. Except as hereinafter
8 provided, regular municipal elections shall be held on the
9 Tuesday next, after the first Monday in November, of odd-
10 numbered years, and elective officers shall be chosen
11 biennially to succeed officers whose terms expire at noon
12 of the second secular day in January, following said elec-
13 tion. ~~Voting-places-shall-be-fixed-by-the-council,-and-at~~
14 ~~least-one-polling-place-provided-for-each-precinct-or-ward,~~
15 ~~as-the-case-may-be.~~

16 All municipal elections shall be conducted pursuant to
17 the provisions of chapters thirty-nine (39) through fifty-
18 three (53) of the Code, except as otherwise specifically
19 provided.

20 Sec. 284. Section three hundred sixty-three point eleven
21 (363.11), Code 1973, is amended to read as follows:

22 363.11 CANDIDATES--FILING. Any person desiring to become
23 a candidate for any elective municipal office shall, ~~at-least~~
24 ~~four-weeks~~ not more than sixty-five days nor less than forty
25 days prior to the election, file with the clerk of the
26 municipal corporation a petition signed by qualified voters
27 equaling in number at least two percent of the greatest number
28 of votes cast for any candidate for such office at the last
29 regular municipal election, and in no case less than ten,
30 requesting that his (or her) name be printed upon the official
31 election ballot. Nomination petitions shall be filed not
32 later than five o'clock p.m. on the last day for filing.
33 Provided that any city having a population of ten thousand
34 or less or any town may by ordinance provide that all
35 candidates for all elective city or town offices shall be

1 nominated under the provisions of chapter 44 or 45. In such
2 event nomination for all such offices in the manner provided
3 for in this chapter shall not be authorized.

4 The clerk of the municipal corporation shall deliver all
5 nomination petitions to the county commissioner of elections
6 not later than five o'clock p.m. on the day following the
7 last day on which nomination petitions can be filed.

8 Sec. 285. Section three hundred sixty-three point fifteen
9 (363.15), Code 1973, is amended to read as follows:

10 363.15 POPULATION 10,000 OR LESS--PROCEDURE. Four weeks
11 prior to the election, the ~~clerk-and-mayer~~ county commis-
12 sioner of elections shall canvass the petitions of all
13 candidates that have been filed ~~with-the-clerk~~, and in all
14 municipal corporations having a population of ten thousand
15 or less, as shown by the latest federal census, shall find
16 all candidates that have filed proper petitions, as herein
17 provided, to be the nominees for the offices sought. The
18 ~~clerk~~ county commissioner of elections shall then do all
19 things necessary for conducting the election. The election
20 shall be conducted in the manner provided by law for general
21 elections.

22 Sec. 286. Section three hundred sixty-three point sixteen
23 (363.16), Code 1973, is amended to read as follows:

24 363.16 POPULATION OVER 10,000--PROCEDURE.

25 1. In cities having a population of more than ten thou-
26 sand, as shown by the latest federal census, the procedure
27 shall be as follows:

28 If the ~~clerk~~ county commissioner of elections and mayor
29 find that the number of candidates for any office, as shown
30 by candidates' petitions filed with the ~~clerk~~ county
31 commissioner of elections, be not more than twice the number
32 of persons that may be elected to said office, said candidates
33 shall be found to be the nominees, and for said office no
34 primary election shall be held. For any office or offices,
35 for which the number of candidates, as shown by the candidates'

1 petitions filed with the ~~clerk~~ county commissioner of
2 elections, is found to be more than twice the number of persons
3 that may be elected to said office or offices, the nominees
4 shall be determined by a municipal primary election, as
5 hereinafter provided. The ~~clerk~~ county commissioner of
6 elections and mayor shall file a written report with the
7 council, stating the nominees for such office or offices,
8 if any, for which no municipal primary election is required,
9 and also stating the office, or offices, if any, for which
10 the nominees shall be determined by a municipal primary
11 election. Any such city, under one hundred thousand
12 population, may by ordinance provide that all candidates for
13 all elective city offices shall be nominated under the
14 provisions of chapter 44 and chapter 45. In such event
15 nomination for all such offices by primary shall not be
16 authorized.

17 2. The council of any city having a population of more
18 than ten thousand may by ordinance provide that subsection
19 1 of this section and sections 363.17 through 363.20, sec-
20 tion 363.24, and section 363.25 shall not apply to such city
21 if the ordinance provides for a run-off election as set forth
22 in this subsection. Any such run-off election shall be held
23 two weeks after the regular municipal election if the fol-
24 lowing conditions result:

25 a. If no candidate for a single office receives a majority
26 of the votes cast, the two candidates receiving the largest
27 number of votes shall be placed upon the run-off ballot.

28 b. Where candidates for council or other bodies run at
29 large, the results shall be ranked in order of votes received.
30 If any of the top candidates, to the number of positions to
31 be filled, receive less than a majority of the votes cast
32 at the election, those candidates receiving a majority of
33 the votes cast shall be declared elected. Those candidates
34 receiving the next highest number of votes but not having
35 a majority, to the number of twice the number of unfilled

1 positions, shall be placed on the run-off ballot.

2 ~~All-provisions-for-conducting-municipal-elections~~ The
3 provisions of chapters thirty-nine (39) through fifty-three
4 (53) of the Code shall apply to the conduct of run-off
5 elections except that there shall be no added voter regis-
6 trations accepted for said election but transfers may be
7 accepted until ten days before the election, as now provided
8 under law.

9 Sec. 287. Section three hundred sixty-three point twenty-
10 four (363.24), Code 1973, is amended to read as follows:

11 363.24 RETURNS CANVASSED. On the day following the
12 municipal primary election, the ~~clerk~~ county commissioner
13 of elections shall publicly canvass said election returns
14 and shall report the results thereof to the council. For
15 municipal officers for which but one person is to be elected,
16 the number of nominees, as determined by the municipal pri-
17 mary election, shall be twice the number of persons to be
18 elected and the candidates receiving the greatest number of
19 votes shall be the nominees.

20 Sec. 288. Section three hundred sixty-three point twenty-
21 five (363.25), Code 1973, is amended to read as follows:

22 363.25 REPORT TO COUNCIL. The ~~clerk's~~ report by the
23 county commissioner of elections to the council shall list
24 the nominees for all offices to be filled at the forthcoming
25 municipal election and shall show whether nomination was by
26 municipal primary election, or by petition.

27 Sec. 289. Section three hundred sixty-four point three
28 (364.3), Code 1973, is amended by adding the following new
29 paragraph:

30 NEW PARAGRAPH. The city council or mayor shall notify
31 the county commissioner of elections that a special election
32 has been called. The county commissioner of elections shall
33 publish notice and conduct the election pursuant to chapters
34 thirty-nine (39) through fifty-three (53) of the Code and
35 report the results of the election to the council and mayor.

1 Sec. 290. Section three hundred sixty-eight point sixty-
2 five (368.65), Code 1973, is amended to read as follows:

3 368.65 VOTE OF ELECTORS ON BONDS. After the incorpora-
4 tion of said authority, and before the sale of any issue of
5 revenue bonds (except refunding bonds) as provided in this
6 division, the authority shall submit in a single countywide
7 election to the legal voters of said city or town and county,
8 at a general, primary or special election called for that
9 purpose, the question whether such authority shall issue and
10 sell revenue bonds (stating the amount) for any of the pur-
11 poses provided in section 368.55. An affirmative vote of
12 a majority of the votes cast on said proposition shall be
13 required to authorize the issuance and sale of said revenue
14 bonds. A notice of the election shall be published once each
15 week for at least four weeks in some newspaper published in
16 the county. Such notice shall name the time when such ques-
17 tion shall be permitted, and a copy of the question to be
18 submitted shall be posted at each polling place during the
19 day of election. The authority shall call this election with
20 the concurrence of both incorporating units, and it shall
21 ~~establish-the-voting-precincts-and-polling-places,-and-ap-~~
22 ~~point-the-election-judges,-and-in-so-doing-such-election~~
23 ~~procedures-shall-be-in-accordance-with-the-provisions-of-chap-~~
24 ~~ters-49-and-50~~ notify the county commissioner of elections
25 who shall publish notice of the election in the manner pro-
26 vided in this section and conduct the election pursuant to
27 chapters thirty-nine (39) through fifty-three (53) of the
28 Code and report the results of the election to the authority.

29 Sec. 291. Section three hundred seventy-four point one
30 (374.1), Code 1973, is amended to read as follows:

31 374.1 COMMUNITY CENTER HOUSES AUTHORIZED. Incorporated
32 cities and towns shall have power to provide for the several
33 districts in said city, or for any one of such districts,
34 as hereinafter defined, a community center house with
35 recreation grounds adjacent for the use, recreation, and

1 instruction of the residents of said district, and to submit
2 to the electors of any such district at a regular city
3 election, or special election called for that purpose, the
4 question of the establishment of such improvement and of the
5 issuance of district bonds to provide the same. The mayor
6 shall notify the county commissioner of elections who shall
7 publish notice and conduct the election pursuant to the
8 provisions of chapters thirty-nine (39) through fifty-three
9 (53) of the Code and certify the results of the election to
10 the mayor. And in cities where buildings and grounds suitable
11 for community center activities are owned and maintained by
12 the city, the city council may, by resolution, establish such
13 buildings or grounds as community centers without submitting
14 the question of the establishment thereof to the electors.

15 Sec. 292. Section three hundred eighty point ten (380.10),
16 Code 1973, is amended to read as follows:

17 380.10 ELECTION. The power granted in section 380.9 and
18 in section 380.14 to issue certificates and bonds and to
19 pledge said earnings for the payment thereof shall not be
20 exercised unless a majority of the legal electors of the city
21 voting thereon vote in favor of the exercise of such power.
22 The council may, on its own motion, submit such question
23 either at a general election or at a special election called
24 for that purpose.

25 Upon the filing with the mayor of a petition requesting
26 the submission of such question, signed by twenty-five legal
27 electors of each voting precinct in the city, the mayor shall
28 submit such question to the county commissioner of elections
29 which shall be placed on the ballot at the first general
30 election following the filing of said petition, providing
31 said general election occurs not less than forty nor more
32 than ninety days after said filing. If said question can-
33 not be submitted at a general election, as herein provided,
34 the mayor shall submit such question at a special election
35 which he shall forthwith call for such date as will permit

1 the giving of the notice herein provided. ~~Notice-of-said~~
2 ~~election-shall-be-given-as-provided-by-section-397.7-~~

3 The mayor shall notify the county commissioner of elec-
4 tions of the special election and the county commissioner
5 of elections shall publish notice and conduct the election
6 pursuant to the provisions of chapters thirty-nine (39) through
7 fifty-three (53) of the Code and certify the results of the
8 special election to the mayor.

9 Sec. 293. Section three hundred eighty-one point ten
10 (381.10), Code 1973, is amended to read as follows:

11 381.10 QUESTION SUBMITTED. Whenever a petition shall
12 be presented to the council, signed by a majority of the
13 resident freehold taxpayers thereof, asking that the ques-
14 tion of constructing or aiding in the construction of a bridge
15 as provided in section 381.9 be submitted to the qualified
16 electors, ~~it-shall-be-its-duty-to-immediately-give-notice~~
17 ~~of-a-special-election-by-publication-in-some-newspaper~~
18 ~~published-therein-and-also-by-posting-copies-of-such-notice~~
19 ~~in-five-public-places-therein-at-least-ten-days-before-such~~
20 ~~election~~ the council shall call a special election and notify
21 the county commissioner of elections. The county commissioner
22 of elections shall publish notice and conduct the election
23 pursuant to chapters thirty-nine (39) through fifty-three
24 (53) of the Code and report the results of the election to
25 the council.

26 Sec. 294. Section three hundred eighty-six point three
27 (386.3), Code 1973, is amended by adding the following new
28 paragraph:

29 NEW PARAGRAPH. The council or mayor may call a special
30 election and notify the county commissioner of elections.
31 The county commissioner of elections shall publish notice
32 of the election as provided in section three hundred eighty-
33 six point four (386.4) of the Code and conduct the election
34 pursuant to chapters thirty-nine (39) through fifty-three
35 (53) of the Code and report the results of the election to

1 the council and mayor.

2 Sec. 295. Section three hundred eighty-six A point four
3 (386A.4), Code 1973, is amended to read as follows:

4 386A.4 CANVASS OF PETITION. After such petition is filed
5 the council of such city shall arrange for a joint meeting
6 of the councils of all cities and towns involved and the
7 council, or joint councils, if more than one, shall canvass
8 the petition, and if found to meet the requirements of the
9 law, shall fix a time ~~and places~~ for holding a special election
10 in the proposed district, ~~appoint judges and clerks of such~~
11 ~~election, fix the hours when the polls shall open and close~~
12 ~~and cause notice to be given as hereinafter provided and~~
13 notify the county commissioner of elections. The county
14 commissioner of elections shall publish notice of the election
15 as provided in section three hundred eighty-six A point six
16 (386A.6) of the Code and conduct the election pursuant to
17 chapters thirty-nine (39) through fifty-three (53) of the
18 Code and report the results of the election to the council.
19 ~~The date of such election shall be at least ten days after~~
20 ~~completed service of such notice.~~ The transportation company
21 for whose benefit such election is held shall pay the expense
22 thereof, including publication of notice and printing of
23 ballots.

24 Sec. 296. Section three hundred eighty-six A point six
25 (386A.6), Code 1973, is amended to read as follows:

26 386A.6 PUBLICATION. ~~The city clerk of the principal city~~
27 county commissioner of elections shall cause such notice to
28 be published for three consecutive weeks in the official
29 newspapers published in said city. Proof of such publication,
30 by affidavit of the publisher, shall be filed with the ~~city~~
31 ~~clerk~~ county commissioner of elections on completion of the
32 publication.

33 Sec. 297. Section three hundred eighty-six B point four
34 (386B.4), Code 1973, is amended by adding the following new
35 paragraph:

1 NEW PARAGRAPH. The council shall notify the county
2 commissioner of elections when the proposition will be sub-
3 mitted at an election. The county commissioner of elections
4 shall publish notice of the election in the manner specified
5 in section three hundred eighty-six B point five (386B.5)
6 of the Code and conduct the election pursuant to chapters
7 thirty-nine (39) through fifty-three (53) of the Code and
8 report the results of the election to the council.

9 Sec. 298. Section three hundred eighty-six B point eighteen
10 (386B.18), Code 1973, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. The council shall notify the county
13 commissioner of elections when the proposition will be sub-
14 mitted at an election. The county commissioner of elections
15 shall publish notice of the election in the manner specified
16 in section three hundred eighty-six B point five (386B.5)
17 of the Code and conduct the election pursuant to chapters
18 thirty-nine (39) through fifty-three (53) of the Code and
19 report the results of the election to the council.

20 Sec. 299. Section three hundred ninety-seven point six
21 (397.6), Code 1973, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. The council or mayor may call a special
24 election and notify the county commissioner of elections.
25 The county commissioner of elections shall publish notice
26 of the election as provided in this chapter and conduct the
27 election pursuant to chapters thirty-nine (39) through fifty-
28 three (53) of the Code and report the results of the election
29 to the council and mayor.

30 Sec. 300. Section three hundred ninety-seven point twenty-
31 nine (397.29), Code 1973, is amended by adding the following
32 new paragraph:

33 NEW PARAGRAPH. The council shall notify the county
34 commissioner of elections of an election called pursuant to
35 this section. The county commissioner of elections shall

1 publish notice of the election as provided in section three
2 hundred ninety-seven point thirty (397.30) of the Code and
3 conduct the election pursuant to the provisions of chapters
4 thirty-nine (39) through fifty-three (53) of the Code and
5 report the results of the election to the council.

6 Sec. 301. Section three hundred ninety-eight point seven
7 (398.7), Code 1973, is amended to read as follows:

8 398.7 ELECTION--POWERS OF COUNCIL. Said contract or con-
9 tracts shall not be binding upon said city until the same
10 shall have been approved by the city council at a regular
11 meeting, or a special meeting called for such purpose, and
12 shall have been adopted by a majority of the electors of said
13 city voting at a city or special election, which shall have
14 been duly called after thirty days' notice by said city.

15 The proposition to be submitted at said election, and the
16 form of ballot, shall be: "Shall the contract or contracts
17 approved by the city council in relation to the waterworks
18 be adopted?" The proposition shall be printed and placed
19 on the ballots, and the voter shall designate his choice,
20 and the election shall be conducted~~7--in-the-manner-provided~~

21 ~~in-the-title-on-elections~~ by the county commissioner of
22 elections pursuant to chapters thirty-nine (39) through fifty-
23 three (53) and he shall report the results of the election
24 to the council. When a majority of the electors of said city
25 at any election shall have declared in favor of the purchase
26 or erection of any waterworks, or shall have authorized the
27 incurring of indebtedness or issuance of bonds for water-
28 works, the city council may provide by contract or other-
29 wise without submission of same to the electors, for surveys,
30 examinations, appraisements, estimates, plans, specifica-
31 tions, advertisements for bids, and all other necessary work
32 preliminary to the making of such contract or contracts for
33 purchase or erection of waterworks, and pay for the same and
34 the expense of said election out of said sinking fund.

35 Sec. 302. Section three hundred ninety-nine point one

1 (399.1), Code 1973, is amended by adding the following new
2 paragraph:

3 NEW PARAGRAPH. Notice of any election called under the
4 provisions of this section shall be given to the county
5 commissioner of elections. The county commissioner of elec-
6 tions shall publish notice of the election and conduct the
7 election pursuant to the provisions of chapters thirty-nine
8 (39) through fifty-three (53) of the Code and report the re-
9 sults of the election to the city council and mayor.

10 Sec. 303. Section four hundred seven point seven (407.7),
11 Code 1973, is amended to read as follows:

12 407.7 ELECTION CALLED. The council on receipt of any
13 such petition shall at the next regular meeting call a special
14 election, ~~fixing the time and place thereof~~, or may submit
15 the proposition as a special question at the next regular
16 municipal election. The council may reject a petition for
17 a community center, or change the area of any district
18 petitioned for. The council shall notify the county
19 commissioner of elections, who shall publish notice of the
20 election pursuant to section four hundred seven point eight
21 (407.8) of the Code and conduct the election pursuant to
22 chapters thirty-nine (39) through fifty-three (53) of the
23 Code and report the results of the election to the council.

24 Sec. 304. Section four hundred seven point eight (407.8),
25 Code 1973, is amended to read as follows:

26 407.8 NOTICE. ~~It~~ The county commissioner of elections
27 shall give notice of any election held under the provisions
28 of this chapter by publication once each week for three
29 consecutive weeks in some newspaper published in the city
30 or town, or if none be published therein, in a newspaper
31 published in the county and of general circulation in the
32 city or town. The election shall be held on a day not less
33 than five nor more than twenty days after the last publica-
34 tion of notice.

35 Sec. 305. Section four hundred eight A point four (408A.4),

1 Code 1973, is amended to read as follows:

2 408A.4 NOTICE OF ELECTION. Notice of such election,
3 stating the date of the election, the hours of opening and
4 closing the polls, the precincts and polling places there-
5 for and the question to be submitted shall be published by
6 the county commissioner of elections once each week for three
7 consecutive weeks in some newspaper published in the city
8 or town, or if none be published therein, in a newspaper
9 published in the county and having a general circulation in
10 the city or town. The election shall be held on a day not
11 less than five nor more than twenty days after the last
12 publication of such notice and shall be conducted by the
13 county commissioner of elections pursuant to the provisions
14 of chapters thirty-nine (39) through fifty-three (53) of the
15 Code.

16 Sec. 306. Section four hundred twenty point one hundred
17 thirty (420.130), Code 1973, is amended to read as follows:

18 420.130 AFFIDAVIT OF CANDIDACY. Candidates for city
19 precinct committeemen and committeewomen~~7-er-candidates-for~~
20 ~~ward-alderman-er-ward-councilman~~, shall cause their names
21 to be printed on the primary ballot by filing an affidavit
22 as provided for in section 43.18 ~~in-the-office-of-the-city~~
23 ~~clerk~~ with the county commissioner of elections at least
24 thirty days prior to the day fixed for conducting the primary
25 election.

26 Sec. 307. Section four hundred twenty point one hundred
27 thirty-one (420.131), Code 1973, is amended to read as fol-
28 lows:

29 420.131 MEMBERS FROM EACH PRECINCT. ~~A-male-member-and~~
30 ~~a-female-member~~ Two persons for each political party shall
31 be elected from each precinct to the city central committee
32 at the primary election. They shall hold office for a period
33 of two years immediately following the adjournment of the
34 city convention, or until ~~his-er-her-successor-is~~ their
35 successors are duly elected and qualified, unless sooner

1 removed by the city central committee for failing to perform
2 the duties of committeemen, incompetency, or failing to support
3 the ticket nominated by their respective party.

4 Sec. 308. Section four hundred twenty point one hundred
5 thirty-two (420.132), Code 1973, is amended to read as fol-
6 lows:

7 420.132 COMMITTEE MEETINGS--VACANCIES. The city central
8 committee shall commence performing their duties on the day
9 of the city convention and vacancies occurring therein may
10 be filled by the city chairman subject to confirmation of
11 the central committee. ~~Committee-members-from-the-same~~
12 ~~precinct-shall-not-be-of-the-same-sex.~~

13 Sec. 309. Section four hundred twenty point one hundred
14 thirty-three (420.133), Code 1973, is amended to read as
15 follows:

16 420.133 RETURNS OF ELECTION. Election judges shall make
17 returns of the election of members of the city central com-
18 mittee in the same manner as returns are conducted for other
19 officers except that the election judges shall canvass the
20 returns as to members of the city central committee, and
21 certify the results thereof to the ~~city-clerk~~ county
22 commissioner of elections with the returns.

23 Sec. 310. Section four hundred twenty point one hundred
24 thirty-four (420.134), Code 1973, is amended to read as fol-
25 lows:

26 420.134 CERTIFIED LIST OF THOSE ELECTED. After the can-
27 vass of votes ~~and-returns~~ by the ~~city-council-the-city-clerk~~
28 county board of supervisors the county commissioner of
29 elections shall notify the members of the central commit-
30 tee who have been elected of the time and place of holding
31 the city convention, and shall deliver a certified list of
32 those elected to the chairman of their respective political
33 party's central committee in the city on or before the ~~first~~
34 second Thursday following the primary election.

35 Sec. 311. Section four hundred twenty point one hundred

1 thirty-six (420.136), Code 1973, is amended to read as fol-
2 lows:

3 420.136 DUTIES OF CITY CLERK AND-COUNCIL. ~~The-city-clerk~~
4 ~~and-city-council-shall,-in-municipal-elections,-perform-those~~
5 ~~duties-imposed-upon-the-county-auditor-and-county-board-of~~
6 ~~supervisors-in-county-elections.~~ The city clerk shall keep
7 a certified list of delegates to the city convention elected
8 at the precinct caucuses and a record of the precinct
9 committeeman and committeewoman elected at the primary elec-
10 tion. The city clerk shall maintain a current list of all
11 members of the city central committee. The certified list
12 and records shall be maintained by the city clerk for at least
13 two years subsequent to the election of the delegates and
14 precinct committeeman and shall be available for public
15 inspection.

16 Sec. 312. Section four hundred forty-four point nine
17 (444.9), subsection three (3), Code 1973, is amended to read
18 as follows:

19 3. Election expense fund. There is created in the office
20 of the county treasurer of each county a fund to be known
21 as the election expense fund. Annually, the board of
22 supervisors shall levy an amount sufficient to pay the costs
23 of elections and voter registration, pursuant to chapter 48,
24 incurred by the county. The funds deposited in this account
25 shall be used to pay election and voter registration costs
26 and shall not be appropriated for any other purposes or
27 transferred into any other county fund. If additional funds
28 are needed to register voters, pursuant to chapter forty-eight
29 (48) of the Code, after July 1, 1973, and until July 1, 1975,
30 such costs shall be certified by the county commissioner of
31 registration to the board of supervisors who shall, after
32 approving the costs thereof, authorize the issuance of
33 anticipatory warrants pursuant to section three hundred thirty-
34 four point five (334.5) of the Code, to pay the additional
35 costs. The moneys necessary to redeem anticipatory warrants

1 issued under this subsection shall be part of the election
2 expense fund levy for the next year.

3 Sec. 313. Acts of the Sixty-fourth General Assembly, 1972
4 Session, chapter one thousand eighty-eight (1088), section
5 twenty-six (26), is amended to read as follows:

6 Sec. 26. A city may change its name as follows:

7 1. The council shall propose the name change and shall
8 cause notify the county commissioner of elections that the
9 question to-be shall be submitted at the next regular city
10 election.

11 2. The ~~council~~ county commissioner of elections shall
12 publish notice, as provided in section three (3) of this Act,
13 of the proposed new name, and of the fact that the question
14 will be submitted at the next regular city election. The
15 county commissioner of elections shall report the results
16 of the balloting on the question to the mayor and the city
17 council.

18 3. If a majority of those voting on the question approves
19 the proposed new name, the city clerk shall enter the new
20 name upon the city records and file certified copies of the
21 proceedings, including the council's proposal, proof of pub-
22 lication of notice, and certification of the election result,
23 with the county recorder of each county which contains part
24 of the city, and with the secretary of state. Upon proper
25 filing the name change is complete and effective.

26 Sec. 314. Acts of the Sixty-fourth General Assembly, 1972
27 Session, chapter one thousand eighty-eight (1088), section
28 forty-three (43), is amended to read as follows:

29 Sec. 43. The committee shall approve or disapprove the
30 petition or plan as amended, within ninety days of the final
31 hearing, and shall file its decision for record and promptly
32 notify the parties to the proceeding of its decision. If
33 a petition or plan is approved, the board shall set a date
34 within ninety days for a special election on the proposal
35 and ~~shall appoint five election commissioners, except that~~

1 ~~in-the-case-of-a-consolidation, the board shall appoint two~~
2 ~~election commissioners from each city involved~~ the county
3 commissioner shall conduct the election. ~~Election commis-~~
4 ~~sioners must be voters of the territory, city, or cities~~
5 ~~involved.~~ In a case of incorporation or discontinuance,
6 qualified voters of the territory or city may vote, and the
7 proposal is authorized if a majority of those voting approves
8 it. In a case of annexation or severance, qualified voters
9 of the territory and of the city may vote, and the proposal
10 is authorized if a majority of the total number of persons
11 voting approves it. In a case of consolidation, qualified
12 voters of each city to be consolidated may vote, and the pro-
13 posal is authorized only if it receives a favorable majority
14 vote in each city. ~~The election commissioners~~ county com-
15 missioner of elections shall ~~serve and~~ publish notice of the
16 election as provided in section thirty-nine (39) of this Act,
17 and shall conduct the election in the same manner as other
18 special city elections.

