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Place On Calendar

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HOUSE FILE 1011

BY COMMITTEE ON STATE GOVERNMENT

Passed House, Date 1-32-76 (p.105) Passed Senate, Date _____
Vote: Ayes 88 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to amend the election laws of the state of Iowa by
2 specifying the times when special elections may be called
3 and held, clarifying the requirement that nominating peti-
4 tions for candidates for public office be accompanied by
5 an eligible elector's affidavit, clarifying the manner in
6 which ballots cast by challenged or handicapped electors
7 are to be received, handled and canvassed, requiring that
8 county election commissioners notify the state commissioner
9 when a recount of primary election ballots is granted, re-
10 quiring that candidates nominated by write-in votes in
11 certain elections affirm their candidacy, changing the
12 manner of filling vacancies on city primary election ballots
13 in special charter cities, changing the time when the number
14 of delegates to be elected to county political party con-
15 ventions by each precinct caucus must be designated, stating
16 the functions of state political party conventions, changing
17 the time when petitions for certain candidates nominated
18 under chapter forty-four (44) of the Code must be filed,
19 clarifying the permissible uses of voter registration records,
20 altering the procedures for certain registered voters to
21 record a change of name or address, specifying certain hours
22 when the office of the county commissioner of elections must
23 be open or make alternative arrangements to receive registra-
24 tion material from mobile deputy registrars, clarifying the
25 time and method of holding and canvassing and the formula

1 for determining who is nominated or elected in certain city
2 elections, clarifying the number of voting machines or
3 booths to be furnished each precinct polling place, clarify-
4 ing the requirements for publishing notice of elections,
5 clarifying the manner in which printed ballots are to be
6 identified, clarifying the hours when the polls must be
7 open for certain elections, revising the law relative to
8 tallying votes cast in certain precincts, clarifying the
9 manner of delivery of absentee ballots to certain voters,
10 providing for contesting elections on public measures,
11 clarifying when vacancies in certain elective offices must
12 be filled by election, changing the time when candidates in
13 school elections may withdraw, deleting an obsolete refer-
14 ence to elected school district treasurers, clarifying the
15 manner of administering merged area elections, changing the
16 manner of electing sanitary district trustees, ending the
17 requirement that the township clerk's annual financial
18 statement be posted at each polling place in the township,
19 clarifying the law relative to certain elections conducted
20 for the city development board, and providing that this Act
21 shall take effect upon publication.

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

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1 Section 1. Section thirty-nine point two (39.2), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter eighty-one (81), section two (2), is
4 amended to read as follows:

5 39.2 SPECIAL ELECTIONS.

6 1. All special elections which are authorized or required
7 by law, unless the applicable law otherwise requires, shall
8 be held on Tuesday. No special election may be held on the
9 first or second Tuesday preceding and following the primary
10 and the general elections.

11 2. A special election may be held on the same day as a
12 regularly scheduled election if the two elections are not
13 in conflict within the meaning of Acts of the Sixty-sixth
14 General Assembly, 1975 Session, chapter eighty-one (81),
15 section forty-four (44), subsection two (2). A special
16 election may be held on the same day as a regularly scheduled
17 election with which it does so conflict if the commissioner
18 who is responsible for conducting the elections concludes
19 that to do so will cause no undue difficulties.

20 3. When voting is to occur on the same day in any one
21 precinct for two or more elections, they shall be considered
22 one election for purposes of administration including but
23 not limited to publishing notice of the election, preparation
24 of the precinct election register and completion of tally
25 sheets after the polling place has closed.

26 Sec. 2. Section forty-three point seventeen (43.17), Code
27 1975, is amended to read as follows:

28 43.17 AFFIDAVIT TO NOMINATION PAPERS. The affidavit of
29 an eligible elector, ~~other than the candidate,~~ shall be
30 appended to each such nomination paper, or papers, if more
31 than one for any candidate, stating that to the best of his
32 or her knowledge and belief all the persons who have signed
33 the paper or papers are electors of that county or legislative
34 district; that they signed the same with full knowledge of
35 the contents thereof; that their respective residences are

1 truly stated therein; and that each signer signed the same
2 on the date stated opposite his or her name. The candidate
3 being nominated by the paper or papers may sign the affidavit
4 only if he or she personally circulated the paper or papers.
5 If the affiant also signed the nomination paper, that signature
6 shall not be counted toward the total required by section
7 forty-three point twenty (43.20) of the Code.

8 Sec. 3. Section forty-three point forty-six (43.46), Code
9 1975, as amended by Acts of the Sixty-sixth General Assembly,
10 1975 Session, chapter eighty-one (81), section thirteen (13),
11 is amended to read as follows:

12 43.46 DELIVERING RETURNS. The precinct election officials
13 shall deliver all election supplies, by noon of the day after
14 the close of the polls, to the commissioner who shall carefully
15 preserve them and deliver the returns and envelopes containing
16 ballots, in the condition in which received except as is
17 otherwise required by Acts of the Sixty-sixth General Assembly,
18 1975 Session, chapter eighty-one (81), section eighty-seven
19 (87), to the county board of supervisors.