19 The costs of an incorporation election shall be borne by
20 the initiating petitioners if the election fails, but if the
21 proposition is approved the cost shall become a charge of
22 the new city.

23 Sec. 315. Acts of the Sixty-fourth General Assembly, 1972
24 Session, chapter one thousand eighty-eight (1088), section
25 forty-four (44), is amended to read as follows:

26 Sec. 44. If a proposal is authorized by the voters, and
27 after the election commissioners have certified the result
28 county commissioner of elections has certified the results
29 to the board, the board shall:

30 1. Serve and publish notice of the result as provided
31 in section thirty-nine (39) of this Act.

32 2. File with the secretary of state, the clerk of each
33 city incorporated or involved in a boundary adjustment, and
34 with the recorder of each county which contains a portion
35 of any city or territory involved, copies of the proceedings

1 including the original petition or plan and any amendments,
2 the order of the board approving the petition or plan, proofs
3 of service and publication of required notices, certification
4 of the election result, and any other material deemed by the
5 board to be of primary importance to the proceedings. Upon
6 proper filing and expiration of time for appeal, or upon a
7 subsequent date as provided in the proposal, the incorporation,
8 discontinuance, or boundary adjustment is complete, except
9 that if an appeal to any of the proceedings is pending,
10 completion does not occur until the appeal is decided.

11 Sec. 316. Acts of the Sixty-fourth General Assembly, 1972
12 Session, chapter one thousand eighty-eight (1088), section
13 forty-five (45), is amended to read as follows:

14 Sec. 45. When an incorporation, discontinuance, or boundary
15 adjustment is complete, the board shall supervise procedures
16 necessary to carry out the proposal. In the case of an
17 incorporation, ~~the-election-commissioners~~ the county
18 commissioner of elections shall conduct an election for mayor
19 and council of the city, who shall serve until their successors
20 take office following the next regular city election. In
21 the case of a discontinuance, the board shall publish two
22 notices as provided in section thirty-nine (39) of this Act
23 that it will receive and adjudicate claims against the
24 discontinued city for a period of six months, and shall cause
25 necessary taxes to be levied against the property within the
26 discontinued city to pay claims allowed. All records of a
27 discontinued city shall be deposited with the county auditor
28 of the county designated by the board, except that court
29 records shall be deposited with the clerk of the district
30 court of the county. In the case of boundary adjustments,
31 the proper city officials shall carry out procedures necessary
32 to implement the proposal.

33 Sec. 317. Acts of the Sixty-fourth General Assembly, 1972
34 Session, chapter one thousand eighty-eight (1088), section
35 forty-eight (48), subsection two (2), is amended to read as

1 follows:

2 2. Within one week after receiving a valid petition, the
3 mayor shall proclaim a special city election to be held within
4 sixty days to determine whether the city shall change to a
5 different form of government. The mayor shall notify the
6 county commissioner of elections to publish notice of the
7 election and conduct the election pursuant to the provisions
8 of chapters thirty-nine (39) through fifty-three (53) of the
9 Code. The county commissioner of elections shall certify
10 the results of the election to the mayor.

11 Sec. 318. Acts of the Sixty-fourth General Assembly, 1972
12 Session, chapter one thousand eighty-eight (1088), section
13 fifty-five (55), subsection two (2), is amended to read as
14 follows:

15 2. When a charter is filed, the council ~~shall publish~~
16 ~~it~~ and mayor shall notify the county commissioner of elections
17 to publish notice and conduct the election. The notice shall
18 be published at least twice in the manner provided in section
19 three (3) of this Act, except that the publications must occur
20 within sixty days of the filing of the home rule charter,
21 with a two-week interval between each publication. The coun-
22 cil shall provide copies of a proposed charter for public
23 distribution by the city clerk.

24 Sec. 319. Acts of the Sixty-fourth General Assembly, 1972
25 Session, chapter one thousand eighty-eight (1088), section
26 sixty-one (61), is amended to read as follows:

27 Sec. 61. A city shall hold a regular city election on
28 the first Tuesday after the first Monday in November of each
29 odd-numbered year. A city may shall hold ~~general~~, special,
30 primary, or run-off city elections as provided by state law.

31 The mayor or council shall give notice of any regular,
32 special, primary, or run-off election to the county
33 commissioner of elections. The county commissioner of
34 elections shall publish notice of any city election and conduct
35 the election pursuant to the provisions of chapter thirty-

1 nine (39) through fifty-three (53) of the Code, except as
2 otherwise specifically provided in the Acts of the General
3 Assembly, 1972 Session, chapter one thousand eighty-eight
4 (1088). The results of any election shall be canvassed by
5 the county commissioner of elections and certified to the
6 mayor and the council of the city for which the election is
7 held.

8 Sec. 320. Acts of the Sixty-fourth General Assembly, 1972
9 Session, chapter one thousand eighty-eight (1088), section
10 sixty-four (64), is amended to read as follows:

11 Sec. 64. A voter of a city may become a candidate for
12 an elective city office by filing with the city clerk a valid
13 petition requesting that his name be placed on the ballot
14 for that office. The petition must be filed ~~at least four~~
15 weeks not more than sixty-five days nor less than forty days
16 before the date of the election, and must be signed by voters
17 equal in number to at least two percent of those who voted
18 to fill the same office at the last regular city election,
19 but not less than ten persons. Nomination petitions shall
20 be filed not later than five o'clock p.m. on the last day
21 for filing.

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

27 The petition must include the signature of the petitioners,
28 a statement of their place of residence, and the date on which
29 they signed the petition.

30 The petition must include the affidavit of at least one
31 voter other than the petitioners and the individual for whom
32 the petition is being filed, stating the affiant's knowledge,
33 information, and belief as to the residence of the petitioners.

34 The petition must include the affidavit of the individual
35 for whom it is filed, stating his name, his residence, that

1 he is a candidate and eligible for the office, and that if
2 elected he will qualify for the office.

3 The city clerk shall accept the petition for filing if
4 on its face it appears to have the requisite number of signa-
5 tures and if it is timely filed.

6 The city clerk shall deliver all nomination petitions to
7 the county commissioner of elections not later than five
8 o'clock p.m. on the day following the last day on which nomina-
9 tion petitions can be filed.

10 Sec. 321. Acts of the Sixty-fourth General Assembly, 1972
11 Session, chapter one thousand eighty-eight (1088), section
12 sixty-five (65), is amended to read as follows:

13 Sec. 65. Notice and a copy of the ballot for each regular,
14 special, primary, or run-off city election must be published
15 by the county commissioner of elections as provided in section
16 three (3) of this Act, except that notice of a regular,
17 primary, or run-off election may be published not less than
18 five days before the date of the election. The published
19 ballot must contain the names of all candidates, and may not
20 contain any party designations. The published ballot must
21 contain any question to be submitted to the voters.

22 Sec. 322. Section six point one (6.1), Code 1973, is
23 amended to read as follows:

24 6.1 PUBLICATION OF PROPOSED AMENDMENT. Whenever any
25 proposition to amend the Constitution has passed the general
26 assembly and been referred to the next succeeding legislature,
27 the ~~secretary-of~~ state commissioner of elections shall cause
28 the same to be published, once each month, in two newspapers
29 of general circulation in each congressional district in the
30 state, for the time required by the Constitution.

31 Sec. 323. Section six point two (6.2), Code 1973, is
32 amended to read as follows:

33 6.2 PUBLICATION OF PROPOSED PUBLIC MEASURE. Whenever
34 any public measure has passed the general assembly which under
35 the Constitution must be published and submitted to a vote

1 of the entire people of the state, the ~~secretary-of~~ state
2 commissioner of elections shall cause the same to be published,
3 once each month, in at least one newspaper of general circula-
4 tion in each county in the state, for the time required by
5 the Constitution.

6 Sec. 324. Section six point three (6.3), Code 1973, is
7 amended to read as follows:

8 6.3 PROOF OF PUBLICATION--RECORD--REPORT TO LEGISLATURE.
9 Proof of the publication specified in sections 6.1 and 6.2
10 shall be made by the affidavits of the publishers of the news-
11 papers designated by the ~~secretary-of~~ state commissioner of
12 elections, and such affidavits, with the certificate of the
13 ~~secretary-of~~ state commissioner of the selection of such
14 newspapers, shall be filed in his office, recorded in a book
15 kept for that purpose, and preserved by him, and in the case
16 of constitutional amendments he shall report to the following
17 legislature his action in the premises.

18 Sec. 325. Section six point six (6.6), Code 1973, is
19 amended to read as follows:

20 6.6 CERTIFICATION--SAMPLE BALLOT. The ~~secretary-of~~ state
21 commissioner of elections shall, not less than twenty days
22 preceding any election at which a constitutional amendment
23 or public measure is to be submitted to a vote of the entire
24 people of the state, transmit to the ~~auditor~~ county com-
25 missioner of elections of each county a certified copy of
26 such amendment or measure and a sample of the ballot to be
27 used in such cases, prepared in accordance with law.

28 Sec. 326. Section six point seven (6.7), Code 1973, is
29 amended to read as follows:

30 6.7 PROCLAMATION. Whenever a proposition to amend the
31 Constitution is to be submitted to a vote of the electors,
32 the governor shall ~~include-such-proposed-amendment-in-his~~
33 election-proclamation issue a proclamation of that fact, and
34 of the date when the proposition is to be voted on, at least
35 sixty days before that date.

1 Sec. 327. Section six point ten (6.10), Code 1973, is
2 amended to read as follows:

3 6.10 ACTION TO TEST LEGALITY. Whenever an amendment to
4 the Constitution of the state of Iowa shall have been proposed
5 and agreed to by the general assembly and shall have been
6 agreed to by the succeeding general assembly, any taxpayer
7 may file suit in equity in the district court at the seat
8 of government of the state, challenging the validity, legality
9 or constitutionality of such amendment, or the procedure
10 connected therewith, and in such suit the district court shall
11 have jurisdiction to determine the validity, legality or
12 constitutionality of said amendment or the procedure connected
13 therewith, and enter its decree accordingly, and may grant
14 a writ of injunction enjoining the governor and ~~secretary~~
15 ~~of state~~ commissioner of elections from submitting such con-
16 stitutional amendment, if it, or the procedure connected
17 therewith, shall have been found to be invalid, illegal or
18 unconstitutional.

19 Sec. 328. Section six point eleven (6.11), Code 1973,
20 is amended to read as follows:

21 6.11 PARTIES. In such suit the taxpayer shall be plaintiff
22 and the governor and ~~secretary-of~~ state commissioner of
23 elections shall be defendants. Any taxpayer may intervene,
24 either as party plaintiff or defendant.

25 Sec. 329. Section twenty-three point four (23.4), unnum-
26 bered paragraph one (1), Code 1973, is amended to read as
27 follows:

28 Interested objectors in any municipality equal in number
29 to one percent of those voting for the office of president
30 of the United States or governor, as the case may be, at the
31 last general election in said municipality, but in no event
32 less than twenty-five, may appeal from the decision to the
33 appeal board by serving notice thereof on the clerk or
34 secretary of such municipality within ten days after such
35 decision is entered of record.

1 Sec. 330. Section twenty-three point thirteen (23.13),
2 Code 1973, is amended to read as follows:

3 23.13 OBJECTIONS. At any time before the date fixed for
4 the issuance of such bonds or other evidence of indebtedness,
5 interested objectors in any municipality equal in number to
6 one percent of those voting for the office of president of
7 the United States or governor, as the case may be, at the
8 last general election in said municipality, but in no event
9 less than twenty-five, may file a petition in the office of
10 the clerk or secretary of the municipality setting forth their
11 objections thereto.

12 Sec. 331. Section twenty-four point twenty-seven (24.27),
13 Code 1973, is amended to read as follows:

14 24.27 PROTEST TO BUDGET. Not later than the first Tues-
15 day in September, a number of persons in any municipality
16 equal to one-fourth of one percent of those voting for the
17 office of president of the United States or governor, as the
18 case may be, at the last general election in said municipality,
19 but in no event less than ten, who are affected by any proposed
20 budget, expenditure or tax levy, or by any item thereof, may
21 appeal from any decision of the certifying board or the levying
22 board, as the case may be, by filing with the county auditor
23 of the county in which such municipal corporation is located,
24 a written protest setting forth their objections to such
25 budget, expenditure or tax levy, or to one or more items
26 thereof, and the grounds for such objections; provided that
27 at least three of such persons shall have filed a joint written
28 objection, at or before the time of the meeting contemplated
29 in section 24.11 which shall include a detailed statement
30 of the objections to said budget, expenditures or tax levy
31 for each and every fund, or the items therein to which
32 objection is taken and an analysis of the fund or funds, or
33 items therein showing grounds for such objections or shall
34 have appeared and made objection, either general or specific,
35 as provided by section 24.11. Upon the filing of any such

1 protest, the county auditor shall immediately prepare a true
2 and complete copy of said written protest, together with the
3 budget, proposed tax levy or expenditure to which objections
4 are made, and shall transmit the same forthwith to the state
5 board, and shall also send a copy of such protest to the
6 certifying board or to the levying board, as the case may
7 be.

8 Sec. 332. Section thirty-seven point two (37.2), subsection
9 one (1), Code 1973, is amended to read as follows:

10 1. When it is proposed to erect the same at the expense
11 of the county, be signed by ten percent of the qualified
12 electors thereof as shown by the ~~poll-list~~ election register
13 used in the last preceding general election, or by a majority
14 of the members of the Grand Army of the Republic, the Spanish-
15 American War Veterans Association, Veterans of World War I,
16 the American Legion, Disabled American Veterans of the World
17 War, Veterans of Foreign Wars of the United States, Marine
18 Corps League and American Veterans of World War II (AMVETS)
19 of the county.

20 Sec. 333. Section one hundred two point one (102.1), Code
21 1973, is amended to read as follows:

22 102.1 EXEMPTIONS OF MEMBERS. Any person while an active
23 member of any fire engine, hook and ladder, hose, or any other
24 company for the extinguishment of fire, or the protection
25 of property at fires, under the control of the corporate
26 authorities of any city or town, shall be exempt from ~~the~~
27 ~~performance-of-military-duty-and-labor-on-the-roads-on-account~~
28 ~~of-poll-tax,-and-from~~ serving as a juror. Any person who
29 has been an active member of such company in any city or town
30 as aforesaid, and has faithfully discharged his duties as
31 such for the term of ten years, shall thereafter be exempt
32 from ~~military-duty-in-time-of-peace,-from~~ serving as a juror,
33 ~~and-from-labor-on-the-roads.~~

34 Sec. 334. Section one hundred forty-five A point seven
35 (145A.7), Code 1973, is amended to read as follows:

1 145A.7 SPECIAL ELECTION. When a protesting petition is
2 received, the officials receiving the petition shall call
3 a special election of all qualified voters of that political
4 subdivision for the purpose of approving or rejecting the
5 order setting out the proposed merger plan. The vote will
6 be taken by ballot in the form provided ~~in-section~~ by sections
7 49.43 through forty-nine point forty-nine (49.49) of the Code,
8 and the election shall be initiated and held as provided in
9 chapter 49. A majority vote of those qualified voters voting
10 at said special election shall be sufficient to approve the
11 order and thus include the political subdivision within the
12 merged area.

13 Sec. 335. Section one hundred seventy-four point four-
14 teen (174.14), Code 1973, is amended to read as follows:

15 174.14 ADDITIONAL COUNTY AID. The board of supervisors
16 may upon a petition signed by twenty-five percent of the
17 qualified voters of the county as shown by the ~~pollbooks-of~~
18 election register used for the last preceding general election,
19 submit to the voters of the county, at a general election,
20 the proposition to purchase or accept as a gift, for county
21 or district fair purposes, real estate exceeding one thousand
22 dollars in value. Notice of such election shall be published
23 in the official newspapers of the county for four weeks
24 previous to such election.

25 Sec. 336. Chapter one hundred seventy-six A (176A), Code
26 1973, is amended by adding the following new section:

27 NEW SECTION. CHAPTER 49 NOT APPLICABLE. The provisions
28 of chapter forty-nine (49) of the Code shall not be applicable
29 to the elections held pursuant to sections one hundred seventy-
30 six A point five (176A.5), one hundred seventy-six A point
31 six (176A.6), one hundred seventy-six A point eight (176A.8)
32 and one hundred seventy-six A point fifteen (176A.15) of the
33 Code, and the county commissioner of elections shall have
34 no responsibility for the conducting of those elections.

35 Sec. 337. Section three hundred nine point eighty-six

1 (309.86), Code 1973, is amended to read as follows:

2 309.86 SUBMISSION OF QUESTION. The board shall direct
3 the county commissioner of elections to submit such question
4 at the first general election occurring not less than sixty
5 days after the filing of said petition.

6 Sec. 338. Section three hundred thirteen A point thirty-
7 five (313A.35), unnumbered paragraph one (1), Code 1973, is
8 amended to read as follows:

9 Counties are hereby authorized to issue general obligation
10 bonds for the purpose of contributing money to the commission
11 to help finance the construction of toll bridges across
12 navigable rivers constituting boundaries between the county
13 and an adjoining state. Prior to the issuance of such bonds
14 the board of supervisors shall call and direct the county
15 commissioner of elections to hold an election in said county
16 at which the proposition shall be submitted to the voters
17 of the county in the following form:

18 "Shall the county of issue its bonds
19 in the amount of \$. for the purpose of
20 . . .?"

21 Sec. 339. Section three hundred thirty point sixteen
22 (330.16), unnumbered paragraph one (1), Code 1973, is amended
23 to read as follows:

24 Any municipality which has heretofore or may hereafter
25 establish a municipal airport pursuant to the provisions of
26 this chapter or of any other provision of law, is hereby
27 authorized without approval at an election, to contract
28 indebtedness and to issue general obligation bonds to provide
29 funds to pay the cost of equipping, improving and enlarging
30 such airport provided, however, that if at any time before
31 the date fixed for taking action for the issuance of such
32 bonds a petition is filed with the clerk or recorder of the
33 municipality signed by qualified electors of the city or town
34 equal in number to two percent of those who voted for the
35 office of president of the United States or governor, as the

1 case may be, at the last preceding general election as shown
2 by the election registers ~~or poll-lists~~, asking that the
3 question of issuing such bonds be submitted to the legal
4 voters of the municipality, the governing body thereof shall
5 either by resolution declare the proposal to issue the bonds
6 to have been abandoned or shall call a special election to
7 vote upon the question of issuing the bonds.

8 Sec. 340. Section three hundred thirty-one point one
9 (331.1), Code 1973, is amended to read as follows:

10 331.1 NUMBER OF MEMBERS. The board of supervisors in
11 each county shall consist of three persons, except where the
12 number has been or may hereafter be increased in the manner
13 provided by this chapter. They shall be qualified electors,
14 and be elected by the qualified ~~voters~~ electors of their
15 respective counties, and shall hold their office for four
16 years.

17 Sec. 341. Section three hundred thirty-one point two
18 (331.2), unnumbered paragraph one (1), Code 1973, is amended
19 to read as follows:

20 When petitioned to do so by one-tenth of the qualified
21 electors of said county having voted in the last previous
22 general election for the office of president of the United
23 States or governor, as the case may be, the board of super-
24 visors shall, or may on its own motion by resolution, submit
25 to the qualified electors of the county, at any regular elec-
26 tion, a proposition as to whether or not the number of super-
27 visors should be increased to five.

28 Sec. 342. Section three hundred thirty-one point three
29 (331.3), unnumbered paragraph one (1), Code 1973, is amended
30 to read as follows:

31 In any county where the number of supervisors has been
32 increased to five, the board of supervisors shall, on petition
33 of one-tenth of the qualified electors of the county having
34 voted in the last previous general election for the office
35 of president of the United States or governor, as the case

1 may be, or may on its own motion by resolution, submit to
2 the qualified electors of the county, at any regular election,
3 a proposition as to whether or not the number of supervisors
4 should be decreased to three.

5 Sec. 343. Section three hundred thirty-one point six
6 (331.6), Code 1973, is amended to read as follows:

7 331.6 WHEN REDUCTION TAKES EFFECT. If the proposition
8 to reduce the number of members of the board carries, the
9 board shall consist of the same number of members as at the
10 time the proposition to reduce was submitted, until the ~~second~~
11 ~~secular~~ first day in January following the next general
12 election which is not a Sunday or legal holiday, at which
13 time the terms of all members of the board shall expire.

14 Sec. 344. Section three hundred thirty-one point nine
15 (331.9), unnumbered paragraph one (1), Code 1973, is amended
16 to read as follows:

17 The board of supervisors, when petitioned by ten percent
18 of the number of qualified electors of the county having voted
19 in the last previous general election for the office of
20 president of the United States or governor, as the case may
21 be, shall cause a special election to be held within the
22 county for the purpose of selecting the supervisor
23 representation plan enumerated in section 331.8 under which
24 such county board shall thereafter be elected.

25 Sec. 345. Section three hundred thirty-six A point one
26 (336A.1), subsection one (1), unnumbered paragraph one (1),
27 Code 1973, is amended to read as follows:

28 A board of county supervisors shall submit the issue that
29 the office of public defender be abolished to a vote of the
30 people of the county upon receipt of a petition that the
31 office of public defender be abolished, signed by not less
32 than ten percent of those voting for president of the United
33 States or governor, as the case may be, in the last general
34 election, and shall submit the issue to a vote of the people
35 at the next general election or at a special election called

1 therefor in the form and manner required for the submission
2 of public measures in the title on elections. If a majority
3 of the votes cast approve the issue, the office of public
4 defender shall be abolished on the date specified on the
5 ballot.

6 Sec. 346. Section three hundred forty-five point one
7 (345.1), Code 1973, is amended to read as follows:

8 345.1 EXPENDITURES--WHEN VOTE NECESSARY. The board of
9 supervisors shall not order the erection of, or the building
10 of an addition or extension to, or the remodeling or recon-
11 struction or relocation and replacement of a courthouse, jail,
12 county hospital, county home or any other county building
13 or facility, except as otherwise provided, when the probable
14 cost will exceed ten thousand dollars, nor the purchase of
15 real estate for county purposes exceeding ten thousand dol-
16 lars in value, until a proposition therefor shall have been
17 first submitted to the ~~legal-voters~~ qualified electors of
18 the county, and voted for by a majority of all persons voting
19 for and against such proposition at a general or special elec-
20 tion, notice of the same being given as in other special elec-
21 tions. However, such proposition need not be submitted to
22 the voters if any such erection, construction, remodeling,
23 reconstruction, relocation and replacement, or purchase of
24 real estate may be accomplished without the levy of additional
25 taxes and the probable cost will not exceed fifty thousand
26 dollars, or when a relocation and replacement is made necessary
27 by the acquisition of county property for a federal or state
28 project, and the cost of the relocation does not exceed the
29 amount of the award of damages by the state or federal
30 government.

31 Sec. 347. Section three hundred forty-five point thirteen
32 (345.13), Code 1973, is amended to read as follows:

33 345.13 BOARD MUST SUBMIT QUESTIONS. The board shall sub-
34 mit the question of the adoption or rescission of such a mea-
35 sure or the allocation of taxes voted to another designated

1 purpose when petitioned by one-fourth of the ~~legal-voters~~
2 qualified electors of the county, or by such different number
3 as may be prescribed by law in any special case.

4 Sec. 348. Section three hundred forty-seven point twenty-
5 three (347.23), unnumbered paragraph one (1), Code 1973, is
6 amended to read as follows:

7 Any hospital organized and existing as a city or town hos-
8 pital under the provisions of chapter 380 may become a county
9 hospital organized and managed as provided for in this chap-
10 ter, upon a proposition for such purpose being submitted to
11 and approved by a majority of the electors of both the town
12 or city in which such hospital is located, and of the county
13 under whose management it is proposed that such hospital be
14 placed, at any general or special election called for such
15 purpose, ~~said~~ . The proposition shall be placed upon the
16 ballot by the board of supervisors when ~~the-said-board-of~~
17 ~~supervisors-is~~ requested by a petition therefor signed by
18 qualified electors of the county equal in number to five per-
19 cent of the votes cast for president of the United States
20 or governor, as the case may be, at the last general elec-
21 tion, ~~said~~ . The proposition may be submitted at the next
22 general election or at a special election called therefor.
23 Upon the approval of ~~said~~ the proposition ~~as-aforesaid~~ the
24 hospital, its assets and liabilities, will become the property
25 of the county and this chapter will govern its future manage-
26 ment. The question shall be submitted in substantially the
27 following form: "Shall the municipal hospital of
28 ., Iowa, be transferred to and become the property of, and
29 be managed by the county of, Iowa?"

30 Sec. 349. Section three hundred forty-seven point twenty-
31 five (347.25), unnumbered paragraph one (1), Code 1973, is
32 amended to read as follows:

33 The election of hospital trustees shall take place at the
34 general election on ballots which shall not reflect a nominee's
35 political affiliation. Nomination shall be made by petition

1 in accordance with chapter 45. The petition form shall be
2 furnished by the county ~~auditor~~ commissioner of elections,
3 signed by qualified electors of the county equal in number
4 to one percent of the vote cast for president of the United
5 States or governor, as the case may be, by both political
6 parties in the last previous general election, ~~which-nomina-~~
7 ~~tion-petition~~ and shall be filed with the county commissioner
8 of elections at least fifty-five days ~~with-the-county-auditor~~
9 prior to the date of said general election. A plurality shall
10 be sufficient to elect hospital trustees, it being the intent
11 that there be no primary election.

12 Sec. 350. Section three hundred fifty-three point two
13 (353.2), subsections two (2) and five (5), Code 1973, are
14 amended to read as follows:

15 2. Be signed by none but ~~legal-voters~~ eligible electors
16 of the county.

17 5. Be accompanied at the time of filing by affidavits
18 of one or more ~~residents~~ eligible electors of the county,
19 stating:

20 a. That the signers of the petition were, at the time
21 of signing, ~~legal-voters~~ eligible electors of ~~said the~~ county.

22 b. The number of signers to the petition at the time the
23 affidavit is made.

24 Sec. 351. Section three hundred fifty-three point eight
25 (353.8), subsection two (2), Code 1973, is amended to read
26 as follows:

27 2. It shall strike from both the petition and the remon-
28 strance the names of all persons shown not to have been ~~legal~~
29 ~~voters~~ eligible electors of the county at the time of signing.

30 Sec. 352. Section three hundred fifty-three point nine
31 (353.9), Code 1973, is amended to read as follows:

32 353.9 ELECTION. If the petition shows, after all names
33 have been stricken as hereinbefore required, that it has been
34 signed by ~~legal-voters~~ eligible electors equal to at least
35 one-half of all ~~legal-voters-of~~ persons eighteen years of

1 age or older residing in the county as shown by the last
2 federal census, and that such number of voters eligible
3 electors so signing exceeds the number of voters eligible
4 electors who have, after all names have been stricken as
5 required, signed the remonstrance, then the board shall order
6 the proposition submitted to a vote of the people.

7 Sec. 353. Section three hundred fifty-three point eleven
8 (353.11), Code 1973, is amended to read as follows:

9 353.11 NOTICE. The county auditer commissioner of elec-
10 tions shall cause notice of such the election to be posted
11 in-three-public-places-in-each-township,-at-least-fifty-days
12 before-the-day-of-election,-and-shall-also-cause-said-notice
13 to-be published in the manner prescribed by law in some
14 newspaper published in the county and of general circulation
15 therein, if there be one published in the county, once-each
16 week-for-two-consecutive-weeks,-the-last-of-which-publications
17 shall-be-at-least-twenty-days-before-said-election.

18 Sec. 354. Section three hundred fifty-three point twelve
19 (353.12), Code 1973, is amended to read as follows:

20 353.12 CONDUCT OF ELECTION--FORM OF PROPOSITION. The
21 election shall be conducted as-elections-for-county-officers
22 are-conducted pursuant to the applicable provisions of chapters
23 thirty-nine (39) through fifty-three (53) of the Code. The
24 question shall be submitted in the following form: Shall
25 the proposition to change the county seat to (naming the town
26 or city to which the change is proposed) ☐ Yes
27 be adopted? ☐ No

28 Sec. 355. Section three hundred fifty-seven point twelve
29 (357.12), Code 1973, is amended to read as follows:

30 357.12 ELECTION. When the preliminary design and
31 assessment have been approved by the board of supervisors,
32 a date not more thirty days after such approval shall be set
33 for an election within the district to determine whether or
34 not the proposed improvement shall be constructed and to
35 choose candidates for the offices of trustee within the

1 district. Except that where the benefited water district
2 is wholly within the corporate limits of a city or town, the
3 members of the city or town council shall be the trustees,
4 and the provisions hereinafter referring to the election and
5 terms of trustees are not applicable. Notice of the election,
6 including the time and place of holding the same, shall be
7 given in the same manner as for the public hearing heretofore
8 provided for. The vote shall be by ballot which shall state
9 clearly the proposition to be voted upon, and any ~~legal-voter~~
10 qualified elector residing within the district at the time
11 of the election shall be entitled to vote. It shall not be
12 mandatory for the county commissioner of elections to conduct
13 elections held pursuant to this chapter, but they shall be
14 conducted in accordance with the provisions of chapter forty-
15 nine (49) of the Code where not in conflict with this chapter.
16 Judges will be appointed to serve without pay, by the board
17 of supervisors from among the qualified ~~voters~~ electors of
18 the district who will have charge of the election. The
19 proposition shall be deemed to have carried if a majority
20 of those voting thereon vote in favor of the same.

21 Sec. 356. Section three hundred fifty-seven B point nine
22 (357B.9), Code 1973, is amended to read as follows:

23 357B.9 ELECTION. When the preliminary report has been
24 approved by the board of supervisors, a date not more than
25 thirty days after such approval shall be set for an election
26 within the district to approve the levy of a tax of not more
27 than one and one-half mills on all the taxable property within
28 the district for the purposes set out in sections 357B.11
29 and 357B.12, and to choose candidates for the offices of
30 trustees within the district. Notice of the election,
31 including the time and place of holding the same, shall be
32 given in the same manner as for the public hearing heretofore
33 provided for. The vote shall be by ballot which shall state
34 clearly the proposition to be voted upon, and any ~~legal-voter~~
35 qualified elector residing within the district at the time

1 of the election shall be entitled to vote. It shall not be
2 mandatory for the county commissioner of elections to conduct
3 elections held pursuant to this chapter, but they shall be
4 conducted in accordance with the provisions of chapter forty-
5 nine (49) of the Code where not in conflict with this chapter.
6 Judges shall be appointed to serve without pay by the board
7 of supervisors from among the qualified ~~voters~~ electors of
8 the district who will have charge of the election. The
9 proposition shall be deemed to have carried if sixty per-
10 cent of those voting thereon vote in favor of same.

11 Sec. 357. Section three hundred fifty-seven B point four-
12 teen (357B.14), Code 1973, is amended to read as follows:

13 357B.14 DISSOLUTION OF DISTRICT. Upon petition of thirty-
14 five percent of the resident voters eligible electors, the
15 board of supervisors may dissolve the benefited fire dis-
16 trict and dispose of any remaining property, proceeds of which
17 shall first be applied against outstanding obligations and
18 any balance shall be applied to tax credit of property owners
19 of the district. The board of supervisors shall continue
20 to levy tax after dissolution of district not to exceed one
21 and one-half mills on all the taxable property of the district
22 until all outstanding obligations of the district are paid.

23 Sec. 358. Section three hundred fifty-seven B point fif-
24 teen (357B.15), Code 1973, is amended to read as follows:

25 357B.15 JOINING WITH CITY OR TOWN--FLECTION. No benefited
26 fire district shall join with any city or town for any joint
27 purpose permitted in section 368.12 unless such joining is
28 approved by the qualified electors of the joint benefited
29 fire district as provided in this section. The trustees of
30 a benefited fire district shall have the power, when authorized
31 by a majority vote of the qualified electors thereof at a
32 special election called for that purpose, upon notice given
33 in the same manner provided in section 357B.9, to own, use,
34 or operate jointly with any city or town, fire apparatus,
35 equipment, or facilities and to provide for the purchase,

1 rental, or maintenance of such equipment, facilities, and
2 services.

3 Sec. 359. Section three hundred fifty-seven C point seven
4 (357C.7), Code 1973, is amended to read as follows:

5 357C.7 ELECTION ON PROPOSED LEVY. When a preliminary
6 plat has been approved by the board of supervisors, an elec-
7 tion shall be held within the district within sixty days to
8 approve or disapprove the levy of a tax of not more than two
9 mills on all the taxable property within the district, and
10 to choose candidates for the offices of trustees of the
11 district. Notice of the election, including the time and
12 place of holding the same, shall be given in the same manner
13 as for the original public hearing as provided herein. The
14 vote shall be by ballot which shall state clearly the
15 proposition to be voted upon, and any qualified voter elector
16 residing within the district at the time of the election shall
17 be entitled to vote. It shall not be mandatory for the county
18 commissioner of elections to conduct elections held pursuant
19 to this chapter, but they shall be conducted in accordance
20 with the provisions of chapter forty-nine (49) of the Code
21 where not in conflict with this chapter. Judges shall be
22 appointed to serve without pay by the board of supervisors
23 from among the qualified voters electors of the district who
24 will have charge of the election. The proposition shall be
25 deemed to have carried if sixty percent of those voting thereon
26 vote in favor of same.

27 Sec. 360. Section three hundred fifty-seven C point eleven
28 (357C.11), Code 1973, is amended to read as follows:

29 357C.11 DISSOLUTION OF DISTRICT. Upon petition of thirty-
30 five percent of the resident voters eligible electors, the
31 board of supervisors may dissolve a benefited street lighting
32 district and dispose of any remaining property, proceeds of
33 which shall first be applied against outstanding obligations
34 and any balance shall be applied to tax credit of property
35 owners of the district. The board of supervisors shall

1 continue to levy tax after dissolution of a district, of not
2 to exceed two mills on all the taxable property of the
3 district, until all outstanding obligations of the district
4 are paid.

5 Sec. 361. Section three hundred fifty-eight point two
6 (358.2), unnumbered paragraph one (1), Code 1973, is amended
7 to read as follows:

8 Any twenty-five or more qualified-voters eligible elec-
9 tors resident within the limits of any proposed sanitary dis-
10 trict may file a petition in the office of the county auditor
11 of the county in which the proposed sanitary district, or
12 the major portion thereof, is located, requesting that there
13 be submitted to the qualified voters electors of such proposed
14 district the question whether the territory within the
15 boundaries of such proposed district shall be organized as
16 a sanitary district under this chapter. Such petition shall
17 be addressed to the board of supervisors of the county wherein
18 it is filed and shall set forth:

19 Sec. 362. Section three hundred fifty-eight point five
20 (358.5), Code 1973, is amended to read as follows:

21 358.5 HEARING OF PETITION AND ORDER. The board of super-
22 visors to whom the petition is addressed shall preside at
23 the hearing provided for in section 358.4 and shall continue
24 the same in session, with adjournments from day to day, if
25 necessary, until completed, without being required to give
26 any further notice thereof. Proof of the residence and
27 qualification of the petitioners as qualified-voters eligible
28 electors shall be made by affidavit or otherwise as the board
29 may direct. Said board shall have power and authority to
30 consider the boundaries of any such proposed sanitary district,
31 whether the same shall be as described in such petition or
32 otherwise, and for that purpose may alter and amend such
33 petition and limit or change the boundaries of the proposed
34 district as stated in the petition. The boundaries of any
35 proposed district shall not be changed to incorporate therein

1 any property not included in the original petition and
2 published notice until the owner or owners of said property
3 shall be given notice thereof as on the original hearing.
4 All persons in such proposed district shall have an opportunity
5 to be heard touching the location and boundaries of the
6 proposed district and to make suggestions regarding the same,
7 and said board of supervisors, after hearing the statements,
8 evidence and suggestions made and offered at the hearing,
9 shall enter an order fixing and determining the limits and
10 boundaries of such proposed district and directing that an
11 election be held for the purpose of submitting to the qualified
12 ~~voters~~ electors resident within the boundaries of the proposed
13 district the question of organization and establishment of
14 the proposed sanitary district as determined by said board
15 of supervisors. The order shall fix a date for the election
16 not more than sixty days after the date of the order, establish
17 voting precincts within the proposed district and define their
18 boundaries and specify the polling places therein as in the
19 board's judgment will best serve the convenience of the voters,
20 and shall appoint from residents of the proposed district
21 three judges and two clerks of election for each voting
22 precinct established. It shall not be mandatory for the
23 county commissioner of elections to conduct an election held
24 pursuant to this section, but it shall be conducted in
25 accordance with the provisions of chapter forty-nine (49)
26 of the Code where not in conflict with this chapter.

27 Sec. 363. Section three hundred fifty-eight point seven
28 (358.7), Code 1973, is amended to read as follows:

29 358.7 ELECTION. Each qualified ~~voter~~ elector resident
30 within such proposed sanitary district shall have the right
31 to cast a ballot at such election and no person shall vote
32 in any precinct but that of his or her residence. Ballots
33 at such election shall be in substantially the following form,
34 to wit:

35

For Sanitary District	
-----------------------	--

Against Sanitary District	
---------------------------	--

~~The election shall be conducted in the manner provided by law for general elections and the ballots so cast shall be issued, received, returned and canvassed in the same manner and by the same officers, in the county whose board of supervisors is vested with jurisdiction of the proceedings, as is provided by law in the case of ballots cast for county officers, except as herein modified.~~ The board of supervisors shall cause a statement of the result of such election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed sanitary district shall thenceforth be deemed an organized sanitary district under this chapter and established as conducive to the public health, comfort, convenience, and welfare.

Sec. 364. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph one (1), Code 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973 Session, Senate File eighty-two (82), section thirty-nine (39), is amended to read as follows:

Within thirty days after the organization of a sanitary district under this chapter, the board of supervisors which had jurisdiction of the proceedings for its establishment, together with the board of supervisors of any other county, if any, in which any part of said district is located, shall order an election to be held in the district on a date not more than sixty days after the date of the order for the purpose of electing a board of trustees, consisting of three members, except as otherwise provided in this section, for the government, control and management of the affairs and business of such sanitary district. Said board, or boards, shall cause notice of said election to be posted and published, and shall perform all other acts with reference to such election, and conduct the same, in like manner, as nearly

1 as may be, as provided in this chapter for the election on
2 the question of establishing such district. Each trustee
3 shall be a citizen of the United States, not less than eighteen
4 years of age, and a resident within said sanitary district.
5 Each voter at said election may write in upon the ballot the
6 names of not more than three persons whom he desires for
7 trustees and may cast not more than one vote for each of said
8 three persons, and the three persons receiving the highest
9 number of votes cast shall constitute the first board of
10 trustees of the district. The term of office of the first
11 board of trustees shall be for the period extending to the
12 second first secular day of January following the next regular
13 biennial election which is not a Sunday or a legal holiday.
14 Three trustees to succeed the first board of trustees shall
15 be nominated and elected at the next biennial primary and
16 ~~regular-biennial~~ general elections following establishment
17 of the district, in the same manner as provided by the primary
18 and general election laws of this state for the nomination
19 and election for offices to be filled by the voters of any
20 subdivision of a county. Said trustees shall be elected for
21 terms of two, four, and six years respectively, and their
22 terms shall commence on the ~~second-secular~~ first day of January
23 ~~next-thereafter~~ following the election which is not a Sunday
24 or a legal holiday. At each succeeding biennial election
25 one trustee shall be nominated and elected in the manner
26 herein provided for a six-year term to succeed the trustee
27 whose term next expires. In all elections for trustees each
28 qualified ~~voter~~ elector resident within the district may ~~vote~~
29 cast one vote for each office of trustee to be filled at the
30 election. At all elections for trustees subsequent to the
31 election of the first board the names of all candidates for
32 trustees of such sanitary district shall be printed on the
33 same ballot with candidates for other offices to be filled
34 at such election. In case a regular election precinct includes
35 territory lying partly within and partly without the sanitary

1 district, it shall be the duty of the ~~officers-charged-with~~
2 ~~the-printing-and-furnishing-of-ballots~~ county commissioner
3 of elections to furnish to the election judges of such precinct
4 two sets of official ballots, one set including the names
5 of candidates for trustees of such sanitary district, and
6 one set without such names. All provisions of the primary
7 and general election laws of Iowa shall govern the nomination
8 and election of trustees hereunder, so far as applicable,
9 and except as modified hereby.

10 Sec. 365. Section three hundred fifty-eight B point two
11 (358B.2), unnumbered paragraphs two (2) and three (3), Code
12 1973, are amended to read as follows:

13 ~~Eleeters~~ Eligible electors residing within the proposed
14 district in a number not less than five percent of those
15 voting for president of the United States or governor, as the
16 case may be, within said district at the last general election
17 may petition the board of supervisors of the county or counties
18 for the establishment of such county library district. Said
19 petition shall clearly designate the area to be included in
20 the district.

21 The board of supervisors of each county containing area
22 within the proposed district shall submit the proposition
23 to the qualified electors within their respective counties
24 at any general or primary election provided said election
25 occurs not less than forty days after the filing of the
26 petition.

27 Sec. 366. Section three hundred fifty-nine point five
28 (359.5), Code 1973, is amended to read as follows:

29 359.5 DIVISIONS WHERE CITY INCLUDED. When any township
30 has within its limits a city or town with a population
31 exceeding fifteen hundred, the eligible electors of such
32 township residing without the limits of such city or town
33 may, at any regular session of the board of supervisors of
34 the county, petition to have such township divided into two
35 townships; the one to embrace the territory without, and the

1 other the territory within such corporate limits.

2 Sec. 367. Section three hundred fifty-nine point six
3 (359.6), Code 1973, is amended to read as follows:

4 359.6 PETITION--REMONSTRANCE. Such petition shall be
5 accompanied by the affidavit of three eligible electors, to
6 the effect that all the signatures to such petition are
7 genuine, and that the signers thereof are all ~~legal-voters~~
8 eligible electors of said township, residing outside said
9 corporate limits. Remonstrances signed by such ~~legal-voters~~
10 eligible electors may also be presented at the hearing before
11 the board of supervisors hereinafter provided for, and if
12 the same persons petition and remonstrate, they shall be
13 counted on the remonstrance only.

14 Sec. 368. Section three hundred fifty-nine point eight
15 (359.8), Code 1973, is amended to read as follows:

16 359.8 DIVISION--EFFECT. If such petition is signed by
17 a majority of the eligible electors of the township residing
18 without the corporate limits of such city or town, the board
19 of supervisors shall divide such township into two townships,
20 as prayed; but, except for election purposes, including the
21 appointment of all judges and clerks of election rendered
22 necessary by the change, such division shall not take effect
23 until the ~~second-secular~~ first day of January following the
24 next general election which is not a Sunday or a legal holiday.

25 Sec. 369. Section three hundred fifty-nine point twelve
26 (359.12), Code 1973, is amended to read as follows:

27 359.12 ORDER FOR ELECTION. The ~~auditor~~ county commis-
28 sioner of elections shall issue an order for such first elec-
29 tion, stating the time and place of the same, the officers
30 to be elected, and any other business to be transacted; and
31 no business not named in such order shall be transacted at
32 such election.

33 Sec. 370. Section three hundred fifty-nine point thirteen
34 (359.13), Code 1973, is amended to read as follows:

35 359.13 SERVICE AND RETURN. Such order may be directed

1 to any ~~constable-of-the-county, or to any~~ citizen of the same
2 township, by name, and shall be served by posting copies
3 thereof, in three of the most public places in the township,
4 fifteen days before the day of the election; the original
5 order shall be returned to the presiding officer of the
6 election, to be returned to the clerk when elected, with a
7 return thereon of the manner of service, verified by oath,
8 if served by any other than an officer.

9 Sec. 371. Section three hundred fifty-nine point forty-
10 four (359.44), unnumbered paragraph one (1), Code 1973, is
11 amended to read as follows:

12 Such proposal to levy the tax provided for in section
13 359.43 may be submitted by the township trustees at any regular
14 election held in the township, or at a special election called
15 for the purpose, and such township trustees shall request
16 the county commissioner of elections to submit the proposition
17 when petitioned therefor by twenty-five percent of the
18 qualified eligible electors of said township, or portion
19 thereof, residing without the limits of a city or town. The
20 county commissioner shall conduct the election pursuant to
21 the applicable provisions of chapters thirty-nine (39) through
22 fifty-three (53) of the Code and certify the result to the
23 trustees. It shall not be necessary to submit such proposal
24 to electors residing within the limits of the city or town.
25 Notice of said election shall be given ~~by posting in three~~
26 ~~public places in said township, or portion thereof, not less~~
27 ~~than ten days before the time of such election~~ as provided
28 by chapter forty-nine (49) of the Code.

29 Sec. 372. Section three hundred sixty point one (360.1),
30 Code 1973, is amended to read as follows:

31 360.1 ELECTION. The trustees, on a petition of a majority
32 of the resident freeholders of any civil township, shall
33 request the county commissioner of elections to submit the
34 question of building or acquiring by purchase, or acquiring
35 by a lease with purchase option, a public hall to the electors

1 thereof, ~~by posting notices of such election in four~~
2 ~~conspicuous places in the township thirty days before~~
3 ~~election, and the~~ . The county commissioner shall conduct
4 the election pursuant to the applicable provisions of chapters
5 thirty-nine (39) through fifty-three (53) of the Code and
6 certify the result to the trustees. The form of the
7 proposition shall be: "Shall the proposition to levy a tax
8 of mills on the dollar for the erection of a public
9 hall be adopted?" Notice of the election shall be given as
10 provided by chapter forty-nine (49) of the Code.

11 Sec. 373. Section three hundred sixty point three (360.3),
12 Code 1973, is amended to read as follows:

13 360.3 TRANSFER OF FUND. When there are funds in the hands
14 of any township clerk, raised under the provisions of this
15 chapter, ~~when same is~~ which are not desired for the purposes
16 for which ~~it was~~ they were raised, ~~then said fund~~ the funds
17 may be transferred to the school fund of any school district
18 or districts pro rata wherein same was raised, when a petition
19 is presented to the trustees, signed by a majority of the
20 qualified electors of said township ~~that voted at the last~~
21 ~~regular election prior to the signing of said petition,~~ as
22 shown by the ~~pollbooks of~~ election register or registers of
23 the last preceding primary or general election held in said
24 township, said transfer of funds to be made by the township
25 clerk upon order of the trustees after the filing of said
26 petition with said clerk.

27 Sec. 374. Section four hundred fifty-five point one hundred
28 ninety-seven (455.197), subsection six (6), unnumbered
29 paragraph two (2), Code 1973, is amended to read as follows:

30 The question may be submitted at a regular election of
31 the district or at a special election called for that purpose.
32 The It shall not be mandatory for the county commissioner
33 of elections to conduct the elections, however provisions
34 of sections 49.43 through 49.49 and of chapter 462, insofar
35 as the same are applicable, shall govern all such elections,

1 and the question to be submitted shall be set forth in the
2 notice of election.

3 Sec. 375. Section four hundred sixty-two point three
4 (462.3), Code 1973, is amended to read as follows:

5 462.3 ELECTION. The board, at the next regular, adjourned,
6 or special session shall canvass the petition and if signed
7 by the requisite number of landowners, it shall order an elec-
8 tion to be held at some convenient place in the district not
9 less than forty nor more than sixty days from the date of
10 such order, for the election of three trustees of such
11 district. It shall appoint from the freeholders of the
12 district who reside in the county or counties, three judges
13 and two clerks of election. It shall not be mandatory for
14 the county commissioner of elections to conduct elections
15 held pursuant to this chapter, but they shall be conducted
16 in accordance with the provisions of chapter forty-nine (49)
17 of the Code where not in conflict with this chapter.

18 Sec. 376. Section four hundred sixty-seven A point five
19 (467A.5), Code 1973, is amended by adding the following new
20 subsection:

21 NEW SUBSECTION. It shall not be mandatory for the county
22 commissioner of elections to conduct elections held pursuant
23 to this section, but they shall be conducted in accordance
24 with the provisions of chapter forty-nine (49) of the Code
25 where not in conflict with this chapter.

26 Sec. 377. Section four hundred eighty-three point five
27 (483.5), unnumbered paragraph one (1), Code 1973, is amended
28 to read as follows:

29 At its next regular adjourned or special session after
30 such petition is filed, the board of supervisors shall canvass
31 the petition, and if found to meet the requirements of law,
32 it shall fix a time and place for holding a special election
33 in the proposed district, appoint judges and clerks of such
34 election, fix the hours when the polls shall open and close
35 and cause notice to be given as hereinafter provided. The

1 date of such election shall be at least ten days after
2 completed service of such notice. The county commissioner
3 of elections shall perform all duties imposed on the county
4 auditor by sections four hundred eighty-three point four
5 (483.4) through four hundred eightythree point eleven (483.11)
6 of the Code, inclusive, but elections held under those sections
7 shall be subject to the provisions of chapter forty-nine (49)
8 of the Code only where it is not in conflict with this chapter.

9 Sec. 378. Section six hundred nine point one (609.1),
10 subsections two (2) and three (3), Code 1973, are amended
11 to read as follows:

12 2. PETIT JURORS. A list of names and addresses of elec-
13 tors equal to one-eighth of the whole number of qualified
14 electors in ~~said the county who-voted-in-the-last-preceding~~
15 ~~general-state-election~~ as shown by the pollbooks election
16 registers of the previous general election, from which to
17 select petit jurors.

18 3. TALESMEN. A list of the names and addresses of electors
19 equal to fifteen percent of the whole number of qualified
20 electors ~~who-voted-at-the-last-preceding-general-election~~,
21 as shown by the pollbooks election registers of the previous
22 general election, in the city or town in which the district
23 court is held and in the township or townships in which such
24 city or town is located (but in no case exceeding five hundred
25 names) from which to select talesmen.

26 Sec. 379. Section six hundred nine point four (609.4),
27 Code 1973, is amended to read as follows:

28 609.4 AUDITOR TO APPORTION AND CERTIFY. On or before
29 the date of said meeting of the appointive commission, the
30 county auditor shall apportion the number of grand and petit
31 jurors to be selected among the several election precincts,
32 and the talesmen of which there shall be at least two, among
33 the precincts from which the same are to be drawn, in each
34 case as nearly as practicable in proportion to the number
35 of ~~votes-poll~~ electors registered in such precincts ~~at as~~

1 shown by the election registers of the last general election,
2 and certify said apportionment to such commission.

3 Sec. 380. Section six hundred nine point five (609.5),
4 Code 1973, is amended to read as follows:

5 609.5 ADDITIONAL INFORMATION BY AUDITOR. For the purpose
6 of aiding the appointive commission, in making the lists
7 aforesaid, the county ~~auditor~~ commissioner of elections shall
8 furnish ~~said~~ the commission with the ~~pollbooks~~ election
9 registers of the last preceding general election, ~~together~~
10 and the clerk of the district court shall furnish the commis-
11 sion with the names of all persons who have served as grand
12 or petit jurors, after the first day of January preceding
13 the last general election.

14 Sec. 381. Section six hundred nine point seven (609.7),
15 Code 1973, is amended to read as follows:

16 609.7 APPORTIONMENT IN OTHER COUNTIES. The county ~~auditor~~
17 commissioner of elections, in counties having no appointive
18 jury commission, shall, prior to furnishing the election
19 judges the ~~pollbooks~~ election registers, apportion the number
20 of grand and petit jurors to be selected from among the several
21 election precincts, and the talesmen of which there shall
22 be at least two, among the precincts from which the same are
23 to be selected, in each case as nearly as practicable in
24 proportion to the number of ~~votes-poll~~ electors registered
25 in each precinct at as shown by the election registers of
26 the last preceding general election. Such apportionment shall
27 be computed on the same basis as provided in section 609.1.

28 Sec. 382. Section six hundred nine point eight (609.8),
29 Code 1973, is amended to read as follows:

30 609.8 CERTIFICATION OF APPORTIONMENT TO JUDGES. In all
31 counties having no appointive jury commission, the county
32 ~~auditor~~ commissioner of elections shall, at the time of ~~the~~
33 ~~furnishing of the~~ pollbooks election registers to the judges
34 of election, furnish them also a certified statement of the
35 number of persons apportioned to the respective precincts

1 to be returned for each grand and petit jury list.

2 He shall also furnish the judges of election in the city
3 or town in which the district court is held and in the township
4 or townships in which the said city or town is located, with
5 a certified statement of the number of persons to be returned
6 as talesmen.

7 He shall also furnish the judges of each election precinct
8 in the county with the names of all persons who have served
9 as grand or petit jurors since January 1 preceding which shall
10 be provided to him by the clerk of the district court.

11 Sec. 383. Section six hundred nine point nine (609.9),
12 Code 1973, is amended to read as follows:

13 609.9 DUTIES OF JUDGES OF ELECTION. The judges of elec-
14 tion of the several precincts shall make selection of the
15 requisite number of persons to serve as grand and petit jurors,
16 and of talesmen, if any, and return separate lists of the
17 names so selected to the county ~~auditor~~ commissioner of
18 elections with the return of the election, but shall not place
19 on said lists the name of any person described in section
20 609.2, or judges or clerks of the election.

21 Sec. 384. Section six hundred nine point ten (609.10),
22 Code 1973, is amended to read as follows:

23 609.10 LISTS BY BOARD OF SUPERVISORS. If the judges of
24 election in any precinct fail to return any list as provided
25 in section 609.9, the board of supervisors shall, at the
26 meeting held to canvass the votes cast at such election, make
27 and certify such list or lists for the delinquent precincts,
28 and the auditor shall file such certified lists in his office
29 and cause copies thereof to be recorded in the proper ~~election~~
30 books record.

31 Sec. 385. Section seven hundred thirty-eight point sixteen
32 (738.16), Code 1973, is amended to read as follows:

33 738.16 JUDGES OR CLERKS DOING UNLAWFUL ACTS. If any judge
34 or clerk of any election authorized by law knowingly make
35 or consent to any false entry on the ~~list-of-voters-or~~

1 ~~pollbooks~~ election register; or put into the ballot box, or
2 permit to be so put in, any ballot not given by a voter; or
3 take out of such box, or permit to be so taken out, any ballot
4 deposited therein, except in the manner prescribed by law;
5 or by any other act or omission designedly destroy or change
6 the ballots given by the electors, he shall be fined not
7 exceeding one thousand dollars, and imprisoned in the
8 penitentiary not exceeding five years.

9 Sec. 386. Section seven hundred thirty-eight point nineteen
10 (738.19), Code 1973, is amended to read as follows:

11 738.19 FAILURE TO RETURN POLLBOOKS. If any judge, clerk,
12 or messenger, after having been deputed by the judges of the
13 election to ~~carry-the-pollbooks-of-such-election-to-the-place~~
14 ~~where-by-law-they-are-to-be-canvassed~~ return to the county
15 commissioner of elections the election register and other
16 materials as required by section fifty point seventeen (50.17)
17 of the Code, willfully or negligently fail to deliver them
18 within the time and in the condition prescribed by law, ~~safe,~~
19 ~~with-the-seal-unbroken~~, he shall, for every such offense,
20 be fined not more than five hundred nor less than fifty
21 dollars.

22 Sec. 387. Section seven hundred thirty-eight point twenty
23 (738.20), Code 1973, is amended to read as follows:

24 738.20 IMPROPER REGISTRY AND FALSE PERSONATION. Any
25 person who causes his name to be registered, knowing that
26 he is not or will not become a qualified ~~voter~~ elector in
27 the precinct where his name is registered previous to the
28 next election, or who shall wrongfully personate any ~~registered~~
29 ~~voter~~ qualified elector, and any person causing, or aiding
30 or abetting any person in either of said acts, shall be, for
31 each offense, imprisoned in the penitentiary not less than
32 one year.

33 Sec. 388. The operation of this Act, insofar as it requires
34 that eligible electors be registered in the manner prescribed
35 by chapter forty-eight (48) of the Code as amended by this

1 Act as a prerequisite to voting at any election or serving
2 as election officials, is suspended in its operation until
3 January 1, 1975 with respect to any county or portion of a
4 county in which registration of eligible electors was not
5 required as a prerequisite to voting by section forty-eight
6 point one (48.1), Code 1973, or pursuant to section forty-
7 eight point twenty-two (48.22), Code 1973, on June 30, 1973.
8 Nothing in this section shall be construed to prevent or limit
9 the full operation in all parts of the state of any of the
10 provisions of chapter forty-eight (48) of the Code as amended
11 by this Act which pertain to the procedure for registering
12 electors to vote in future elections. It is the intent of
13 this Act that persons who were not required to register to
14 vote prior to the effective date of this Act may vote without
15 registering until January 1, 1975 in those areas where
16 permanent voter registration was not required prior to the
17 effective date of this Act, and that after January 1, 1975
18 voter registration will be required throughout this state
19 as prescribed by chapter forty-eight (48) of the Code.

20 The state commissioner of elections shall adopt rules and
21 regulations pursuant to chapter seventeen A (17A) of the Code
22 providing necessary procedures for selection of jurors and
23 for conducting elections after the effective date of this
24 Act and prior to January 1, 1975 in those areas of the state
25 where permanent registration is not required as a prerequisite
26 to voting, and the continued use of pollbooks rather than
27 election registers will therefore be necessary, until that
28 date. The procedures prescribed by the rules of the state
29 commissioner shall be substantially in accord with those
30 prescribed by the Code of 1973 with respect to use of
31 pollbooks, but shall take account of amendments to the
32 elections laws made by this Act which, in the judgment of
33 the state commissioner, it is feasible to implement
34 immediately.

35 Sec. 389. At each election held after the effective date

1 of this Act and before January 1, 1975 in any county or portion
2 of a county in which registration is not required as a
3 prerequisite to voting, pursuant to section three hundred
4 eighty-eight (388) of this Act, there shall be provided to
5 each elector appearing at the polls on election day an
6 opportunity to register to vote in elections to be held after
7 January 1, 1975. Registration of voters at the polls under
8 this section shall be conducted in accordance with chapter
9 forty-eight (48) of the Code as amended by this Act, insofar
10 as possible. It shall be the duty of the precinct election
11 judges and clerks, in addition to their usual duties, to
12 register all eligible electors as defined by this Act who
13 desire to register at the polls as permitted by this section,
14 unless the county commissioner of registration appoints other
15 persons to perform this duty. The county commissioner of
16 registration shall in advance of the 1974 general election,
17 and may in advance of any other election occurring after the
18 effective date of this Act and before January 1, 1975, appoint
19 two or more persons in the manner provided by section ninety-
20 four (94) of this Act to register electors at each polling
21 place on election day as permitted by this section.

22 Sec. 390. Sections thirty-nine point five (39.5), forty-
23 three point twenty-three (43.23), forty-three point twenty-
24 four (43.24), forty-three point twenty-nine (43.29), forty-
25 three point thirty-one (43.31), forty-three point thirty-two
26 (43.32), forty-three point thirty-three (43.33), forty-three
27 point thirty-four (43.34), forty-three point thirty-five
28 (43.35), forty-three point thirty-seven (43.37), forty-three
29 point forty (43.40), forty-three point forty-three (43.43),
30 forty-three point one hundred sixteen (43.116), forty-three
31 point one hundred twenty-two (43.122), forty-eight point two
32 (48.2), forty-eight point three (48.3), forty-eight point
33 nineteen (48.19), forty-eight point twenty-two (48.22), forty-
34 eight point twenty-three (48.23), forty-eight point twenty-
35 four (48.24), forty-eight point twenty-five (48.25), forty-

1 nine point two (49.2), forty-nine point seventeen (49.17),
2 forty-nine point nineteen (49.19), forty-nine point twenty-
3 two (49.22), forty-nine point fifty-two (49.52), forty-nine
4 point sixty-nine (49.69), forty-nine point one hundred six
5 (49.106), forty-nine point one hundred fourteen (49.114),
6 forty-nine point one hundred sixteen (49.116), forty-nine
7 point one hundred seventeen (49.117), fifty point eighteen
8 (50.18), fifty point twenty (50.20), fifty point twenty-one
9 (50.21), fifty point twenty-two (50.22), fifty-three point
10 twenty (53.20), fifty-three point twenty-one (53.21), fifty-
11 three point twenty-four (53.24), fifty-three point twenty-
12 eight (53.28), fifty-three point twenty-nine (53.29), fifty-
13 three point thirty-three (53.33), fifty-three point forty-five
14 (53.45), one hundred two point three (102.3), two hundred
15 seventy-three point six (273.6), two hundred seventy-five
16 point nineteen (275.19), two hundred seventy-five point twenty-
17 two (275.22), two hundred seventy-seven point three (277.3),
18 two hundred seventy-seven point five (277.5), two hundred
19 seventy-seven point seven (277.7), two hundred seventy-seven
20 point eight (277.8), two hundred seventy-seven point nine
21 (277.9), two hundred seventy-seven point ten (277.10), two
22 hundred seventy-seven point eleven (277.11), two hundred
23 seventy-seven point twelve (277.12), two hundred seventy-seven
24 point thirteen (277.13), two hundred seventy-seven point
25 fourteen (277.14), two hundred seventy-seven point fifteen
26 (277.15), two hundred seventy-seven point sixteen (277.16),
27 two hundred seventy-seven point seventeen (277.17), two hundred
28 seventy-seven point eighteen (277.18), two hundred seventy-
29 seven point nineteen (277.19), two hundred seventy-seven point
30 twenty-one (277.21), two hundred seventy-seven point thirty-
31 three (277.33), two hundred seventy-seven point thirty-four
32 (277.34), three hundred thirty-one point twenty-eight (331.28),
33 three hundred eighty-six point six (386.6), three hundred
34 eighty-six A point seven (386A.7), three hundred eighty-six
35 A point eight (386A.8), three hundred eighty-six A point nine

1 (386A.9), four hundred twenty point one hundred thirty-eight
2 (420.138) and six hundred nine point six (609.6), Code 1973,
3 are repealed.

4 EXPLANATION

5 This bill revises, clarifies and updates the provisions
6 of chapters 39 and 43 through 53 of the Code, which constitute
7 the basic election laws of this state, and also revises various
8 other related statutes.

9 The bill requires statewide permanent registration of
10 voters effective January 1, 1975. Voters in areas where
11 registration is not now required will continue to be able
12 to vote without registration prior to that time, but will
13 be offered an opportunity to register each time they go to
14 the polls for any election. The regular voter registration
15 procedures will also be in effect in those areas during that
16 period.

17 The 1972 legislation designating county auditors as county
18 commissioners of elections created some conflicts in laws
19 relating to administration of city and school elections.
20 This bill resolves those conflicts, and also revises city
21 and school election law generally so as to provide a more
22 uniform procedure for administration of all elections.

23 The provisions of chapters 39 and 43 through 53 are updated
24 where considered appropriate, are amended to bring them into
25 conformity with the concept of statewide voter registration,
26 and in some cases to more clearly state the intent of the
27 law. Amendments to these chapters also recognize the adoption
28 of the 1972 amendment to the Iowa Constitution extending the
29 terms of office of the Governor and other state officials
30 from two to four years. An amendment to section 39.9 makes
31 a similar change in the term of the Secretary of Agriculture,
32 whose term of office is not designated by the Constitution
33 as are those of the other Executive Council officers.

34

35

H-469
1 Amend House File 745, page 22, by striking
2 lines 27 and 28 and inserting in lieu thereof
3 the following: "duty, or incompetency, ~~or failure~~
4 ~~to support the ticket nominated by the party~~
5 ~~which elected the member.~~"

H-469 Filed-*Adopted 5/22*
May 8, 1973

By CRAWFORD of Story

H-466

1 Amend House File 745, page 38, by striking all
2 of lines 27, 28 and 29.

H-466 Filed-*w. S. 5/22*
May 8, 1973

By CUSACK of Scott

H-480

1 Amend House File 745 as follows:

2 1. Page 23, line 34, by striking the
3 word "three" and inserting in lieu thereof the
4 word "four".

5 2. Page 23, line 35, by inserting a
6 period following the word "district" and striking
7 the remainder of the line.

8 3. Page 24, line 1, by striking all prior to
9 the word "Each".

H-480 Filed-*Adopted 5/22*
May 10, 1973

Reconsidered and lost 5/23 By HILL of Polk
HIGGINS of Scott
EGENES of Story

H-481

1 Amend House File 745, page 51, by inserting
2 after line 29 the following:

3 "3. Notwithstanding any other provision of
4 this chapter, the Indian Settlement lying in Tama,
5 Toledo and Indian Village townships of Tama County
6 shall be an election precinct, and the polling place
7 of that precinct shall be located in the structure
8 commonly called the Indian School located in section
9 19, township 83 north, range 15 west, or in such
10 structure as designated by the election commissioner
11 of Tama County.

H-481 Filed-*Adopted 5/23*
May 10, 1973

By HUSAK of Tama
DRAKE of Muscatine

H-496

1 Amend House File 745, page 23 by inserting
2 after the comma in line 35 the following: "but not
3 more than one from any one county,".

H-496 Filed-*w. S. 5/22*
May 14, 1973

By WEST of Marshall

H—530
1 Amend House File 745, page 23, line 35, by insert-
2 ing after the word "district," the words "no more than
3 one of whom shall be a resident of any one county,
4 and".

H—530 Filed *w. d. 5/22*
May 16, 1973

By FISCHER of Grundy

H—532

1 Amend House File 745 as follows:
2 1. Page 52, line 3, by inserting after the period
3 the following:
4 "As used in this section, the term 'the convenience
5 of the voters' refers to, but is not necessarily
6 limited to, the use of precinct boundaries which can
7 be readily described to and identified by voters and
8 ease of access by voters to their respective precinct
9 polling places by reasonably direct routes of travel."
10 2. Page 52, line 6, by inserting before the period
11 the following:
12 ", but equality of population among precincts shall
13 not take precedence over consideration of the conven-
14 ience of voters as defined in this section".

H—532 Filed *adopted 5/22*
May 16, 1973

By BUTLER of Pottawattamie

H—553

1 Amend House File 745, page 7, by inserting after
2 line 15 the following new section:
3 Sec. _____. Section forty-three point seven (43.7),
4 Code 1973, is amended to read as follows:
5 43.7 TIME OF HOLDING. The primary election by all
6 political parties shall be held at the usual voting
7 places of the several precincts on the first Tuesday
8 ~~after the first Monday~~ in ~~June~~ August in each even-
9 numbered year.

H—553 Filed *Last 5/22*
May 21, 1973

By RAPP of Black Hawk
HENNESSEY of Delaware

H—554

1 Amend House File 745, page 58, by inserting after
2 the period in line 26 the following:
3 In appointing the election board to serve for any
4 election in which candidates' names do appear under
5 the heading of these political parties, the commis-
6 sioner shall give preference to the persons designated
7 by the respective county chairmen of these political
8 parties for placement on the election board panel, as
9 provided by section forty-nine point fifteen (49.15)
10 of the Code, in the order that they were so designated.

H—554 Filed *adopted 5/23*
May 21, 1973

By McCORMICK of Delaware
BITTLE of Polk

HOUSE FILE 745

H-541

1 Amend House File 745 as follows:

2 1. Page 2, by striking lines 26 through 30 and
3 inserting in lieu thereof the following:

4 "1. 'Eligible elector' means a person who:

5 a. If he is a resident of a county or city where
6 permanent registration of voters is required by or
7 pursuant to chapter forty-eight (48) of the Code, pos-
8 sesses all of the qualifications necessary to entitle
9 him to be registered to vote, whether or not he is in
10 fact so registered.

11 b. If he is a resident of a county or portion of
12 a county where permanent registration of voters is
13 not required by or pursuant to chapter forty-eight
14 (48) of the Code, possesses all of the qualifications
15 necessary to entitle him to vote.

16 2. 'Qualified elector' means a person who is
17 registered to vote as provided in chapter forty-eight
18 (48) of the Code, except that with respect to a resi-
19 dent of a county or portion of a county where perma-
20 nent registration of voters is not required by or
21 pursuant to chapter forty-eight (48) of the Code,
22 'qualified elector' is synonymous with 'eligible
23 elector'."

24 2. Page 13, by inserting after line 11 the follow-
25 ing new section:

26 Sec. _____. Section forty-three point thirty-five
27 (43.35), Code 1973, is amended to read as follows:

28 43.35 DESIGNATING PARTY AFFILIATION. It shall be
29 the duty of the election clerks of at the primary
30 election, in precincts where permanent registration
31 is not required, when entering the name of a voter to
32 place in the pollbooks a cross, thus (X), in the column
33 designating the party ticket which was given to said
34 voter upon his application for a ticket.

35 3. Page 13, line 16, by striking the words "said
36 primary election" and inserting in lieu thereof the
37 words "said primary election elections".

38 4. Page 13, by inserting after line 19 the follow-
39 ing new section:

40 Sec. _____. Section forty-three point forty (43.40),
41 Code 1973, is amended to read as follows:

42 43.40 RECORDS OF PARTY AFFILIATION. Prior to all
43 primary elections, the county-auditor commissioner
44 shall, for each precinct in which permanent registra-
45 tion is not required, prepare two alphabetically
46 arranged lists of all voters, with their party affilia-
47 tion, as shown by the pollbooks of the last preceding
48 primary election, and deliver the same to the precinct
49 election judges at-least-one-day prior to each primary
50 election at the time required by section forty-nine

51 point fifty-five (49.55) of the Code. All such lists
52 shall, with the pollbooks, be returned by the judges
53 to the auditor commissioner.
54 5. Page 13, by striking lines 24 and 25 and in-
55 sserting in lieu thereof the words "desires to change
56 the same, may, not less than ~~ten~~ twelve days prior to
57 the date of any".
58 6. Page 13, by striking lines 28 through 32,
59 inclusive, and inserting in lieu thereof the following:
60 "auditor with the commissioner who shall enter-a
61 record of-such the change on the pollbooks of the
62 last preceding primary election in the proper column
63 opposite the voter's elector's name and on the voting
64 list. However, in counties or cities where permanent
65 registration of voters is required by or pursuant to
66 chapter forty-eight (48) of the Code, a qualified
67 elector desiring to change a previously declared party
68 affiliation may, before the close of registration for
69 the primary election, file a written declaration of his
70 change of party affiliation with the county commissioner
71 of registration who shall record the change on the
72 registration records.
73 7. Page 14, by striking lines 12 and 13 and in-
74 sserting in lieu thereof the following:
75 "6. Seal the pollbooks, ~~-containing~~ or the precinct
76 election register, as the case may be, and the tally
77 sheets and certificates of the elec-".
78 8. Page 14, line 31, by striking the words "~~poll~~
79 ~~books the~~" and inserting in lieu thereof the words
80 "the pollbooks or".
81 9. Page 36, by striking lines 1, 2 and 3 and in-
82 sserting in lieu thereof the following:
83 "46.19 POLLBOOKS OR ELECTION REGISTERS. The poll-
84 books or election registers, as the case may be, used
85 for the general election shall also constitute the
86 pollbooks or election registers for the judicial
87 election."
88 10. Page 40, by striking lines 1, 2 and 3.
89 11. Page 40, line 9, by inserting after the word
90 "residence" the words "where permanent voter registra-
91 tion is required".
92 12. Page 40, line 16, by inserting after the word
93 "county" the words "having a population of fifty
94 thousand or more, or in which there is located a city
95 having a population of ten thousand or more,".
96 13. Page 40, by inserting after line 20 the follow-
97 ing new section:
98 Sec. _____. Section forty-eight point three (48.3),
99 Code 1973, is amended by striking the section and in-
100 sserting in lieu thereof the following:

101 48.3 REGISTRATION REQUIRED. Every eligible elector
102 who is a resident of a county having a population of
103 fifty thousand or more, or of a city having a popula-
104 tion of ten thousand or more which is located in a
105 county having a population of less than fifty thousand,
106 shall be registered as provided by this chapter in
107 order to qualify to vote in any election.

108 14. Page 40, line 25, by striking the words "quali-
109 fied voters" and inserting in lieu thereof the words
110 "eligible electors required by section forty-eight
111 point three (48.3) of the Code to register in order
112 to become qualified voters electors".

113 15. Page 44, line 24, by inserting before the
114 period the words "unless his new residence is in a part
115 of the county where registration is not required by
116 this chapter".

117 16. Page 61, line 8, by striking the words "~~poll~~
118 ~~book-jurat~~" and inserting in lieu thereof the words
119 "pollbook jurat or".

120 17. Page 63, lines 2 and 3, by striking the words
121 "who-voted-at-the-last-preceding-election registered"
122 and inserting in lieu thereof the words "who voted at
123 the last preceding similar election".

124 18. Page 63, line 17, by striking the word
125 "registered" and inserting in lieu thereof the words
126 "who voted at the last preceding similar election".

127 19. Page 64, line 9, by striking the word "~~POLL-~~
128 ~~BOOKS~~" and inserting in lieu thereof the words "POLL-
129 BOOKS OR".

130 20. Page 64, line 11, by striking the words "~~two~~
131 ~~pollbooks an election register,~~" and inserting in lieu
132 thereof the words "two pollbooks, or an election
133 register if the precinct is one in which permanent
134 registration of voters is required,".

135 21. Page 64, by striking lines 13 through 16,
136 inclusive, and inserting in lieu thereof the following:
137 "to carry out the provisions of this chapter. Each
138 pollbook shall contain a column for the names of the
139 voter, a column for the number, and sufficient printed
140 blank leaves to contain the entries of the oaths,
141 certificates, and returns. In addition, pollbooks
142 prepared for a primary election shall contain blank
143 spaces for designating the affiliation of each voter
144 with any one of the political parties whose nomina-
145 tions are being sought by candidates in that election,
146 and the party affiliations of voters shall be designated
147 in substantially the following form:

	No.	Name	Repub- lican	Demo- crat	Prohibi- tionist	Social- ist
148	1	James Smith....	X			
149	2	Tom Jones.....		X		
150	3	Dan Brown.....			X	
151	4	George White.....				X

154 In precincts where permanent registration is re-
155 quired, voter".

156 22. Page 74, line 12, by striking the word "~~poll~~
157 ~~books~~" and inserting in lieu thereof the words "poll-
158 books or".

159 23. Page 74, line 23, by striking the word "~~No~~"
160 and inserting in lieu thereof the words "In precincts
161 where permanent registration of voters is required,
162 no".

163 24. Page 75, by striking lines 17 and 18 and in-
164 serting in lieu thereof the following:

165 "In precincts where the judges of the election are
166 furnished registration lists, an election judge may
167 require".

168 25. Page 76, line 22, by inserting before the
169 comma the words "or, in a precinct where permanent
170 registration of voters is not required, insists that
171 he is a qualified elector of that precinct".

172 26. Page 76, by striking lines 29 through 35, and
173 page 77, by striking lines 1 through 5.

174 27. Page 77, line 23, by striking the words "~~each~~
175 ~~of the poll-lists~~" and inserting in lieu thereof the
176 words "each of the poll lists, or on the".

177 28. Page 78, line 25, by striking the words "~~mark~~
178 ~~upon the poll-lists~~" and inserting in lieu thereof the
179 words "designate upon the poll lists or the".

180 29. Page 82, by striking all of line 12 and the
181 word "Prepare" from line 13 and inserting in lieu
182 thereof the words "Compare the poll lists and correct
183 errors therein or, in precincts where permanent
184 registration of voters is required, prepare".

185 30. Page 85, by striking the word "~~made~~" from
186 line 9 and all of line 10 and inserting in lieu thereof
187 the words "made in each pollbook or, in precincts where
188 permanent registration of voters is required, shall be
189 prepared in writing by the election board,".

190 31. Page 85, by striking line 33 and inserting in
191 lieu thereof the following:

192 "50.17 RETURN OF POLLBOOKS OR ELECTION REGISTER.
193 The precinct pollbooks or elec-".

194 32. Page 86, line 8, by striking the words "~~pre-~~
195 ~~cinct election~~" and inserting in lieu thereof the
196 words "the precinct pollbooks or election".

- 197 33. Page 144, by striking lines 16 through 35,
198 inclusive, and page 145, by striking lines 1 and 2.
199 34. Page 154, line 12, by striking the words "~~poll~~
200 ~~list~~" and inserting in lieu thereof the words "poll
201 list or".
202 35. Page 155, line 17, by striking the words
203 "~~pollbooks-of~~" and inserting in lieu thereof the words
204 "pollbooks of or".
205 36. Page 157, line 2, by striking the words "~~or~~
206 ~~poll-lists~~" and inserting in lieu thereof the words
207 "or poll lists".
208 37. Page 173, by striking lines 20 through 23,
209 inclusive, and inserting in lieu thereof the follow-
210 ing:
211 "qualified electors of said the township that voted
212 at the last regular election prior to the signing of
213 said the petition, as shown by the pollbooks of the
214 township or, in the case of a township where permanent
215 registration of voters is required, by a majority of
216 the qualified electors as shown by the election
217 register or registers of the last preceding primary
218 or general election held in said the".
219 38. Page 175, line 15, by striking the words "as
220 shown by the ~~pollbooks~~" and inserting in lieu thereof
221 the words "as-shown-by whose names appear in the
222 pollbooks or".
223 39. Page 175, line 21, by striking the words "as
224 shown by the ~~pollbooks~~" and inserting in lieu thereof
225 the words "as-shown-by whose names appear in the poll-
226 books or".
227 40. Page 175, line 35, by striking the words
228 "~~votes-poll~~" and inserting in lieu thereof the words
229 "votes polled or".
230 41. Page 176, line 1, by inserting after the word
231 "by" the words "the pollbooks or".
232 42. Page 176, line 8, by striking the word "~~poll-~~
233 ~~books~~" and inserting in lieu thereof the words "poll
234 books or".
235 43. Page 176, line 19, by striking the word
236 "~~pollbooks~~" and inserting in lieu thereof the words
237 "pollbooks or".
238 44. Page 176, line 24, by striking the words
239 "~~votes-poll~~" and inserting in lieu thereof the
240 words "votes polled or".
241 45. Page 176, line 25, by inserting after the word
242 "the" the words "pollbooks or".
243 46. Page 176, line 33, by striking the word
244 "~~pollbooks~~" and inserting in lieu thereof the words
245 "pollbooks or".
246 47. Page 177, line 35, and page 178, line 1, by
247 striking the words "~~list-of-voters-or-pollbooks~~" and
248 inserting in lieu thereof the words "list of voters
249 or, pollbooks or".
250 48. Page 178, line 15, by inserting after the word
251 "the" the words "pollbooks or".

252 49. Page 178, by striking lines 33, 34 and 35,
253 page 179, by striking lines 1 through 35, inclusive,
254 and page 180, by striking lines 1 through 21, inclu-
255 sive.
256 50. Page 180, by striking lines 27, 28 and 29 and
257 inserting in lieu thereof the words and figures "point
258 thirty-four (43.34), forty-three point thirty-seven
259 (43.37), forty-three point forty-three (43.43),".
260 51. Page 180, by striking lines 32, 33 and 34 and
261 inserting in lieu thereof the words and figures
262 "(48.2), forty-eight point nineteen (48.19), forty-
263 eight point twenty-".
264 52. Page 181, by striking from lines 11 and 12
265 the words and figures "fifty-three point twenty-eight
266 (53.28),".

H—541 Filed *Last 5/22*
May 17, 1973

By MIDDLESWART of Warren
MILLER of Calhoun

EXPLANATION OF AMENDMENT

The effect of this amendment is to remove from House File 745 the requirement that permanent voter registration be implemented in all areas of the state where it is not now required by chapter 48 of the Code. Because a number of the revised provisions and procedures embodied in the bill, and some of the statutes proposed to be repealed entirely, reflect the assumption that statewide voter registration will be required, a considerable number of changes in the bill as introduced are necessary to accomplish the objective of the amendment; that is why the amendment is a rather lengthy one.

This amendment will retain in Iowa law the present requirement for permanent registration of voters in counties of over 50,000 population and cities of over 10,000 population, as well as the permissive authority of city councils in cities of over 2,000 population, and of county boards with respect to any township having a population of 1500 or more, to require permanent registration.

HOUSE FILE 745

H—552

1 Amend House File 745 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "placing" the word "with".

4 2. Page 2, line 11, by striking the word "voters"
5 and inserting in lieu thereof the words "**voters**
6 **electors**".

7 3. Page 8, by inserting after line 1 the following
8 new section:

9 Sec. _____. Section forty-three point eleven (43.11),
10 subsection two (2), Code 1973, is amended to read as
11 follows:

12 2. For United States senator, for an elective state
13 office, for representative in Congress, and for member
14 of the general assembly, in the office of the secretary
15 of state not more than eighty-five days nor less than
16 ~~sixty-five~~ sixty-seven days prior to the day fixed for
17 holding said primary election.

18 4. Page 14, line 8, by inserting after the period
19 the words "Each change or declaration of a qualified
20 elector's party affiliation so received shall be re-
21 ported by the judges of election to the commissioner
22 of registration who shall enter a notation of the
23 change on the registration records."

24 5. Page 15, by striking from lines 27 and 28 the
25 words "WRITE IN CANDIDATES".

26 6. Page 16, by striking the word "the" in line 5
27 and all of lines 6 through 10, inclusive, and insert-
28 ing in lieu thereof the following:

29 "there are more than two candidates for any nomina-
30 tion and none of the candidates receives thirty-five
31 percent or more of the votes cast by voters of his
32 party for that nomination or, in the case of a can-
33 didate for any office to which two or more persons are
34 to be elected at large, thirty-five percent of that
35 number of votes found by dividing the number of persons
36 to be elected to that office at the next general elec-
37 tion into the total number of votes cast by voters of
38 the candidate's party for candidates for that office,
39 the".

40 7. Page 17, line 23, by striking the words "Repre-
41 sentative in Congress" and inserting in lieu thereof
42 the words "Representative-in-Congress United States
43 representative".

44 8. Page 17, line 35, by striking the word "June"
45 and inserting in lieu thereof the word "June".

46 9. Page 20, line 28, by striking the words "repre-
47 sentative in Congress" and inserting in lieu thereof
48 the words "representative-in-Congress United States
49 representative".

50 10. Page 27, line 31, by inserting after the period

51 the following:

52 "No person who was a candidate for nomination to any
53 office in the primary election shall in the same year
54 have his name placed upon the general election ballot
55 by petition as a candidate for the same office."

56 11. Page 28, lines 3 and 4, by striking the word
57 "sixty-five" and inserting in lieu thereof the words
58 "~~sixty-five~~ sixty-seven".

59 12. Page 31, line 3, by striking the word "twenty"
60 and inserting in lieu thereof the word "thirty-five".

61 13. Page 31, line 12, by striking the word "sixty-
62 five" and inserting in lieu thereof the words "~~sixty-~~
63 ~~five~~ sixty-seven".

64 14. Page 32, lines 31, 32 and 33, by striking the
65 words "or will by the date of the next succeeding
66 general election become".

67 15. Page 38, line 16, by adding after the period
68 the following:

69 The governing body of any political subdivision
70 which has decided to call an election under any law
71 permitting that governing body discretion to fix the
72 date of the election shall, before finally determining
73 the date of the election, consult with the commissioner
74 who will be responsible for conducting the election re-
75 garding the date on which the election may most con-
76 veniently be held, within the limitations imposed by
77 the law authorizing the election.

78 16. Page 38, line 22, by striking the word "admin-
79 istering" and inserting in lieu thereof the word
80 "administering".

81 17. Page 40, by inserting after line 20 the follow-
82 ing new section:

83 Sec. _____. Section forty-eight point two (48.2), Code
84 1973, is amended by striking the section and inserting
85 in lieu thereof the following:

86 48.2 WHO MAY REGISTER. Any person who is an eli-
87 gible elector may register to vote with the commissioner
88 of registration or a deputy commissioner of registration
89 in the county of his residence. Any person who is an
90 eligible elector in all respects except that he has not
91 attained the age of eighteen may, at any time during
92 the six months next preceding his eighteenth birthday,
93 register to vote in the county of his residence. When
94 a person less than eighteen years of age registers, the
95 commissioner shall affix to the receipt of registration,
96 issued as provided by section forty-eight point six
97 (48.6) of the Code, a date which shall be the registrant's
98 eighteenth birthday and the receipt shall state on its
99 face that the person is registered and qualifies to vote
100 in any election held on or after the date affixed to
101 the registration receipt.

- 102 18. Page 44, line 24, by striking the word "quali-
103 fied" and inserting in lieu thereof the word "qualified".
104 19. Page 45, line 28, by striking the word "elec-
105 tions" and inserting in lieu thereof the word "registra-
106 tion".
- 107 20. Page 52, line 3, by inserting after the period
108 the following:
109 Before final adoption of any change in election pre-
110 cinct boundaries pursuant to this section or section
111 forty-nine point six (49.6) of the Code, the council
112 shall permit the commissioner not more than ten days
113 time to offer comments on the proposed reprecincting.
- 114 21. Page 52, line 11, by inserting after the word
115 "and" the words "where all or some of".
- 116 22. Page 55, by striking lines 14 through 34,
117 inclusive, and inserting in lieu thereof the following:
118 2. If the commissioner determines, or if a petition
119 be is filed with the-county-supervisors him ninety days
120 before any primary, general or special election stating,
121 that there is no suitable or adequate polling place
122 within a township constituting a voting precinct and
123 that it is desirable and to the interest of the voters
124 of such that township voting precinct that a voting
125 place therefore be designated for it outside the its
126 territorial limits of-such-township-precinct, the
127 board-of-supervisors commissioner shall fix as a polling
128 place for such-township that precinct, such-polling
129 place outside the-township-precinct-as-the-board
130 its territorial limits, which he deems
131 most convenient to the electors of the township pre-
132 cinct. Such A petition submitted under this subsection
133 must be signed by voters eligible electors of the pre-
134 cinct exceeding in number one-half the total number of
135 votes cast in the township precinct for the office of
136 president of the United States or governor, as the case
137 may be, at the last preceding general election. When
138 the board-of-supervisors commissioner has fixed such a
139 polling place it shall remain the polling place at all
140 subsequent primary, general and special elections, until
141 such time as the-county-board-of-supervisors, upon-its
142 own-motion, he shall fix a different polling place
143 within-said for the precinct.
- 144 23. Page 61, line 31, by striking the word "in"
145 and inserting in lieu thereof the words "in for".
- 146 24. Page 63, by striking lines 2 and 3 and inserting
147 in lieu thereof the words "one to every four three
148 hundred voters or major fraction thereof who voted in
149 the last preceding similar election in the precinct."
- 150 25. Page 63, by striking all after the comma in
151 line 16 and all of line 17 and inserting in lieu thereof
152 the words "for every three hundred voters or major
153 fraction thereof who voted in the last preceding similar
154 election in the precinct."
- 155 26. Page 63, by striking lines 18 through 35,
156 inclusive, and page 64, by striking lines 1 through

157 6, inclusive, and inserting in lieu thereof the following:
158 Sec. _____. Section forty-nine point twenty-seven
159 (49.27), Code 1973, is amended by striking the section
160 and inserting in lieu thereof the following:

161 49.27 PRECINCTS WHERE SOME ELECTORS MAY NOT VOTE
162 FOR ALL CANDIDATES OR QUESTIONS. When the territory of
163 a precinct is such that one or more of the candidates
164 or questions on the ballot in any election may not be
165 legally voted upon by all qualified electors of the
166 precinct, the commissioner may not place those candidates
167 or questions upon a voting machine which may be used
168 by qualified electors of the entire precinct unless
169 the machine is equipped with a device, readily operable
170 by the election official attending the machine, by
171 which that portion of the machine on which those candi-
172 dates or questions appear may be locked when the
173 machine is to be used by a qualified elector not
174 eligible to vote for those candidates or questions.
175 If the voting machines in any precinct to which this
176 section is applicable are not so designed, the commis-
177 sioner may place the candidates or questions for which
178 not all voters of the precinct may legally vote on one
179 or more, but not all, of the voting machines in the
180 precinct. In any precinct to which this section is
181 applicable and in which neither of the foregoing pro-
182 cedures are feasible, or in which all voting is by
183 paper ballot, the commissioner shall prepare separate
184 ballots for the candidates or questions which may not
185 be legally voted upon by all qualified electors of the
186 precinct, and shall furnish a separate ballot box in
187 which only those ballots shall be deposited.

188 27. Page 66, line 13, by striking the words "the
189 heading of the office to be filled." and inserting in
190 lieu thereof the words "the heading of the office to
191 be filled."

192 28. Page 67, line 22, by striking the word
193 "following" and inserting in lieu thereof the words
194 "immediately preceding".

195 29. Page 69, line 3, by inserting before the
196 period the words ", except that in city elections the
197 publication may be made in only one newspaper, which
198 shall be of general circulation in the city".

199 30. Page 78, line 6, by inserting after the word
200 "parties" the words "in the case of any election in
201 which candidates appear on the ballot under the head-
202 ing of either of the political parties referred to
203 in section forty-nine point thirteen (49.13), of the
204 Code".

205 31. Page 79, by inserting at line 14 the follow-
206 ing new section:

207 Sec. _____. Section forty-nine point one hundred
208 four (49.104), Code 1973, is amended by adding the
209 following new subsections:

210 NEW SUBSECTION. Any peace officer assigned or
211 called upon to keep order or maintain compliance with
212 the provisions of this chapter, upon request of the
213 commissioner or of the chairman of the precinct
214 election board.

215 NEW SUBSECTION. One observer representing any non-
216 party political organization, any candidate nominated
217 by petition pursuant to chapter forty-five (45) of the
218 Code, or any other nonpartisan candidate in a city or
219 school election, appearing on the ballot of the
220 election in progress.

221 32. Page 103, line 24, by inserting after the
222 period the following words "The seal of the officer
223 administering the oath shall be placed on the affi-
224 davit envelope in such a manner that the ballot will
225 not be marked by the seal."

226 33. Page 105, line 9, by inserting after the word
227 "envelope" the words "on which shall appear the words
228 'This envelope contains an absent voter's ballot for
229 the election'".

230 34. Page 107, line 10, by inserting after the
231 period the words "There shall be only one absentee
232 ballot counting board existing at any time in each
233 county, and when two or more political subdivisions
234 in the county hold elections simultaneously the
235 absentee ballot counting board shall count absentee
236 ballots cast in all of the elections so held."

237 35. Page 107, line 33, by inserting after the
238 comma the words "one observer representing any non-
239 party political organization or any candidate nominated
240 by petition pursuant to chapter forty-five (45) of
241 the Code or any other nonpartisan candidate in a city
242 or school election appearing on the ballot of the
243 election in progress,".

244 36. Page 108, by inserting after line 11 the
245 following new section:

246 Sec. _____. Section fifty-three point twenty-four
247 (53.24), Code 1973, is amended to read as follows:

248 53.24 PRECINCTS COUNTIES USING VOTING MACHINES.
249 In precincts-using counties which provide the absentee
250 ballot counting board with a voting machines machine,
251 ~~none-of-said~~ the absentee ballot envelopes shall be
252 ~~opened until-immediately-after-the-closing-of-the~~
253 ~~polls-to-voters-who-vote-in-person---~~if there be
254 ~~more-than-one-absent-voter's-ballot-entitled-to-be~~
255 ~~cast,--they~~ by the counting board and shall, without
256 being unfolded, be thoroughly intermingled in some
257 proper manner, after which they shall be unfolded and,
258 under the personal supervision of all the judges, be
259 registered on the voting machine the same as if the
260 absent voter had been present and voted in person.
261 When two or more political subdivisions in the county
262 are holding separate elections simultaneously, the

263 commissioner may arrange the machine so that the
264 absentee ballots for more than one such election may
265 be recorded on the same machine.

266 37. Page 112, by inserting after line 18 the
267 following new section:

268 Sec. _____. Section two hundred seventy-four point
269 seven (274.7), Code 1973, is amended by striking
270 unnumbered paragraph two (2).

271 38. Page 127, line 29, by inserting after the
272 word "shall" the words "conduct the election and".

273 39. Page 132, line 10, by striking the words
274 "Four weeks" and inserting in lieu thereof the words
275 "Four-weeks Not less than thirty-five days".

276 40. Page 134, lines 12 and 13, by striking the
277 words "commissioner of elections" and inserting in
278 lieu thereof the words "board of supervisors".

279 41. Page 134, line 14, by inserting after the
280 word "and" the words "the county commissioner of
281 elections".

282 42. Page 145, by inserting after line 2 the
283 following new section:

284 Sec. _____. Acts of the Sixty-fourth General
285 Assembly, 1972 Session, chapter one thousand eighty-
286 eight (1088), section two (2), subsections fifteen
287 (15) and sixteen (16) are amended to read as follows:

288 15. "Voter" means a-person-eligible-to-register
289 to-vote, or-eligible-to-vote-if-registration-is-not
290 required an eligible elector as defined in section
291 thirty-nine point three (39.3), subsection one (1)
292 of the Code.

293 16. "Qualified voter" means a voter-who-is-also
294 registered-if-registration-is-required qualified
295 elector as defined in section thirty-nine point three
296 (39.3), subsection two (2) of the Code.

297 43. Page 146, line 3, by inserting after the word
298 "commissioner" the words "of elections".

299 44. Page 146, lines 26 and 27, by striking the
300 words "If a proposal is authorized by the voters, and
301 after" and inserting in lieu thereof the words "if-a
302 proposal-is-authorized-by-the-voters,-and After".

303 45. Page 148, line 29, by inserting after the
304 word "general," the word "regular,".

305 46. Page 148, line 31, by striking the words
306 "regular,".

307 47. Page 148, line 32, by striking the words
308 ", primary, or run-off".

309 48. Page 149, line 5, by striking the words
310 "commissioner of elections and certified" and insert-
311 ing in lieu thereof the words "board of supervisors
312 and certified by the county commissioner of elections".

313 49. Page 151, line 21, by striking the word
314 "twenty" and inserting in lieu thereof the words
315 "twenty fifty-five".

316 50. Page 178, line 11, by striking the word
317 "POLLBOOKS" and inserting in lieu thereof the words
318 "POLLBOOKS MATERIALS".

319 51. Page 180, lines 31 and 32, by striking the
320 words and figures "forty-eight point two (48.2),".
321 52. Page 181, lines 10 and 11, by striking the
322 words and figures "fifty-three point twenty-four
323 (53.24),".
324 53. Page 181, line 32, by inserting after the
325 comma at the end of the line the words and figures
326 "three hundred sixty-three point nineteen (363.19),".
327 54. Page 6, lines 17 and 18, by striking the words
328 and figures "sections two hundred seventy-four point
329 seven (274.7) and" and inserting in lieu thereof the
330 word "section".
331 55. Page 9, line 7, by striking the words "or
332 town" and inserting in lieu thereof the words "~~or~~
333 town".
334 56. Page 19, by inserting after line 27 the fol-
335 lowing new section:
336 Sec. _____. Section forty-three point seventy-one
337 (43.71), Code 1973, is amended to read as follows:
338 43.71 MESSENGER SENT FOR ABSTRACTS. If returns
339 of abstracts have not been received by the state can-
340 vassing board from all the counties by the time fixed
341 for such the state canvass, the ~~secretary-of~~ state
342 commissioner shall immediately send a messenger after
343 ~~said the~~ missing abstracts, and the said board may
344 adjourn from time to time until ~~said the~~ abstracts
345 are received.

H—552 Filed-*Adopted 5/23 and* By BITTLE of Polk
May 21, 1973 *amended by 563 and 566* DRAKE of Muscatine
McCORMICK of Delaware

H—556

1 Amend House File 745, page 45, line 16, by
2 striking the word "twelve" and inserting in lieu
3 thereof the word "fifteen".

H—556 Filed and adopted
May 22, 1973

By FISHER of Greene
HOLDEN of Scott
DRAKE of Muscatine
STANLEY of Muscatine
KREAMER of Polk
HARVEY of Scott
OAKLEY of Clinton
LIPPOLD of Black Hawk

H—557

1 Amend House File 745 as follows:
2 1. Page 179, line 3, by striking the figure "1975"
3 and inserting in lieu thereof the figure "1977".
4 2. Page 179, line 15, by striking the figure
5 "1975" and inserting in lieu thereof the figure "1977".
6 3. Page 179, line 17, by striking the figure
7 "1975" and inserting in lieu thereof the figure "1977".
8 4. Page 179, line 24, by striking the figure
9 "1975" and inserting in lieu thereof the figure "1977".
10 5. Page 180, line 1, by striking the figure "1975"
11 and inserting in lieu thereof the figure "1977".
12 6. Page 180, line 7, by striking the figure "1975"
13 and inserting in lieu thereof the figure "1977".
14 7. Page 180, line 16, by striking the words
15 "general election" and inserting in lieu thereof the
16 words and figure "and 1976 general elections".
17 8. Page 180, line 18, by striking the figure
18 "1975" and inserting in lieu thereof the figure
19 "1977".

H—557 Filed *Lost 5/23*
May 22, 1973

By AVENSON of Fayette

H—559

1 Amend House File 745 as follows:
2 1. Page 24, by striking lines 31 through 35,
3 inclusive, and page 25, by striking lines 1 through
4 5, inclusive.
5 2. Page 38, by striking lines 27, 28 and 29.
6 3. Page 180, by inserting after the comma at the
7 end of line 29 the words and figures "forty-three point
8 one hundred thirteen (43.113),".

H—559 Filed and lost
May 22, 1973

By HIGGINS of Scott

H—560

1 Amend House File 745, page 68, line 20, by
2 striking the word "seven" and inserting in lieu
3 thereof the word "twenty".

H—560 Filed *adopted 5/23*
May 22, 1973

By BENNETT of Ida
BITTLE of Polk

H—562

1 Amend the Patchett et al. Amendment, H-555, to House
2 File 745 as follows:

3 1. Lines 6 and 7, by striking the words "adminis-
4 trative or clerical" and inserting in lieu thereof the
5 words "goods and".

6 2. Line 7, by inserting after the word "performed"
7 the words "or provided".

8 3. Line 9, by striking the word "one" and insert-
9 ing in lieu thereof the word "five".

10 4. Line 10, by inserting after the word "dollars"
11 the words "per contract".

12 5. Line 10, by inserting after the period the
13 following new sentence:

14 No bids shall be required for legal services.

15 6. By inserting after line 31 the following new
16 paragraph:

17 A county shall not enter into an intergovernmental
18 agreement with any other political subdivision of the
19 state for acquisition of goods or performance of
20 services until an audit has been conducted by the
21 auditor of state or an independent certified public
22 accountant not in the regular employ of the counties
23 executing an agreement which sets forth the costs of
24 each county for providing goods and services.

25 7. Line 32, by striking the word "records" and
26 inserting in lieu thereof the words "data or records".

H—562 Filed and adopted
May 22, 1973

By BITTLE of Polk
DRAKE of Muscatine

H—564

1 Amend House File 745, page 86, lines 26 and 27, by
2 striking the words "at not later than twelve o'clock
3 noon on" and inserting in lieu thereof the words "at
4 nine o'clock on the morning of".

H—564 Filed *adopted 5/23*
May 22, 1973

By KNOKE of Pottawattamie
SCHROEDER of Pottawattamie
HILL of Polk
MONROE of Des Moines
STANLEY of Muscatine

H—566

1 Amend the Bittle, et al. Amendment, H-552, to House
2 File 745 as follows:

3 1. Lines 14 and 15, by striking the words "secre-
4 tary of state" and inserting in lieu thereof the words
5 "secretary-of state commissioner".

6 2. By striking lines 231 through 236, inclusive,
7 and inserting in lieu thereof the following:
8 period the words "There shall be only one absentee
9 ballot counting board existing at any time in each
10 county, and when two or more political subdivisions
11 in the county hold elections simultaneously the
12 absentee ballot counting board shall count absentee
13 ballots cast in all of the elections so held."

H—566 Filed and adopted
May 22, 1973

By BITTLE of Polk

1 Amend House File 745 as follows:

2 1. Page 50, by inserting after line 5 the follow-
3 ing new section:

4 Sec. 103. Chapter forty-eight (48), Code 1973, is
5 amended by adding the following new section:

6 NEW SECTION. REGISTRATION THROUGH DRIVER'S LICENSE
7 APPLICATION. Every person who applies for an instruc-
8 tion permit or for an operator's or chauffeur's license
9 or temporary drivers permit in the manner prescribed
10 by section three hundred twenty-one point one hundred
11 eighty-two (321.182) of the Code, shall be deemed to
12 have thereby applied to be registered to vote, if
13 eligible, unless the applicant signs a statement which
14 shall be provided on the application form to the effect
15 that he does not desire to be registered to vote in
16 this manner, in which case the requirements of sub-
17 sections one (1) through four (4) of this section
18 shall not apply. The method of voter registration
19 established by this section shall be an alternative
20 to other methods of voter registration provided by
21 this chapter.

22 1. The applicant shall, in addition to supplying
23 the information required by section three hundred
24 twenty-one point one hundred eighty-three (321.183)
25 of the Code, supply on the application form informa-
26 tion required by section forty-eight point six (48.6),
27 subsections seven (7) through eleven (11), inclusive,
28 of the Code, of persons registering to vote, and shall
29 be given a written statement acknowledging receipt of
30 his application to be registered to vote which shall
31 show the date the application was made. He shall also
32 receive in writing a statement in substantially the
33 following form: "You are advised that by law the
34 county commissioner of elections is allowed fifteen
35 days to complete your registration to vote after he
36 receives your application. If there is an election
37 in the next thirty days in which you wish to vote, it
38 is suggested that you register by ordinary voter
39 registration procedures." The department of public
40 safety may not maintain for more than thirty days
41 records of the information provided by applicants,
42 other than the information required by section three
43 hundred twenty-one point one hundred eighty-three
44 (321.183) of the Code.

45 2. A copy of the application, including all in-
46 formation supplied thereon by the applicant which is
47 needed to comply with section forty-eight point six
48 (48.6) of the Code and a copy of the applicant's hand-
49 written signature, shall be promptly provided by the
50 department of public safety to the commissioner of

51 registration of the county in which the applicant
52 resides. The commissioner shall use the information
53 appearing on the application to determine whether the
54 applicant is registered to vote at the residence
55 listed on his application, and if not, to register the
56 applicant.

57 3. If the applicant is found to be an eligible
58 elector who is not currently registered to vote at
59 the residence listed on his application, the commis-
60 sioner of registration shall, not more than fifteen
61 days after he receives the copy of the application,
62 register the applicant and mail to him a receipt of
63 registration as required by section forty-eight point
64 six (48.6) of the Code. If the applicant is found to
65 be an eligible elector in all respects except that he
66 has not attained the age of eighteen, the commissioner
67 of registration shall register him effective upon his
68 eighteenth birthday and shall affix a date to the re-
69 ceipt which date shall be the applicant's eighteenth
70 birthday and the receipt mailed to him shall state
71 on its face that the applicant is registered and
72 qualified to vote in any election held on or after
73 that date.

74 4. If the commissioner is not satisfied that the
75 applicant is an eligible elector of the precinct in
76 which the residence listed on his application is
77 located, or if for any reason the information supplied
78 on the application is not sufficient to complete the
79 applicant's registration to vote, the commissioner of
80 registration shall, not more than fifteen days after
81 he receives the copy of the application so notify the
82 applicant by restricted certified mail and advise the
83 applicant in the notice where he may appear in person
84 if he wishes to present evidence of his status as an
85 eligible elector, or in order to complete his registra-
86 tion. If the applicant is found to be a currently
87 registered voter, but at a residence other than that
88 listed on his application, the commissioner shall
89 treat the application as a change of address notice
90 and shall, in not less than fifteen days after he
91 receives the copy of the application so notify the
92 applicant by ordinary mail. If the applicant is found
93 to be a currently registered voter at the residence
94 listed on his application, the commissioner shall
95 within fifteen days after he receives the copy of the
96 application so notify the applicant by ordinary mail.

97 2. Page 126, by inserting after line 32 the fol-
98 lowing new section:

99 Sec. _____. Section three hundred twenty-one point
100 one hundred eighty-two (321.182), Code 1973, is amended
101 to read as follows:

102 321.182 APPLICATION FOR LICENSE OR PERMIT. Every
103 application for an instruction permit or for an
104 operator's or chauffeur's license or temporary drivers
105 permit shall be made upon a form furnished by the de-

Amend House File 745, page 40, by inserting after line 11 the following new section:

Sec. _____. Chapter forty-seven (47), Code 1973, is amended by adding the following new section:

NEW SECTION. PURCHASING BY COMPETITIVE BIDDING.

The commissioner shall take bids for any administrative or clerical services which will be performed by persons who are not employees of the commissioner and where the costs of such services exceed one thousand dollars. The commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. The commissioner shall also file a copy of the bid specifications in the office of the state commissioner for a period of not less than twenty days prior to the date the bid is let. When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interest of the county.

Any election or registration records which may be in the possession of a contractor shall remain the property of the commissioner.

The commissioner may enter into agreements with the state commissioner under which the state commissioner undertakes to obtain, through the department of general services, for each county whose commissioner has entered into such an agreement, the printing or procurement of any forms or supplies needed by the commissioner of each county to discharge his duties under this chapter, the nature of which forms or supplies makes it likely that savings may be effected by purchasing in larger quantities than would be needed by any one of the counties party to the agreement.

The state commissioner shall be bound by all applicable laws of this state in making purchases pursuant to agreements with commissioners under this section, and shall charge the respective commissioners who are parties to any such agreement their pro rata share of the total cost of the forms or supplies so printed or procured, plus the actual cost, if any, of forwarding supplies so purchased to the respective counties from the point of delivery to the state commissioner.

H-555 Filed - *Adopted as amended*
May 21, 1973 *by 562 5/22*

By PATCHETT of Johnson
BITTLE of Polk
SMALL of Johnson
TOFTE of Winneshiek
NORLAND of Worth
GRASSLEY of Butler

106 partment and, which shall provide space for the
107 applicant to supply both the information specified by
108 section one hundred three (103), subsection one (1)
109 of this Act, and the information required by section
110 three hundred twenty-one point one hundred eighty-
111 three (321.183) of the Code. The application shall
112 be verified by the applicant before a person author-
113 ized to administer oaths, and officers and employees
114 of the department are hereby authorized to administer
115 such oaths without charge. The applicant shall write
116 his usual signature with pen and ink upon the applica-
117 tion in the space provided for signature.

118 3. Page 180, by inserting after line 21 the fol-
119 lowing new section:

120 Sec. _____. The operation of this Act, insofar as it
121 requires that applicants for an instruction permit or
122 for an operator's or chauffeur's license or temporary
123 drivers permit in the manner prescribed by section
124 three hundred twenty-one point one hundred eighty-two
125 (321.182) of the Code be offered an opportunity to
126 register to vote, may be deferred in its implementation
127 to a date not later than September 1, 1973 if necessary
128 in order to permit completion of required administra-
129 tive preparations.

130 4. By renumbering sections of the bill and of this
131 amendment and revising internal references as necessary
132 in conformity to this amendment.

H—561 Filed and lost
May 22, 1973

By FITZGERALD of Webster

HOUSE FILE 745

Date prepared May 22, 1973

Requested by Representative Krause.

Prepared in regard to H.F. 745, Krause amendment thereto -
An Act to require permanent registration of all voters in the
state, to revise and clarify laws prescribing procedures for
preparing for, etc. Following is the fiscal effect in dollars
of the legislative proposal as required by House Rule 48.

Krause Amendment to House File 745.

There were a total of 1,225,944 votes cast in Iowa in the
November 7, 1972 presidential election. As of August 1, 1972
there were 739,906 registered voters. If we assume a total
registration of 1,500,000 voters then the State's General Fund
will initially pay out \$304,000 to the counties.

The biennial cost to the General Fund for active
registrations would be approximately \$300,000.

There is not sufficient information available to estimate
the cost to the General Fund for annual new registrations.

Filed
May 23, 1973

GERRY D. RANKIN
Legislative Fiscal Director

H-565

1 Amend House File 745, page 50, by inserting after
2 line 5 the following new section:
3 Sec. _____. Section forty-eight point thirty-two
4 (48.32), Code 1973, is amended to read as follows:
5 48.32 ANNUAL REPORT. The county commissioner of
6 elections registration shall make reports as required
7 by the state commissioner of elections. On August 1
8 of each year the state commissioner ~~of elections~~
9 shall report the total number of persons registered,
10 and the number of persons registered in each politi-
11 cal party, in each county. For each new registration
12 recorded during the twelve-month period ending on
13 June thirtieth prior to the state commissioner's
14 report, the county shall receive the sum of forty
15 cents from the state general fund. Prior to June
16 thirtieth of each odd-numbered year the county commis-
17 sioner of registration shall purge the voter registra-
18 tion list pursuant to section forty-eight point thirty-
19 one (48.31) of the Code and, after the state commis-
20 sioner's August first report in that year, the county
21 shall receive from the state general fund the sum of
22 twenty cents for each active registration remaining
23 after the registration list has been so purged.

H-565 Filed *Lost 5/23*
May 22, 1973

By KRAUSE of Palo Alto
MONROE of Des Moines

H-563

1 Amend the Bittle, et al. amendment, H-552, to
2 House File 745 as follows:
3 1. By striking lines 50 through 55.
4 2. By renumbering the sections as necessary.

H-563 Filed and adopted
May 23, 1973

By BRINCK of Lee

H-580

1 Amend House File 745, page 4, by striking lines
2 25 and 26 and inserting in lieu thereof the following:
3 "be elected for a term of two years at the general
4 election held in the year 1974 and for a term of four
5 years at the general election held in the year 1976
6 and every four years"

H-580 Filed, offered and
ruled not germane
May 23, 1973

By PATCHETT of Johnson

H-582

1 Amend the Bittle amendment H-577, to House File
2 745, by inserting after line 2 the following:
3 Page 32, line 13, by striking the word
4 "RESTRICTION".

H-582 Filed and adopted *5/23*
May 23, 1973

By KRAUSE of Palo Alto

H—577

1 Amend House File 745, page 32, by striking all of
2 lines 16 through 19.

H—577 Filed and adopted By BITTLE of Polk
May 23, 1973 *amended by 582 5/23*

H—578

1 Amend House File 745 as follows:

2 1. Page 4, line 24, by striking the words "secre-
3 tary of agriculture," and inserting in lieu thereof
4 the words "~~secretary-of-agriculture,~~".

5 2. Page 112, by inserting after line 18 the fol-
6 lowing new section:

7 Sec. _____. Section one hundred fifty-nine point
8 nineteen (159.19), Code 1973, is amended to read as
9 follows:

10 159.19 APPOINTMENT AND SALARY. The secretary of
11 agriculture shall be appointed by the governor with
12 the approval and confirmation of two-thirds of the
13 senate and shall serve at the pleasure of the gover-
14 nor. The governor shall fill a vacancy in this of-
15 fice in the same manner as the original appointment.
16 If the vacancy occurs while the general assembly is
17 not in session, the appointment shall be reported to
18 the senate for confirmation within thirty days of
19 its convening at its next regular session.

20 The provisions of this section relative to appoint-
21 ment of the secretary of agriculture shall take effect
22 January 1, 1975. The incumbent secretary in office
23 on December 31, 1974 shall continue in that office
24 until his successor is appointed and confirmed as
25 provided by this section.

26 The salary of the secretary of agriculture shall
27 be as fixed by the general assembly.

H—578 Filed, offered and
ruled not germane
May 23, 1973

By HIGGINS of Scott
NIELSEN of Polk
BYERLY of Polk

H—583

1 Amend House File 745, page 45, line 16, by
2 striking the word "fifteen" and inserting in lieu
3 thereof the word "ten".

H—583 Filed and ruled
out of order
May 23, 1973

By COCHRAN of Webster

HOUSE FILE 745

S-797

Amend House File 745 as amended and passed by the House as follows:

1. Page 14, line 18, by striking the word "judges," and inserting in lieu thereof the word "judges".

2. Page 15, by striking from line 28 the words "The candidate or candidates of each political" and inserting in lieu thereof the words "The candidate or candidates of each political".

3. Page 16, line 11, by inserting after the comma the words "if a candidate does not receive".

4. Page 22, line 31, by striking the word "VACANCIES" and inserting in lieu thereof the words "VACANCIES DUTIES".

5. Page 22, by inserting after line 33 the following:

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Initial copies of each county central committee's constitution and bylaws shall be filed in compliance with this section no later than December 31, 1973. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

6. Page 23, by inserting after line 18 the following new section:

Sec. _____. Section forty-three point one hundred six (43.106),

Page 2

Code 1973, is amended to read as follows:

43.106 NOMINATIONS PERMITTED. A district convention of a party may be held to nominate candidates for any office for which no nomination exists due to the failure of a candidate to file nomination papers for such office, or due to the failure of any candidate to receive the number of votes required for nomination by section 43-66 or to place a name on the ballot as authorized under subsection 1 of section 43.59.

7. Page 23, by inserting after line 29 the following new section:

Sec. _____. Section forty-three point one hundred ten (43.110), Code 1973, is amended to read as follows:

43.110 NOMINATIONS PERMITTED. The state convention of a party, if the convention is held following the primary election, may make nominations for any office for which no nomination

exists due to the failure of a candidate to file nomination papers for such office or due to the failure of any candidate to receive the number of votes required for nomination by section 43-66. If the state convention was held preceding the primary election, the party state central committee may make such nominations or may reconvene the delegates of the last preceding state convention for such purposes.

8. Page 23, by striking lines 30 through 35, inclusive, and page 24, by striking lines 1 through 9, inclusive, and inserting in lieu thereof the following:

1 Sec. _____. Section forty-three point one hundred eleven (43.111),
2 Code 1973, is amended by striking the section and inserting in
3 lieu thereof the following:

4 43.111 STATE PARTY PLATFORM, CONSTITUTION, BYLAWS AND CENTRAL
5 COMMITTEE. The state convention held by each political party
6 pursuant to section forty-three point one hundred seven (43.107)
7 of the Code shall adopt a state platform, adopt or amend a state
8 party constitution, and bylaws if desired, and transact other
9 business which may properly be brought before it. A copy of the
10 constitution and any bylaws so adopted or amended shall be kept
11 on file in the office of the state commissioner. Initial copies
12 of each political party's state constitution, and bylaws, if any,
13 shall be filed in compliance with this section not later than
14 August 30, 1974.

15 There shall be selected at or prior to each political party's
16 state convention a state party central committee consisting of
17 the party's respective congressional district chairmen and two
18 other members from each congressional district, elected or nomi-
19 nated by the district convention or caucus. No more than one
20 member of the state central committee shall be a resident of any
21 one county. The state central committee so selected may organize
22 at pleasure for political work as is usual and customary with
23 such committees, adopt bylaws, provide for the governing of
24 party auxiliary bodies, and shall continue to act until succeeded
25 by another central committee selected as required by this section.

1 9. Page 32, line 4, by striking the word "two" and inserting
2 in lieu thereof the word "five".

3 10. Page 40B, by striking lines 53 through 70, and page 40C, } Lost
4 by striking lines 71, 72 and 73.

5 11. Page 60, line 4, by striking the word "candidate" and
6 inserting in lieu thereof the word "candidate".

7 12. Page 61, line 11, by inserting after the comma the words
8 "as amended by Acts of the Sixty-fifth General Assembly, 1973
9 Session, Senate File five hundred one (501), section one (1),".

10 13. Page 61, by inserting after line 27 the following:

11 In the selection of polling places, consideration shall also
12 be given to the use of buildings accessible to elderly and
13 physically disabled persons.

14 14. Page 87, line 6, by inserting after the comma the words
15 "as amended by Acts of the Sixty-fifth General Assembly, 1973
16 Session, House File two hundred nine (209, section thirteen
17 (13),".

18 15. Page 87, by striking lines 12 through 20, inclusive, and
19 inserting in lieu thereof the following:

20 2. Senator in the Congress of the United States.

21 3. Representative in the Congress of the United States.

22 4. Governor and lieutenant governor.

23 5. A state officer not otherwise provided for.

24 6. Senator or representative in the general assembly by
25 districts.

S-900

1 Amend the Kelly amendment S-890, to House File 745 as amended
2 and passed by the House, by inserting before the period in line
3 3 the following: "and inserting in lieu thereof the following:
4 e. The fact that any political party does not submit a
5 list including the full number of names which may be appointed
6 shall not preclude the appointment of the full number of
7 persons to which any other political party is entitled."

S-900 Filed and adopted
June 13, 1973

By SHAW

S-903

1 Amend House File 745 as amended and passed by the House, page
2 42, line 32, by inserting after the period the following:
3 "Where the only change in the previous registration information
4 is a change of surname by reason of the marriage, divorce or dis-
5 solution of marriage, or other legal procedure, the registrant
6 may effect the reregistration required by this subsection by
7 mailing the county commissioner a written notice stating in full
8 both the name under which the registrant was previously registered
9 and the name under which the registrant is now to be registered,
10 and the registrant's social security number, if available."

S-903 Filed and adopted
June 14, 1973

By DODERER

S-906

1 Amend House File 745 as amended and passed by the House, page
2 102, by inserting after line 28 the following new unnumbered
3 paragraph:
4 If an absent voter who is a resident of a private dwelling
5 place used for residential purposes and who has received his
6 absentee ballot by mail is so ill or disabled as to be unable to
7 leave his place of residence without unreasonable difficulty, he
8 may request and the commissioner shall cause the affidavit on
9 the ballot envelope to be notarized in the absent voter's home,
10 without cost to the absent voter, by an employee of the commis-
11 sioner who is a notary public or by persons appointed by the
12 commissioner to deliver absentee ballots to residents of health
13 care facilities and hospitals as prescribed by section fifty-
14 three point seventeen (53.17) of the Code.

S-906 Filed, amended, lost
June 14, 1973

By PRIEBE

S-910

1 Amend the Priebe amendment S-906 filed June 14 to House
2 File 745, lines 10 and 11 by striking the following:
3 ", by an employee of the commissioner who is a notary
4 public or".

S-910 Filed and adopted
June 14, 1973

By PRIEBE

S-911

1 Amend the Willits, et al. amendment S-862 filed June 12 to
2 House File 745, line 12, by inserting after the word "held"
3 the following: ", except this subsection shall not apply to
4 the posting of signs on private property not a polling place".

S-911 Filed and adopted
June 14, 1973

By WILLITS

S-912

1 Amend House File 745 as amended and passed by the House, page
2 50, by inserting after line 5 the following new section:
3 Sec. _____. Section forty-eight point thirty-two (48.32), Code
4 1973, is amended to read as follows:
5 48.32 ANNUAL REPORT. The county commissioner of ~~elections~~
6 registration shall make reports as required by the state commis-
7 sioner of elections. On August 1 of each year the state commis-
8 sioner ~~of elections~~ shall report the total number of persons
9 registered, and the number of persons registered in each politi-
10 cal party, in each county. For each new registration recorded
11 during the twelve-month period ending on June thirtieth prior to
12 the state commissioner's report, the county shall receive the sum
13 of forty cents from the state general fund. Prior to June
14 thirtieth of each odd-numbered year the county commissioner of
15 registration shall purge the voter registration list pursuant to
16 section forty-eight point thirty-one (48.31) of the Code and,
17 after the state commissioner's August first report in that year,
18 the county shall receive from the state general fund the sum of
19 twenty cents for each active registration remaining after the
20 registration list has been so purged.

S-912 Filed and lost
June 14, 1973

By COLEMAN

HOUSE FILE 745

S-835

1 Amend House File 745 as amended and passed by the
2 House as follows:

3 1. Page 2, by striking lines 27 through 31 and
4 inserting in lieu thereof the following:

5 "1. 'Eligible elector' means a person who:

6 a. If he is a resident of a county or city where
7 permanent registration of voters is required by or pur-
8 suant to chapter forty-eight (48) of the Code, possesses
9 all of the qualifications necessary to entitle him to
10 be registered to vote, whether or not he is in fact
11 so registered.

12 b. If he is a resident of a county or portion of
13 a county where permanent registration of voters is not
14 required by or pursuant to chapter forty-eight (48)
15 of the Code, possesses all of the qualifications neces-
16 sary to entitle him to vote.

17 2. 'Qualified elector' means a person who is regis-
18 tered to vote as provided in chapter forty-eight (48)
19 of the Code, except that with respect to a resident
20 of a county or portion of a county where permanent
21 registration of voters is not required by or pursuant
22 to chapter forty-eight (48) of the Code, 'qualified
23 elector' is synonymous with 'eligible elector'."

24 2. Page 13, by inserting after line 11 the follow-
25 ing new section:

Page 2

1 Sec. _____. Section forty-three point thirty-five
2 (43.35), Code 1973, is amended to read as follows:

3 43.35 DESIGNATING PARTY AFFILIATION. It shall be
4 the duty of the election clerks of at the primary
5 election, in precincts where permanent registration
6 is not required, when entering the name of a voter to
7 place in the pollbooks a cross, thus (X), in the column
8 designating the party ticket which was given to said
9 voter upon his application for a ticket.

10 3. Page 13, line 16, by striking the words "said
11 primary election" and inserting in lieu thereof the
12 words "said primary election elections".

13 4. Page 13, by inserting after line 19 the follow-
14 ing new section:

15 Sec. _____. Section forty-three point forty (43.40),
16 Code 1973, is amended to read as follows:

17 43.40 RECORDS OF PARTY AFFILIATION. Prior to all
18 primary elections, the county-auditor commissioner
19 shall, for each precinct in which permanent registra-
20 tion is not required, prepare two alphabetically arranged
21 lists of all voters, with their party affiliation, as
22 shown by the pollbooks of the last preceding primary
23 election, and deliver the same to the precinct election
24 judges at-least-one-day prior to each primary election
25 at the time required by section forty-nine point fifty-

Page 3

- 1 five (49.55) of the Code. All such lists shall, with
2 the pollbooks, be returned by the judges to the auditor
3 commissioner.
- 4 5. Page 13, by striking lines 24 and 25 and inserting
5 in lieu thereof the words "desires to change the same,
6 may, not less than ten fifteen days prior to the date
7 of any".
- 8 6. Page 13, by striking lines 28 through 32, inclu-
9 sive, and inserting in lieu thereof the following:
10 "auditor with the commissioner who shall enter-a
11 record of-such the change on the pollbooks of the last
12 preceding primary election in the proper column opposite
13 the voter's elector's name and on the voting list.
14 However, in counties or cities where permanent
15 registration of voters is required by or pursuant to
16 chapter forty-eight (48) of the Code, a qualified elector
17 desiring to change a previously declared party
18 affiliation may, before the close of registration for
19 the primary election, file a written declaration of
20 his change of party affiliation with the county
21 commissioner of registration who shall record the change
22 on the registration records.
- 23 7. Page 14, by striking lines 16 and 17 and insert-
24 ing in lieu thereof the following:
25 "6. Seal the pollbooks, -containing or the precinct

Page 4

- 1 election register, as the case may be, and the tally
2 sheets and certificates of the elec-".
- 3 8. Page 14, line 35, by striking the words "poll
4 books the" and inserting in lieu thereof the words "the
5 pollbooks or".
- 6 9. Page 36, by striking lines 1, 2 and 3 and in-
7 serting in lieu thereof the following:
8 "46.19 POLLBOOKS OR ELECTION REGISTERS. The poll-
9 books or election registers, as the case may be, used
10 for the general election shall also constitute the
11 pollbooks or election registers for the judicial
12 election."
- 13 10. Page 40A, by striking lines 1, 2 and 3.
- 14 11. Page 40A, line 9, by inserting after the word
15 "residence" the words "where permanent voter registra-
16 tion is required".
- 17 12. Page 40C, line 78, by inserting after the word
18 "county" the words "having a population of fifty thou-
19 sand or more, or in which there is located a city hav-
20 ing a population of ten thousand or more,".
- 21 13. Page 40C, by inserting after line 102 the fol-
22 lowing new section:
23 Sec. _____. Section forty-eight point three (48.3),
24 Code 1973, is amended by striking the section and in-
25 serting in lieu thereof the following:

Page 5

- 1 48.3 REGISTRATION REQUIRED. Every eligible elector
2 who is a resident of a county having a population of
3 fifty thousand or more, or of a city having a population
4 of ten thousand or more which is located in a county
5 having a population of less than fifty thousand, shall
6 be registered as provided by this chapter in order to
7 qualify to vote in any election.
- 8 14. Page 40D, line 107, by striking the words
9 "qualified voters" and inserting in lieu thereof the
10 words "eligible electors required by section forty-eight
11 point three (48.3) of the Code to register in order
12 to become qualified voters electors".
- 13 15. Page 44, line 24, by inserting before the period
14 the words "unless his new residence is in a part of
15 the county where registration is not required by this
16 chapter".
- 17 16. Page 61, line 8, by striking the words "poll-
18 book-jurat" and inserting in lieu thereof the words
19 "pollbook jurat or".
- 20 17. Page 64, line 3, by striking the word "POLL-
21 BOOKS" and inserting in lieu thereof the words "POLL-
22 BOOKS OR".
- 23 18. Page 64, line 5, by striking the words "two
24 pollbooks an election register," and inserting in lieu
25 thereof the words "two pollbooks, or an election register

Page 6

- 1 if the precinct is one in which permanent registration
2 of voters is required,".
- 3 19. Page 64, by striking lines 7 through 10, inclu-
4 sive, and inserting in lieu thereof the following:
5 "to carry out the provisions of this chapter. Each
6 pollbook shall contain a column for the names of the
7 voter, a column for the number, and sufficient printed
8 blank leaves to contain the entries of the oaths,
9 certificates, and returns. In addition, pollbooks
10 prepared for a primary election shall contain blank
11 spaces for designating the affiliation of each voter
12 with any one of the political parties whose nomina-
13 tions are being sought by candidates in that election,
14 and the party affiliations of voters shall be designated
15 in substantially the following form:
- | No. | Name | Repub-
lican | Demo-
crat | Prohibi-
tionist | Social-
ist |
|-----|------------------------|-----------------|---------------|---------------------|----------------|
| 1 | James Smith. | X | | | |
| 2 | Tom Jones | | X | | |
| 3 | Dan Brown | | | X | |
| 4 | George White | | | | X |
- 23 In precincts where permanent registration is re-
24 quired, voter".
- 25 20. Page 74, line 12, by striking the word "poll-

Page 7

1 books" and inserting in lieu thereof the words "poll-
2 books or".

3 21. Page 74, line 23, by striking the word "No"
4 and inserting in lieu thereof the words "In precincts
5 where permanent registration of voters is required,
6 no".

7 22. Page 75, by striking lines 17 and 18 and
8 inserting in lieu thereof the following:

9 "In precincts where the judges of the election are
10 furnished registration lists, an election judge may
11 require".

12 23. Page 76, by inserting after line 28 the
13 following:

14 In precincts where permanent registration is not
15 required, the election judges may require the elector
16 to produce identification showing that he is a resi-
17 dent of the precinct or, if the elector is without such
18 identification, then the election judges may require
19 that he be vouched for by a qualified elector personally
20 known by a member of the precinct election board and
21 that the elector sign an affidavit prescribed by the
22 state commissioner.

23 24. Page 76, by striking lines 29 through 35, and
24 page 77, by striking lines 1 through 5.

25 25. Page 77, line 23, by striking the words "each

Page 8

1 of the ~~poll-lists~~" and inserting in lieu thereof the
2 words "each of the poll lists, or on the".

3 26. Page 78, line 29, by striking the words "mark
4 upon the ~~poll-lists~~" and inserting in lieu thereof the
5 words "designate upon the poll lists or the".

6 27. Page 82, by striking all of line 12 and the
7 word "Prepare" from line 13 and inserting in lieu there-
8 of the words "3. Compare the poll lists and correct errors
9 therein or, in precincts where permanent registration
10 of voters is required, prepare".

11 28. Page 85, by striking the word "made" from line
12 9 and all of line 10 and inserting in lieu thereof the
13 words "made in each pollbook or, in precincts where
14 permanent registration of voters is required, shall
15 be prepared in writing by the election board,".

16 29. Page 85, by striking line 33 and inserting in
17 lieu thereof the following:

18 "50.17 RETURN OF POLLBOOKS OR ELECTION REGISTER.
19 The precinct pollbooks or elec-".

20 30. Page 86, line 8, by striking the words "pre-
21 cinct election" and inserting in lieu thereof the words
22 "the precinct pollbooks or election".

23 31. Page 144, by striking lines 16 through 35,
24 inclusive, and page 145, by striking lines 1 and 2.

25 32. Page 154, line 12, by striking the words "poll

Page 11

- 1 "the" the words "pollbooks or".
2 47. Page 178, by striking lines 34, 35 and 36, page
3 179, by striking lines 1 through 35, inclusive, and
4 page 180, by striking lines 1 through 21, inclusive.
5 48. Page 180, by striking lines 27, 28 and 29 and
6 inserting in lieu thereof the words and figures "point
7 thirty-four (43.34), forty-three point thirty-seven
8 (43.37), forty-three point forty-three (43.43),".
9 49. Page 180, by striking lines 32, 33 and 34 and
10 inserting in lieu thereof the words and figures "forty-
11 eight point twenty-".
12 50. Page 181, by striking from lines 11 and 12 the
13 words and figures "fifty-three point twenty-eight (53.28),".

S—835 Filed - *Last 6/13*
June 11, 1973

By VAN GILST, BRILES, JUNKINS,
TIEDEN, SCOTT and RAMSEY

EXPLANATION OF AMENDMENT

The effect of this amendment is to remove from House File 745 the requirement that permanent voter registration be implemented in all areas of the state where it is not now required by chapter 48 of the Code. Because a number of the revised provisions and procedures embodied in the bill, and some of the statutes proposed to be repealed entirely, reflect the assumption that statewide voter registration will be required, a considerable number of changes in the bill as introduced are necessary to accomplish the objective of the amendment; that is why the amendment is a rather lengthy one.

This amendment will retain in Iowa law the present requirement for permanent registration of voters in counties of over 50,000 population and cities of over 10,000 population, as well as the permissive authority of city councils in cities of over 2,000 population, and of county boards with respect to any township having a population of 1500 or more, to require permanent registration.

Page 9

1 ~~list~~" and inserting in lieu thereof the words "poll
2 list or".
3 33. Page 155, line 17, by striking the words
4 "~~pollbooks-of~~" and inserting in lieu thereof the words
5 "pollbooks ~~or~~ or".
6 34. Page 157, line 2, by striking the words "~~or~~
7 ~~poll-lists~~" and inserting in lieu thereof the words
8 "or poll lists".
9 35. Page 173, by striking lines 20 through 23,
10 inclusive, and inserting in lieu thereof the following:
11 "qualified electors of ~~said~~ the township that voted
12 at the last regular election prior to the signing of
13 ~~said~~ the petition, as shown by the pollbooks of the
14 township or, in the case of a township where perman-
15 ent registration of voters is required, by a majority
16 of the qualified electors as shown by the election
17 register or registers of the last preceding primary
18 or general election held in ~~said~~ the".
19 36. Page 175, line 15, by striking the words "as
20 shown by the ~~pollbooks~~" and inserting in lieu thereof
21 the words "as-shown-by whose names appear in the
22 pollbooks or".
23 37. Page 175, line 21, by striking the words "as
24 shown by the ~~pollbooks~~" and inserting in lieu thereof
25 the words "as-shown-by whose names appear in the

Page 10

1 pollbooks or".
2 38. Page 175, line 35, by striking the words "~~votes~~
3 ~~polled~~" and inserting in lieu thereof the words "votes
4 polled or".
5 39. Page 176, line 1, by inserting after the word
6 "by" the words "the pollbooks or".
7 40. Page 176, line 8, by striking the word "~~poll-~~
8 ~~books~~" and inserting in lieu thereof the words "poll-
9 books or".
10 41. Page 176, line 19, by striking the word
11 "~~pollbooks~~" and inserting in lieu thereof the words
12 "pollbooks or".
13 42. Page 176, line 24, by striking the words "~~votes~~
14 ~~polled~~" and inserting in lieu thereof the words "votes
15 polled or".
16 43. Page 176, line 25, by inserting after the word
17 "the" the words "pollbooks or".
18 44. Page 176, line 33, by striking the word
19 "~~pollbooks~~" and inserting in lieu thereof the words
20 "pollbooks or".
21 45. Page 177, line 35, and page 178, line 1, by
22 striking the words "~~list-of-voters-or-pollbooks~~" and
23 inserting in lieu thereof the words "list of voters
24 or, pollbooks or".
25 46. Page 178, line 16, by inserting after the word

S-850

1 Amend House File 745 as amended and passed by the House,
2 page 73, line 16, by striking the word "seven" and inserting in
3 lieu thereof the words "seven six".

S-850 Filed - *Last 6/14*
June 12, 1973

By GLUBA and KINLEY

S-852

1 Amend the State Government Committee amendment, S-797, to
2 House File 745 as amended and passed by the House, page 2, lines
3 20 and 21, by striking the words "may make such nominations or
4 may" and by inserting in lieu thereof the words "may-make-such
5 nominations-or-may shall".

S-852 Filed - *adopted 6/13*
June 12, 1973

By KELLY

S-858

1 Amend House File 745 as amended and passed by the House, page
2 78, by inserting after line 32 the following new section:
3 Sec. _____. Section forty-nine point ninety-two (49.92) is
4 amended to read as follows:
5 49.92 VOTING MARK. The voting mark shall be a cross or check
6 which shall be placed in the circle at the head of a ticket, or
7 in the squares opposite the names of candidates. The fact that
8 the voting mark is made by an instrument other than a black lead
9 pencil shall not affect the validity of the ballot unless it
10 appears that the color or nature of the mark is intended to
11 identify the ballot contrary to the intent of section forty-nine
12 point one hundred seven (49.107), subsection seven (7) of the
13 Code.

S-858 Filed - *adopted 6/14*
June 12, 1973

By RAMSEY and MILLER

EXPLANATION OF AMENDMENT

This amendment in effect codifies past court decisions and attorney general's opinions.

S-748

1 Amend House File 745 as amended and passed by the House
2 as follows:
3 1. Page 23, line 34, by striking the word "three" and
4 inserting in lieu thereof the word "two".
5 2. Page 23, line 35, by inserting after the word "district"
6 the following: "and no more than one from any county within
7 the district,".

S-748 Filed - *H. O. 6/13*
June 5, 1973

By TAYLOR

S-863

1 Amend the State Government Committee amendment, S-797, to
2 House File 745 as amended and passed by the House, page 3, by
3 striking lines 17 and 18 and inserting in lieu thereof the words
4 "an equal number of members from each congressional district,
5 which number shall be determined by the party constitution or
6 bylaws, who shall be elected or nomi-".

S-863 Filed - *adopted 6/13*
June 12, 1973

By KELLY

S-838

1 Amend House File 745 as amended and passed by the House, page
73,
2 line 19, by striking the word "eight" and inserting in lieu thereof
3 the words "eight nine".

S-838 Filed - *Last 6/14*
June 12, 1973

By KINLEY, MURRAY, KENNEDY,
SCHWENGELS, GLUBA, PLYMAT,
ROBINSON, WILLITS, MILLER,
JUNKINS and RODGERS

S-839

1 Amend the Committee on State Government amendment S-797 to
House File 745, as
2 printed on pages 1620-1622 of the Senate Journal, page 3, by adding
3 the following after line 25: "The auditor of state shall annually
4 audit the receipts and disbursements of each political party's
5 state party central committee."

S-839 Filed - *Adopted 6/13*
June 12, 1973

By HULTMAN

S-844

1 Amend House File 745 as amended and passed by the House as
2 follows:
3 1. Page 45, line 16, by striking the word "fifteen" and
4 inserting in lieu thereof the word "ten".

S-844 Filed - *w.s. 6/13*
June 12, 1973

By SCOTT

S-847

1 Amend House File 745 as amended and passed by the
2 House:
3 Page 48, by striking lines 26 through 28 and reletter-
4 ing the remaining paragraphs.

S-847 Filed - *Adopted 6/13*
June 12, 1973

By WILLITS

S-848

1 Amend House File 745 as amended and passed by the House as
2 follows:
3 1. Page 24, by striking lines 31 through 35, inclusive, and
4 page 25, by striking lines 1 through 5, inclusive.
5 2. Page 38, by striking lines 36, 37 and 38.
6 3. Page 180, by inserting at the end of line 29 the words
7 and figures "forty-three point one hundred thirteen (43.113)".
8 4. By renumbering sections.

S-848 Filed - *Last 6/13*
June 12, 1973

By GLUBA

S-849

1 Amend House File 745 as amended and passed by the House, page
2 43, line 26, by inserting after the period the following:
3 "No eligible elector shall be refused registration as a voter
4 because he is unable to immediately provide his social security
5 number, but he may be requested to subsequently provide the
6 commissioner of registration with his social security number."

S-849 Filed - *Last 6/13*
June 12, 1973

By GLUBA

S-867

1 Amend the State Government Committee amendment, S-797, to
2 House File 745 as amended and passed by the House, page 3, line
3 17, by striking the words "chairmen and two" and by inserting
4 in lieu thereof the words "chairperson and three".

S-867 Filed *Referred out of order by* By KELLY and MILLIGAN
June 12, 1973 *adoption of S-863*

S-868

1 Amend House File 745 as amended and passed by the House as
2 follows:
3 1. Page 104, line 8, by inserting before the word "carrier"
4 the word "sealed".
5 2. Page 104, line 9, by inserting after the word "elector"
6 the words "or his designee".

S-868 Filed *Adopted 6/14* By BLOUIN
June 12, 1973

S-869

1 Amend House File 745 as amended and passed by the House as
2 follows:
3 1. Page 101, line 27, by inserting after the period the words
4 "Nothing in this section shall be construed to require that a
5 written communication mailed to the commissioner's office to re-
6 quest an absentee ballot, or any other document except the absent
7 voter's affidavit required by section fifty-three point thirteen
8 (53.13) of the Code, be notarized as a prerequisite to receiving
9 or marking an absentee ballot or returning to the commissioner an
10 absentee ballot which has been voted."
11 2. Page 102, line 6, by striking the words "administer an
12 oath or" and inserting in lieu thereof the words "~~administer-an~~
13 ~~oath-or~~".
14 3. Page 102, line 8, by striking the words "administer such
15 oath" and inserting in lieu thereof the words "~~administer-such~~
16 ~~oath~~".
17 4. Page 103, line 25, by striking the words "administering
18 the oath" and inserting in lieu thereof the words "notarizing the
19 affidavit".
20 5. Page 103, line 32, by striking the words "administering
21 the oath" and inserting in lieu thereof the following:
22 "~~administering-the-oath~~ notarizing the affidavit".

S-869 Filed *Adopted 6/14* By BLOUIN and SHAW
June 12, 1973

EXPLANATION OF AMENDMENT

Part 1 of this amendment makes it clear that the affidavit appearing on an absentee ballot envelope is the only document which a voter using an absentee ballot must have notarized.

Prior to 1972, a separate oath had to be completed by absent voter applicants. Several references to this oath remain in the law as proposed to be rewritten by this bill. Parts 2 through 5 of the amendment delete these references and thereby reduce the potential for confusion about the law's intent.

S-862

1 Amend House File 745 as amended and passed by the House, page
2 79A, by inserting after line 39 the following new section:
3 Sec. _____. Section forty-nine point one hundred seven (49.107),
4 subsection one (1), Code 1973, is amended to read as follows:
5 1. Loitering, congregating, electioneering, posting of signs,
6 treating voters, or soliciting votes, during the receiving of the
7 ballots, either on the premises of any polling place or within
8 one three hundred feet of any outside door of any building afford-
9 ing access to any room where the polls are held, or of any outside
10 door of any building affording access to any hallway, corridor,
11 stairway, or other means of reaching the room where the polls are
12 held.

S-862 Filed- *adopted as amended by S-911 6/14* By WILLITS, RODGERS and RAMSEY
June 12, 1973

S-864

1 Amend House File 745 as amended and passed by the House, page
2 66, by striking lines 26 through 32, inclusive, and inserting in
3 lieu thereof the following:
4 Sec. _____. Section forty-nine point forty-two (49.42), Code
5 1973, is amended to read as follows:
6 49.42 FORM OF OFFICIAL BALLOT. ~~said~~ The ballot for the
7 general election shall be in substantially the following form:
8

☐ O REPUBLICAN	☐ O DEMOCRATIC	☐ O PROHIBITION	☐ O UNION LABOR
For President	For President	For President	For President
A.... B.....,	N.... O.....,	A.... B.....,	N.... O.....,
of Ohio.	of Virginia.	of Maine.	of Idaho.
☐ For Vice-	☐ For Vice-	☐ For Vice-	☐ For Vice-
President,	President,	President,	President,
C.... D.....,	P.... Q.....,	C.... D.....,	P.... Q.....,
of New York.	of Indiana.	of Illinois.	of Ohio.
For	For	For	For
United States	United States	United States	United States
Senator.	Senator.	Senator.	Senator.
☐ E.... F.....,	☐ R.... S.....,	☐ E.... F.....,	☐ R.... S.....,
of----County-	of----County-	of----County-	of----County-
For	For	For	For
United States	United States	United States	United States
Representative,	Representative,	Representative,	Representative,

Page 2

1 ☐ G.... H....., ☐ T.... U....., ☐ G.... H....., ☐ T.... U.....,
2 of----County- of----County- of----County- of----County-
3 For Governor, For Governor, For Governor, For Governor,
4 ☐ I.... J....., ☐ V.... W....., ☐ I.... J....., ☐ V.... W.....,
5 of----County- of----County- of----County- of----County-
6 For Lieutenant For Lieutenant For Lieutenant For Lieutenant
7 Governor, Governor, Governor, Governor,
8 ☐ K.... L....., ☐ X.... Y....., ☐ K.... L....., ☐ X.... Y.....,
9 of----County- of----County- of----County- of----County-

S-864 Filed- *adopted 6/14*
June 12, 1973

By WILLITS and RODGERS

S-878

1 Amend House File 745, as amended and passed by the House, page 22,
2 line 27 by striking the words "or incompetency, or" and inserting
3 in lieu thereof the words "incompetency, or active support of an
4 opposition party candidate".

S-878 Filed and lost
June 13, 1973

By CURTIS

S-879

1 Amend the Committee on State Government amendment S-797
2 to House File 745, page 3, by striking in lines 19, 20, and 21
3 the words "No more than one member of the state central committee
4 shall be a resident of any one county."

S-879 Filed and adopted
June 13, 1973

By SHAW

S-881

1 Amend House File 745, page 31, line 36 and page 32,
2 line 1, by striking the words ", not less than a county,"
3 and inserting in lieu thereof the following: "not less
4 than a county."

S-881 Filed and adopted
June 13, 1973

By WILLITS

S-882

1 Amend House File 745 as passed by the House, Page 101,
2 after line 18 by adding the following:
3 3. When the qualified elector is, or will be prior to
4 election day, sixty-five years of age or
5 older.

S-882 Filed - *Last 6/14*
June 13, 1973

By SCHABEN

S-884

1 Amend House File 745, as amended and passed by the House,
2 page 28, as follows:
3 1. By striking from lines 3, 4, 5, and 6 the words "nor
4 less than ~~sixty-five~~ sixty-seven days prior to the date of the
5 general election to be held in" and inserting in lieu thereof
6 the words "not less than sixty-five days prior to the date of
7 the ~~general~~ primary election and not later than the date of the
8 primary election to be held in before".
9 2. By striking from lines 8 and 9 the words "less than
10 fifty-five days prior to the date of said general" and inserting
11 in lieu thereof the words "less than fifty-five days prior to
12 later than the date of ~~said general~~ the primary".

S-884 Filed - *H.S. 6/13*
June 13, 1973

By BLOUIN and ORR

S-885

1 Amend House File 745, as amended and passed by the House,
2 page 47, by striking lines 33 thru 35, and lines 1 and 2 on
3 page 48.

S-885 Filed and lost
June 13, 1973

By GALLAGHER

S-872

1 Amend House File 745 as amended and passed by the House as
2 follows:

3 1. Page 4, line 33, by striking the words ", an auditor" and
4 inserting in lieu thereof the words "~~7-an-auditor~~".

5 2. Page 126, by inserting after line 32 the following new
6 section:

7 Sec. _____. Section three hundred thirty-three point one (333.1),
8 unnumbered paragraph one (1), Code 1973, is amended to read as
9 follows:

10 The county auditor shall be appointed by the county board of
11 supervisors and shall serve at the pleasure of the board. He
12 shall be selected primarily for his administrative ability and
13 knowledge of county government procedures, not on the basis of
14 his political affiliation, and shall not engage in political
15 activity while he holds this position. He shall:

16 3. By renumbering the sections to conform with this
17 amendment.

S-872 Filed - *H.D. 6/13*
June 12, 1973

By RAMSEY

S-874

1 Amend House File 745 as amended and passed by the House,
2 page 40B, by striking lines 42 through 49, inclusive.

S-874 Filed - *H.D. 6/13*
June 12, 1973

By RAMSEY

S-860

1 Amend House File 745 as amended and passed by the
2 House, page 46, by striking line 5 and inserting in lieu
3 thereof the following:

4 "quest not more than one person for each one thousand
5 six hundred (1,600) resi-".

S-860 Filed - *Adopted 6/13*
June 12, 1973

By WILLITS and RODGERS

S-861

1 Amend House File 745 as amended and passed by the House, page
2 45, lines 15 and 16, by striking the words "~~ten at five o'clock~~
3 p.m., fifteen" and inserting in lieu thereof the words "at five
4 o'clock p.m., ten".

S-861 Filed - *Adopted 6/13*
June 12, 1973

By WILLITS, RODGERS and GLUBA

S-877

1 Amend the Committee on State Government amendment S-797, to
2 House File 745 as amended and passed by the House, page 3, by
3 striking line 17 and the word "other" from line 18, and
4 inserting in lieu thereof the word "two".

S-877 Filed, adopted,
reconsidered, lost
June 13, 1973

By TAYLOR

S-889

1 Amend House File 745 as amended and passed by the House as
2 follows:

3 1. Page 4, line 33, by striking the words ", an auditor" and
4 inserting in lieu thereof the words "~~7-an-auditor~~".

5 2. Page 126, by inserting after line 32 the following new
6 section:

7 Sec. _____. Section three hundred thirty-three point one (333.1),
8 unnumbered paragraph one (1), Code 1973, is amended to read as
9 follows:

10 The county auditor shall be appointed by the county board of
11 supervisors and shall serve at the pleasure of the board. The
12 county auditor shall be subject to dismissal by the county board
13 of supervisors for failure to properly perform the duties and
14 responsibilities of the office. He shall be selected primarily
15 for his administrative ability and knowledge of county government
16 procedures, not on the basis of his political affiliation, and
17 shall not engage in partisan political activity while he holds
18 this position. He shall:

19 3. Page 179, by inserting after line 34 the following new
20 unnumbered paragraph:

21 "The amendment to section three hundred thirty-three point
22 one (333.1) of the Code made by this Act shall take effect
23 January 1, 1977, except that where a vacancy occurs in the
24 office of county auditor prior to that date, the vacancy shall
25 be filled as provided by section three hundred thirty-three

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1 point one (333.1) of the Code as amended by this Act."

2 4. By renumbering the sections to conform with this amend-
3 ment.

S-889 Filed and lost
June 13, 1973

By RAMSEY

S-896

1 Amend House File 745, as amended and passed by the House,
2 page 1, by striking lines 9 and 10, and by inserting in lieu
3 thereof the following: "city, school and other elections, and
4 providing penalties."

S-896 Filed- *Adopted 6/14*
June 13, 1973

By MURRAY

S-901

1 Amend the Junkins-Miller amendment S-880, to House File 745 as
2 amended and passed by the House, page 2, by inserting after the
3 quotation marks in line 11 the following: "There shall also be
4 printed at the bottom of the card the statement 'Under penalties
5 of perjury, I declare that the information contained herein is
6 true and correct.' followed by a blank line for the person's
7 signature."

S-901 Filed- *Adopted 6/14*
June 13, 1973

By JUNKINS

S—888

- 1 Amend the Van Gilst, et al., amendment, S-835, to House File
- 2 745, as amended and passed by the House, as follows:
- 3 1. Page 1, line 6, by striking the words "county or".
- 4 2. Page 4, lines 18 and 19, by striking the words "having
- 5 a population of fifty thousand or more, or".
- 6 3. Page 5, by striking lines 2 through 5, inclusive,
- 7 and inserting in lieu thereof the words "who is a resident of a
- 8 city having a population of ten thousand or more shall".

S—888 Filed and lost
June 13, 1973

By BLOUIN and VAN GILST

S—890

Division S-890A

- 1 Amend House File 745, as amended and passed by the House,
- 2 as follows:

Division S-890B

- 3 1. Page 46, by striking lines 19 through 21.

Division S-890C

- 4 2. Page 48, by striking lines 6 and 7.

S—890 Filed

By KELLY

division S-890A adopted

division S-890B as amended was adopted (S-900)

division S-890C lost

June 13, 1973

S—891

- 1 Amend House File 745 as amended and passed by the House,
- 2 page 179, by inserting after line 34 the following new unnumbered
- 3 paragraph:
- 4 "For the calendar year 1973 only, the respective political
- 5 party chairmen shall not later than July fifteenth submit a list
- 6 of nominees to serve as registrars on the permanent mobile deputy
- 7 registrar board, in the manner required by section forty-eight
- 8 point twenty-seven (48.27), subsection two (2) of the Code as
- 9 amended by this Act, and the county commissioner of registration
- 10 shall make the required number of appointments to the board not
- 11 later than July thirty-first."

S—891 Filed - *Adopted 6/14*
June 13, 1973

By GALLAGHER and SCHWIEGER

S—892

- 1 Amend House File 745 as amended and passed by the House as
- 2 follows:
- 3 1. Page 40A, line 3, by inserting before the period the words
- 4 ", except as otherwise provided by section forty-nine point
- 5 seventy-seven (49.77) of the Code".
- 6 2. Page 74, line 25, by inserting after the word "unless" the
- 7 following: "; (1) ".
- 8 3. Page 74, line 28, by inserting before the period the words
- 9 ", or (2) the person's identity as an eligible elector of the
- 10 precinct is vouched for, in writing on a form prescribed by the
- 11 state commissioner, by a member of the precinct election board
- 12 who is personally acquainted with the person".

S—892 Filed and lost
June 13, 1973

By PRIEBE

HOUSE FILE 745

S-876

Amend House File 745 as passed by the House as follows:

1. Page 50, by inserting after line 5 the following new section:

Sec. 105. Chapter forty-eight (48), Code 1973, is amended by adding the following new section:

NEW SECTION. REGISTRATION THROUGH DRIVER'S LICENSE APPLICATION.

Every person who applies for an operator's or chauffeur's license or temporary drivers permit in the manner prescribed by section three hundred twenty-one point one hundred eighty-two (321.182) of the Code, shall be deemed to have thereby applied to be registered to vote, if eligible, unless the applicant signs a statement which shall be provided on the application form to the effect that he does not desire to be registered to vote in this manner, in which case the requirements of subsections one (1) through four (4) of this section shall not apply. The method of voter registration established by this section shall be an alternative to other methods of voter registration provided by this chapter.

1. The applicant shall, in addition to supplying the information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code, supply the information required by section forty-eight point six (48.6), subsections seven (7) through ten (10), inclusive, of the Code, of persons registering to vote, and shall be given a receipt of his registration stating that he is registered to vote. He shall also receive in writing a statement in substantially the following form: "If the date of registration occurs within the time registration is

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closed in your precinct, this registration will not be effective until registration opens again in your precinct. Your county commissioner of elections can provide further information about registration." The department of public safety may not retain or maintain after the close of any working day any of the information received during that working day under the provisions of this section, except information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code.

2. The voter registration form, including all information supplied thereon by the applicant which is needed to comply with section forty-eight point six (48.6) of the Code and a copy of the applicant's handwritten signature, shall at the close of each working day be sent by first class mail or delivered personally, whichever is most feasible, by a representative of the department of public safety to the commissioner of registration of the county in which the applicant resides. The commissioner shall process voter registrations received by the department of public safety under the provisions of this section in the same manner as registrations received by a deputy mobile registrar.

3. If the applicant is found to be an eligible elector in all respects except that he has not attained the age of eighteen, the commissioner of registration shall send him notice that his registration will take effect upon his eighteenth birthday.

4. If the commissioner is not satisfied that the applicant is an eligible elector of the precinct in which the residence listed

on his application is located, or if for any reason the information supplied on the application is not sufficient to complete the applicant's registration to vote, the commissioner of registration shall, not more than fifteen days after he receives the copy of the application so notify the applicant by restricted certified mail and advise the applicant in the notice how he may present evidence of his status as an eligible elector, or complete his registration. If the applicant is found to be a currently registered voter, but at a residence other than that listed on his application, the commissioner shall treat the application as a change of address notice.

2. Page 126, by inserting after line 32 the following new section:

Sec. _____. Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1973, is amended to read as follows:
 321.182 APPLICATION FOR LICENSE OR PERMIT. Every application for an instruction permit or for an operator's or chauffeur's license or temporary drivers permit shall be made upon a form furnished by the department and, which shall, except in the case of an application for an instruction permit, provide space for the applicant to supply both the information specified by section one hundred five (105), subsection one (1) of this Act, and the information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code. The form shall include only one copy upon which may be entered the information

specified by section one hundred five (105), subsection one (1) of this Act but not required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code. That copy of the form shall be so arranged that a portion thereof may serve as the registrant's receipt of his registration to vote. The remainder of that copy of the form, or the entire copy if the applicant signs the statement provided on the form to the effect that he does not desire to be registered to vote in this manner, shall be mailed or delivered to the county commissioner of registration as required by section one hundred five (105), subsection two (2) of this Act. The application shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his usual signature with pen and ink upon the application in the space provided for signature.

3. Page 180, by inserting after line 21 the following new section:

Sec. _____. The operation of this Act, insofar as it requires that applicants for an operator's or chauffeur's license or temporary drivers permit in the manner prescribed by section three hundred twenty-one point one hundred eighty-two (321.182) of the Code be offered an opportunity to register to vote, may be deferred in its implementation to a date not later than September 1, 1973 if necessary in order to permit completion of required administrative preparations.

4. By renumbering sections of the bill and of this amendment and revising internal references as necessary in conformity to this amendment.

HOUSE FILE 745

S-875

1 Amend the State Government Committee amendment S-797, to House
2 File 745 as amended and passed by the House, page 1, by striking
3 lines 8 and 9 and inserting in lieu thereof the following:

4 3. Page 15, by striking lines 25 through 35, inclusive, and
5 page 16, by striking lines 1 through 40, inclusive, and inserting
6 in lieu thereof the following:

7 Sec. _____. Section forty-three point fifty-two (43.52), Code
8 1973, is amended by striking the section and inserting in lieu
9 thereof the following:

10 43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each
11 political party for any office to be filled by the voters of the
12 county shall be the person receiving the highest number of votes
13 cast in the primary election by the voters of that party for the
14 office, and that person shall appear as the party's candidate for
15 the office on the general election ballot.

16 If no candidate receives thirty-five percent or more of the
17 votes cast by voters of his party for the office he is seeking, the
18 primary is inconclusive and the nomination shall be made as pro-
19 vided by section forty-three point ninety-seven (43.97), subsec-
20 tion one (1) of the Code.

21 When two or more nominees are required, as in the case of at-
22 large elections, the nominees shall likewise be the required num-
23 ber of persons who receive the greatest number of votes cast in
24 the primary election by the voters of the nominating party, but
25 no candidate is nominated who fails to receive thirty-five

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1 percent of the number of votes found by dividing the number of
2 votes cast by voters of the candidate's party for the office in
3 question by the number of persons to be elected to that office.
4 If the primary is inconclusive under this paragraph, the necessary
5 number of nominations shall be made as provided by section forty-
6 three point ninety-seven (43.97), subsection one (1), of the Code.

7 Sec. _____. Section forty-three point fifty-three (43.53),
8 Code 1973, is amended by striking the section and inserting in
9 lieu thereof the following:

10 43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES.
11 The nominee of each political party for any office to be filled by
12 the voters of any subdivision of the county shall be the person
13 receiving the highest number of votes cast in the primary election
14 by the voters of that party for the office and that person shall
15 appear as the party's candidate for the office on the general
16 election ballot. A person whose name is not printed on the offi-
17 cial primary ballot shall not be declared nominated as a candidate
18 in the general election unless he receives the greater of at
19 least five votes or a number of votes equal to at least five
20 percent of the votes cast in the subdivision at the last preceding
21 general election for the party's candidate for president of the
22 United States or for governor, as the case may be.

S-875 Filed *Adopted 6/13*
June 12, 1973

By SHAW and RAMSEY

1 7. A county officer.

2 16. Page 88, line 33, by inserting after the second comma the
3 words "as amended by Acts of the Sixty-fifth General Assembly,
4 1973 Session, House File two hundred nine (209), section four-
5 teen (14),".

6 17. Page 103, line 25, by inserting after the word "shall"
7 the words ", if possible,".

8 18. Page 103, line 27, by inserting after the word "seal" the
9 words ", however if the officer's seal makes an imprint on the
10 ballot that marking shall not invalidate the ballot."

11 19. Page 180, by inserting at the end of line 29 the words
12 and figures "forty-three point ninety-eight (43.98),".

13 20. Page 180, by striking from lines 32 and 33 the words and
14 figures "forty-eight point nineteen (48.19),".

S-797 Filed-^{#10 last, remainder adopted}
June 7, 1973 ^{as amended by S-839,} By COMMITTEE ON STATE GOVERNMENT
^{S-852, S-863, S-979}

S-880

Amend House File 745 as passed by the House as follows:

1. Page 50, by inserting after line 5 the following new section:

Sec. 105. Chapter forty-eight (48), Code 1973, is amended by adding the following new section:

NEW SECTION. REGISTRATION THROUGH POSTAL CARD APPLICATION.

If the department of revenue prepares blank individual income tax forms to be sent to a specific individual or individuals, pursuant to the department's authority under section four hundred twenty-two point twenty-one (422.21) of the Code, there shall be enclosed therein a page printed on heavy paper, so arranged as to provide two identical blank postal cards meeting the requirements of subsection one (1) of this section which may readily be detached from that page for use in applying for registration to vote. The method of voter registration established by this section shall be an alternative to other methods of voter registration provided by this chapter.

1. The postal cards enclosed in blank individual income tax return forms pursuant to this section shall each, on one side, have printed in the center of the card the following:

_____ county commissioner of registration
_____, Iowa
(county seat city) (zip code)

The cards shall each have printed on the same side as the foregoing address, in the upper right corner, an appropriate mark or statement indicating that postage will be paid by the addressee.

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On the opposite side, the cards shall each have blank spaces for the applicant to provide the information required by section forty-eight point six (48.6) of the Code of persons registering to vote. There shall also be printed, on each side of the page from which the cards may be detached but outside the area occupied by the cards themselves, a statement in substantially the following form: "You are advised that by law the county commissioner of registration is allowed fifteen days after receipt of your application to complete your registration to vote. If there is an election in the next thirty days in which you wish to vote, it is suggested that you register by ordinary voter registration procedures."

2. Each person who wishes to register to vote in the manner provided by this section shall enter, in the appropriate spaces on a postal card provided pursuant to subsection one (1) of this section, all of the information requested there. He shall complete the address on the postal card by entering the name of his county of residence, the county seat city of that county, and the appropriate zip code if known, and send the card to the commissioner of registration of his county of residence. Necessary postage for cards so mailed to the commissioner shall be paid from the election expense fund of the county. The commissioner shall as soon after June 30 of each year as reasonably possible report to the state comptroller the amount so expended for postage by the county in the twelve month period ending on that date. The county shall be reimbursed that amount from any money in the

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1 general fund not otherwise appropriated, and the reimbursement
2 shall upon receipt by the county be credited to the election expense
3 fund.

4 3. The commissioner of registration shall use the information
5 appearing on the postal card application to determine whether the
6 applicant is currently registered to vote at the residence listed
7 on the application.

8 a. If the applicant is found to be an eligible elector who is
9 not currently registered to vote in the county, the commissioner
10 of registration shall, not more than fifteen days after he receives
11 the application, register the applicant and mail to him a receipt
12 of registration as required by section forty-eight point six
13 (48.6) of the Code.

14 b. If the applicant is found to be an eligible elector in all
15 respects except that he has not attained the age of eighteen, the
16 commissioner of registration shall register him effective upon his
17 eighteenth birthday and mail to him a receipt of registration as
18 required by section forty-eight point six (48.6) of the Code, to
19 which shall be affixed the date of the applicant's eighteenth
20 birthday and a statement that the applicant is registered and
21 qualified to vote in any election held on or after that date.

22 c. If the applicant is found to be currently registered to
23 vote in the county, but at a residence other than that listed on
24 his application, the commissioner of registration shall treat the
25 application as a change of address notice and shall, not more than

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1 fifteen days after he receives the application, so notify the
2 applicant by mail.

3 d. If the applicant is found to be currently registered to
4 vote at the residence listed on his application, the commissioner
5 of registration shall within fifteen days after he receives the
6 application so notify the applicant by mail.

7 4. If the commissioner of registration is not satisfied that
8 the applicant is an eligible elector of the precinct in which the
9 residence listed on his application is located, or if for any
10 reason the information supplied on the application is not suffi-
11 cient to complete the applicant's registration to vote, the
12 commissioner of registration shall, not more than fifteen days
13 after he receives the copy of the application, so notify the
14 applicant by restricted certified mail and advise the applicant in
15 the notice where he may appear in person if he wishes to present
16 evidence of his status as an eligible elector, or in order to
17 complete his registration.

18 2. Page 144, by inserting after line 15 the following new
19 section:

20 Sec. _____. Section four hundred twenty-two point twenty-one
21 (422.21), unnumbered paragraph one (1), Code 1973, as amended
22 by Senate File 48, Sixty-fifth General Assembly, 1973 Session,
23 is amended to read as follows:

24 422.21 FORM AND TIME OF RETURN. Returns shall be in such
25 form as the director may, from time to time, prescribe, and shall

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1 be filed with the department on or before the last day of the
2 fourth month after the expiration of the tax year except that co-
3 operative associations as defined in section six thousand seventy-
4 two (d) (6072 (d)) of the Internal Revenue Code of 1954 shall
5 file their returns on or before the fifteenth day of the ninth
6 month following the close of the taxable year. In case of
7 sickness, absence, or other disability, or whenever good cause
8 exists, the director may allow further time for filing returns.
9 The director shall cause to be prepared blank forms for said
10 returns, in which there shall be included blank voter registration
11 by mail postal cards as required by section one hundred five (105)
12 of this Act, and shall cause them to be distributed throughout the
13 state and to be furnished upon application, but failure to receive
14 or secure the form shall not relieve the taxpayer from the obliga-
15 tions of making any return herein required. The department may as
16 far as consistent with the provisions of the Code so draft income
17 tax forms as to conform to the income tax forms of the internal
18 revenue department of the United States government. Each return
19 by a taxpayer upon whom a tax is imposed by subsection 7 of sec-
20 tion 422.5 shall show the county of the residence of the taxpayer.
21 3. By renumbering sections of the bill and of this amendment
22 and revising internal references as necessary in conformity to
23 this amendment.

S-880 Filed- *Lost 6/14*
June 13, 1973

By JUNKINS and MILLER

1 Amend House File 745 as passed by the House as follows:

2 1. Page 13, after line 19, by adding the following new
3 section:

4 "Sec. _____. Section forty-three point thirty-eight
5 (43.38), Code 1973, is amended by striking the section and
6 inserting in lieu thereof the following:

7 43.38 METHOD OF VOTING. 1. There shall be an
8 Australian ballot made up of the several party tickets with
9 each party entitled to participate in the primary having its
10 own ballot. The several ballots shall be secured together
11 at the bottom in a manner providing for ease in separating
12 one ballot from the rest, such as a staple. The party ballot
13 of the party receiving the most votes for governor at the
14 last general election shall be on top, with the other parties
15 arranged in an order based on their vote for governor at
16 the last general election.

17 2. Where the voter designates a party affiliation, he
18 shall be given the ballot of the party with which he is
19 registered as affiliated, and shall receive no other ballot.
20 If the voter does not designate a party affiliation, and is
21 registered as an "Independent", he shall be given the set
22 of ballots as prepared in the preceding paragraph.

23 3. If the voter has taken only one ballot into the
24 voting booth, he shall mark it and return the ballot as pro-
25 vided in section forty-nine point eighty-four (49.84) of the Code.

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1 If the voter has taken the set of ballots into the voting
2 booth, he shall mark one ballot, detach the completed ballot
3 from the remaining ballots, fold both the completed ballot
4 and the ballots to be discarded, personally discard the
5 ballots to be discarded in the separate ballot box provided
6 and marked "blank ballot box", and deliver the completed
7 ballot to one of the judges of the election. The number of
8 the voter on the pollbooks or register lists shall not be
9 endorsed on the back of his ballot. The judge shall deposit
10 the ballot as provided in section forty-nine point eighty-
11 five (49.85), of the Code.

12 4. The election judges shall keep the blank ballot box
13 locked until the canvass is completed, and shall dispose of
14 the blank ballots as prescribed by the county commissioner.

15 5. Where voting machines are used, the following pro-
16 visions apply:

17 a. All candidates' names entitled to appear on the
18 ballots at the primary shall appear on the machine under
19 their party designations.

20 b. The elector cannot vote for candidates of more
21 than one party.

22 c. The elector may secretly select the party for
23 which he wishes to vote.

24 d. The elector may vote for as many candidates for
25 each office as he is lawfully entitled to vote for, but no
26 more.

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1 e. The form of the ballot shall comply with the pro-
2 visions of section fifty-two point ten (52.10) of the Code.

1 Amend House File 745 as amended and passed by the House, page
 2 50, by inserting after line 5 the following new section:
 3 Sec. _____. Chapter forty-eight (48), Code 1973, is amended by
 4 adding the following new section:

5 NEW SECTION. ALTERNATIVE METHOD OF REGISTRATION. The county
 6 commissioner of registration may, with approval of the board of
 7 supervisors, cause to be published in any newspaper or shoppers
 8 guide, of general circulation in all or a substantial portion of
 9 the county, an application blank in a form approved by the state
 10 commissioner which may be used by any eligible elector of the
 11 county to apply to be registered to vote. Each elector who de-
 12 sires to so apply for registration shall complete such an applica-
 13 tion blank and mail or deliver it to the county commissioner of
 14 registration or a deputy commissioner of registration. The county
 15 commissioner of registration shall use the information appearing
 16 on the application to determine whether the applicant is current-
 17 ly registered to vote at the residence listed on the application.
 18 1. If the applicant is found to be an eligible elector who is
 19 not currently registered to vote in the county, the commissioner
 20 of registration shall, not more than five days after he receives
 21 the application, register the applicant and mail to him a receipt
 22 of registration as required by section forty-eight point six
 23 (48.6) of the Code.
 24 2. If the applicant is found to be an eligible elector in all
 25 respects except that he has not attained the age of eighteen, the

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1 commissioner of registration shall register him effective upon
 2 his eighteenth birthday and mail to him a receipt of registration
 3 as required by section forty-eight point six (48.6) of the Code,
 4 to which shall be affixed the date of the applicant's eighteenth
 5 birthday and a statement that the applicant is registered and
 6 qualified to vote in any election held on or after that date.
 7 3. If the applicant is found to be currently registered to
 8 vote in the county, but at a residence other than that listed on
 9 his application, the commissioner of registration shall treat the
 10 application as a change of address notice and shall, not more
 11 than five days after he receives the application, so notify the
 12 applicant by mail.
 13 4. If the applicant is found to be currently registered to
 14 vote at the residence listed on his application, the commissioner
 15 of registration shall within five days after he receives the
 16 application so notify the applicant by mail.
 17 5. If the commissioner of registration is not satisfied that
 18 the applicant is an eligible elector of the precinct in which the
 19 residence listed on his application is located, or if for any
 20 reason the information supplied on the application is not suffi-
 21 cient to complete the applicant's registration to vote, the
 22 commissioner of registration shall, not more than five days after
 23 he receives the copy of the application, so notify the applicant
 24 by restricted certified mail and advise the applicant in the
 25 notice where he may appear in person if he wishes to present

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1 evidence of his status as an eligible elector, or in order to
 2 complete his registration.

HOUSE CLIP SHEET

Monday, June 18, 1973

House
Concurred
6-18-73

SENATE AMENDMENT TO HOUSE FILE 745

1 Amend House File 745, as amended and passed by the House, as
2 follows:

3 1. Page 14, line 18, by striking the word "judges," and
4 inserting in lieu thereof the word "judges-".

5 2. Page 15, by striking lines 25 through 35, inclusive, and
6 page 16, by striking lines 1 through 40, inclusive, and insert-
7 ing in lieu thereof the following:

8 Sec. _____. Section forty-three point fifty-two (43.52),
9 Code 1973, is amended by striking the section and inserting in
10 lieu thereof the following:

11 43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each
12 political party for any office to be filled by the voters of
13 the county shall be the person receiving the highest number of
14 votes cast in the primary election by the voters of that
15 party for the office, and that person shall appear as the
16 party's candidate for the office on the general election
17 ballot.

18 If no candidate receives thirty-five percent or more of
19 the votes cast by voters of his party for the office he is
20 seeking, the primary is inconclusive and the nomination shall
21 be made as provided by section forty-three point ninety-seven
22 (43.97), subsection one (1) of the Code.

23 When two or more nominees are required, as in the case
24 of at-large elections, the nominees shall likewise be the
25 required number of persons who receive the greatest number of
26 votes cast in the primary election by the voters of the
27 nominating party, but no candidate is nominated who fails to
28 receive thirty-five percent of the number of votes found by
29 dividing the number of votes cast by voters of the candidate's
30 party for the office in question by the number of persons to
31 be elected to that office. If the primary is inconclusive under
32 this paragraph, the necessary number of nominations shall be
33 made as provided by section forty-three point ninety-seven
34 (43.97), subsection one (1), of the Code.

35 Sec. _____. Section forty-three point fifty-three (43.53),
36 Code 1973, is amended by striking the section and inserting in
37 lieu thereof the following:

38 43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES.
39 The nominee of each political party for any office to be filled
40 by the voters of any subdivision of the county shall be the
41 person receiving the highest number of votes cast in the pri-
42 mary election by the voters of that party for the office and
43 that person shall appear as the party's candidate for the office

on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate in the general election unless he receives the greater of at least five votes or a number of votes equal to at least five percent of the votes cast in the subdivision at the last preceding general election for the party's candidate for president of the United States or for governor, as the case may be.

3. Page 22, line 31, by striking the word "VACANCIES" and inserting in lieu thereof the words "VACANCIES DUTIES".

4. Page 22, by inserting after line 33 the following:

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Initial copies of each county central committee's constitution and bylaws shall be filed in compliance with this section no later than December 31, 1973. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

5. Page 23, by inserting after line 18 the following new section:

Sec. _____. Section forty-three point one hundred six (43.106), Code 1973, is amended to read as follows:

43.106 NOMINATIONS PERMITTED. A district convention of a party may be held to nominated candidates for any office for which no nomination exists due to the failure of a candidate to file nomination papers for such office, or due to the failure of any candidate to receive the number of votes required for nomination by section 43.66 or to place a name on the ballot as authorized under subsection 1 of section 43.59.

6. Page 23, by inserting after line 29 the following new section:

Sec. _____. Section forty-three point one hundred ten (43.110), Code 1973, is amended to read as follows:

43.110 NOMINATIONS PERMITTED. The state convention of a party, if the convention is held following the primary election, may make nominations for any office for which no nomination exists due to the failure of a candidate to file nomination papers for such office or due to the failure of any candidate to receive the number of votes required for nomination by section 43.66. If the state convention was held preceding the primary election, the party state central committee may make such nominations or may shall reconvene the delegates of the last preceding state convention for such purpose.

7. Page 23, by striking lines 30 through 35, inclusive, and page 24, by striking lines 1 through 9, inclusive, and inserting in lieu thereof the following:

Sec. _____. Section forty-three point one hundred eleven (43.111), Code 1973, is amended by striking the section and inserting in lieu thereof the following:

43.111 STATE PARTY PLATFORM, CONSTITUTION, BYLAWS AND CENTRAL COMMITTEE. The state convention held by each political

98 party pursuant to section forty-three point one hundred seven
99 (43.107) of the Code shall adopt a state platform, adopt or
100 amend a state party constitution, and bylaws if desired, and
101 transact other business which may properly be brought before it.
102 A copy of the constitution and any bylaws so adopted or amended
103 shall be kept on file in the office of the state commissioner.
104 Initial copies of each political party's state constitution,
105 and bylaws, if any, shall be filed in compliance with this
106 section not later than August 30, 1974.

107 There shall be selected at or prior to each political party's
108 state convention a state party central committee consisting of
109 an equal number of members from each congressional district,
110 which number shall be determined by the party constitution or
111 bylaws, who shall be elected or nominated by the district con-
112 vention or caucus. The state central committee so selected may
113 organize at pleasure for political work as is usual and cus-
114 tomary with such committees, adopt bylaws, provide for the
115 governing of party auxiliary bodies, and shall continue to act
116 until succeeded by another central committee selected as
117 required by this section. The auditor of state shall annually
118 audit the receipts and disbursements of each political party's
119 state party central committee.

120 8. Page 31, line 36 and page 32, line 1, by striking the
121 words ", not less than a county," and inserting in lieu thereof
122 the following: "~~7-not-less-than-a-county~~,".

123 9. Page 40B, by striking lines 53 through 70, and page 40C,
124 by striking lines 71, 72 and 73.

125 10. Page 42, line 32, by inserting after the period the
126 following:

127 "Where the only change in the previous registration in-
128 formation is a change of surname by reason of the marriage,
129 divorce or dissolution of marriage, or other legal procedure,
130 the registrant may effect the reregistration required by this
131 subsection by mailing the county commissioner a written notice
132 stating in full both the name under which the registration was
133 previously registered and the name under which the registrant
134 is now to be registered, and the registrant's social security
135 number, if available."

136 11. Page 45, lines 15 and 16, by striking the words "ten at
137 five o'clock p.m., fifteen" and inserting in lieu thereof the
138 words "at five o'clock p.m., ten".

139 12. Page 46, by striking line 5, and inserting in lieu thereof
140 the following:

141 "quest not more than one person for each one thousand six
142 hundred (1,600) resi-".

143 13. Page 46, by striking lines 19 through 21, and inserting
144 in lieu thereof the following:

145 e. The fact that any political party does not submit a
146 list including the full number of names which may be appointed
147 shall not preclude the appointment of the full number of
148 persons to which any other political party is entitled.

149 14. Page 48, by striking lines 26 through 28 , and relettering
150 the remaining paragraphs.

151 15. Page 60, line 4, by striking the word "candidate" and
152 inserting in lieu thereof the word "candidate".

16. Page 61, line 11, by inserting after the comma the words
"as amended by Acts of the Sixty-fifth General Assembly, 1973
Session, Senate File five hundred one (501), section one (1),".

17. Page 61, by inserting after line 27 the following:

In the selection of polling places, consideration shall also
be given to the use of buildings accessible to elderly and
physically disabled persons.

18. Page 66, by striking lines 26 through 32, inclusive, and
inserting in lieu thereof the following:

Sec. _____. Section forty-nine point forty-two (49.42), Code
1973, is amended to read as follows:

49.42 FORM OF OFFICIAL BALLOT. ~~Said~~ The ballot for the
general election shall be substantially the following form:

☒ REPUBLICAN	☒ DEMOCRATIC	☒ PROHIBITION	☒ UNION LABOR
For President	For President	For President	For President
A.... B.....,	N.... O.....,	A.... B.....,	N.... O.....,
of Ohio.	of Virginia.	of Maine.	of Idaho.
For Five-	For Vice-	For Vice-	For Vice-
President,	President,	President,	President,
C.... D.....,	P.... Q.....,	C.... D.....,	P.... Q.....,
of New York.	of Indiana.	of Illinois.	of Ohio.
For	For	For	For
United States	United States	United States	United States
Senator.	Senator.	Senator.	Senator.
☐ E.... F.....,	☐ R.... S.....,	☐ E.... F.....,	☐ R.... S.....,
of:---County-	of:---County-	of:---County-	of:---County-
For	For	For	For
United States	United States	United States	United States
Representative,	Representative,	Representative,	Representative,
☐ G.... H.....,	☐ T.... U.....,	☐ G.... H.....,	☐ T.... U.....,
of:---County-	of:---County-	of:---County-	of:---County-
For Governor,	For Governor,	For Governor,	For Governor,
I.... J.....,	V.... W.....,	I.... J.....,	V.... W.....,
of:---County-	of:---County-	of:---County-	of:---County-
For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
Governor,	Governor,	Governor,	Governor,
☐ K.... L.....,	☐ X.... Y.....,	☐ K.... L.....,	☐ X.... Y.....,
of:---County-	of:---County-	of:---County-	of:---County-

19. Page 78, by inserting after line 32 the following new
section:

Sec. _____. Section forty-nine point ninety-two (49.92) is
amended to read as follows:

49.92 VOTING MARK. The voting mark shall be a cross or
check which shall be placed in the circle at the head of a
ticket, or in the squares opposite the names of candidates. The
fact that the voting mark is made by an instrument other than
a black lead pencil shall not affect the validity of the ballot
unless it appears that the color or nature of the mark is
intended to identify the ballot contrary to the intent of section
forty-nine point one hundred seven (49.107), subsection seven
(7) of the Code.

20. Page 79A, by inserting after line 39 the following new
section:

Sec. _____. Section forty-nine point one hundred seven
(49.107), subsection one (1), Code 1973, is amended to read
as follows:

209 1. Loitering, congregating, electioneering, posting of
210 signs, treating voters, or soliciting votes, during the receiv-
211 ing of the ballots, either on the premises of any polling place
212 or within one three hundred feet of any outside door of any
213 building affording access to any room where the polls are held,
214 or of any outside door of any building affording access to any
215 hallway, corridor, stairway, or other means of reaching the room
216 where the polls are held, except this subsection shall not apply
217 to the posting of signs on private property not a polling place.

218 21. Page 87, line 6, by inserting after the comma the words
219 "as amended by Acts of the Sixty-fifth General Assembly, 1973
220 Session, House File two hundred nine (209), section thirteen
221 (13),".

222 22. Page 87, by striking lines 12 through 20, inclusive, and
223 inserting in lieu thereof the following:

224 2. Senator in the Congress of the United States.

225 3. Representative in the Congress of the United States.

226 4. Governor and lieutenant governor.

227 5. A state officer not otherwise provided for.

228 6. Senator or representative in the general assembly by
229 districts.

230 7. A county officer.

231 23. Page 88, line 33, by inserting after the second comma the
232 words "as amended by Acts of the Sixty-fifth General Assembly,
233 1973 Session, House File two hundred nine (209), section four-
234 teen (14),".

235 24. Page 101, line 27, by inserting after the period the words
236 "Nothing in this section shall be construed to require that a
237 written communication mailed to the commissioner's office to
238 request an absentee ballot, or any other document except the
239 absent voter's affidavit required by section fifty-three point
240 thirteen (53.13) of the Code, be notarized as a prerequisite
241 to receiving or marking an absentee ballot or returning to the
242 commissioner an absentee ballot which has been voted."

243 25. Page 102, line 6, by striking the words "administer an
244 oath or" and inserting in lieu thereof the words "administer
245 an-oath-or".

246 26. Page 102, line 8, by striking the words "administer such
247 oath" and inserting in lieu thereof the words "administer-such
248 oath".

249 27. Page 103, line 25, by striking the words "administering
250 the oath" and inserting in lieu thereof the words "notarizing
251 the affidavit".

252 28. Page 103, line 25, by inserting after the word "shall"
253 the words ", if possible,".

254 29. Page 103, line 27, by inserting after the word "seal"
255 the words ", however if the officer's seal makes an imprint
256 on the ballot the marking shall not invalidate the ballot".

257 30. Page 103, line 32, by striking the words "administering
258 the oath" and inserting in lieu thereof the following:
259 "~~administering-the-oath~~ notarizing the affidavit".

260 31. Page 104, line 8, by inserting before the word "carrier"
261 the word "sealed".

262 32. Page 104, line 9, by inserting after the word "elector"
263 the words "or his designee".

- 264 33. Page 179, by inserting after line 34 the following new
265 unnumbered paragraph:
266 "For the calendar year 1973 only, the respective political
267 party chairmen shall not later than July fifteenth submit a
268 list of nominees to serve as registrars on the permanent mobile
269 deputy registrar board, in the manner required by section
270 forty-eight point twenty-seven (48.27), subsection two (2) of
271 the Code as amended by this Act, and the county commissioner
272 of registration shall make the required number of appointments
273 to the board not later than July thirty-first."
274 34. Page 180, by inserting at the end of line 29 the words
275 and figures "forty-three point ninety-eight (43.98),".
276 35. Page 180, by striking from lines 32 and 33 the words
277 and figures "forty-eight point nineteen (48.19),".
278 36. Page 1, by striking lines 9 and 10, and by inserting in
279 lieu thereof the following: "city, school and other elections,
280 and providing penalties."
281 37. By correcting internal references and renumbering the
282 sections to conform with this amendment.

Received from the Senate
June 15, 1973