20 Sec. 4. Section forty-three point fifty-eight (43.58),
21 Code 1975, is amended to read as follows:

22 43.58 RECOUNT GRANTED. If such showing is made to the
23 satisfaction of the board, it shall thereupon recount the
24 ballots cast in any such precinct for the office for which
25 the contestant was a candidate, and if the result reached
26 by the board on the recount of the ballots as to such office
27 be different from that returned by the judges of election,
28 it shall be substituted therefor as the true and correct
29 return and so regarded in all subsequent proceedings. The
30 action of the board shall be final and no other contest of
31 any kind shall be permitted. The commissioner shall promptly
32 notify the state commissioner of any recount the board decides
33 to make and shall subsequently, at the earliest practicable
34 time, inform the state commissioner whether any change in
35 the outcome of the election resulted from the recount.

1 Sec. 5. Section forty-three point sixty-seven (43.67),
2 Code 1975, is amended to read as follows:

3 43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT. Each candidate
4 so nominated shall be entitled to have his or her name printed
5 on the official ballot to be voted at the general election
6 without other certificate, except that a candidate whose
7 name was not printed on the official primary election ballot
8 must execute and deliver to the commissioner or the state
9 commissioner, as the case may be, an affidavit in substantially
10 the following form:

11 "I,, being duly sworn, say that I reside at
12 street, city of, county of,
13 in the state of Iowa; that I am a candidate for election to
14 the office of at the election to be held on
15, as the candidate of the (name
16 of political party) and hereby request that my name be so
17 printed upon the official ballot for that election as provided
18 by law. I furthermore declare that I am eligible to the
19 office for which I am a candidate and that if I am elected
20 I will qualify as such officer.

21 _____ (Signed)

22 Subscribed and sworn to (or affirmed) before me by
23 on this day of, 19...

24 _____

25 _____ (Name)

26 _____

27 _____ (Official title)"

28 Each candidate required to execute the foregoing affidavit
29 shall be so notified by the commissioner immediately upon
30 completion of the canvass held under section forty-three point
31 forty-nine (43.49) of the Code, or by the state commissioner
32 immediately upon completion of the canvass held under section
33 forty-three point sixty-three (43.63) of the Code, as the
34 case may be. If the candidate does not execute and deliver
35 the affidavit by five o'clock p.m. on the seventh day following

1 completion of such canvass, the commissioner or state
2 commissioner shall not cause that candidate's name to be
3 placed upon the official general election ballot.

4 Sec. 6. Section forty-three point seventy-eight (43.78),
5 Code 1975, as amended by Acts of the Sixty-sixth General
6 Assembly, 1975 Session, chapter eighty-one (81), section
7 twenty-five (25), is amended by striking from subsection one
8 (1) all of paragraph f.

9 Sec. 7. Section forty-three point ninety (43.90), Code
10 1975, is amended to read as follows:

11 43.90 DELEGATES. The county convention shall be com-
12 posed of delegates elected at the last preceding precinct
13 caucus. Delegates shall be persons who are or will by the
14 date of the next general election become eligible electors
15 and who are residents of the precinct. The number of delegates
16 from each voting precinct shall be determined by a ratio
17 adopted by the respective party county central committees,
18 and a statement designating the number from each voting
19 precinct in the county shall be filed by such committee at
20 ~~least-fifty-five-days-before-the-primary-election~~ not later
21 than the time the list of precinct caucus meeting places
22 required by section forty-three point four (43.4) of the Code
23 is filed in the office of the commissioner. If the required
24 statement is not filed, the commissioner shall fix the number
25 of delegates from each voting precinct.

26 Sec. 8. Section forty-three point one hundred seven
27 (43.107), Code 1975, is amended to read as follows:

28 43.107 STATE CONVENTION. Each political party shall hold
29 a state convention either preceding or following the primary
30 election. The state central committee of each political party
31 shall designate the time and place of the state convention,
32 which shall transact such business as is required or permitted
33 by the party's state constitution or bylaws or by the rules
34 of the convention.

35 Sec. 9. Chapter forty-three (43), Code 1975, is amended

1 by inserting after section forty-three point one hundred
2 fifteen (43.115) the following new section:

3 NEW SECTION. BALLOT VACANCIES IN SPECIAL CHARTER CITY
4 ELECTIONS.

5 1. A vacancy on the ballot for an election at which city
6 officers are to be chosen, and for which candidates have been
7 nominated under this chapter, exists when any political party
8 lacks a candidate for an office to be filled at that election
9 because:

10 a. No person filed at the time required by section forty-
11 three point one hundred fifteen (43.115) as a candidate for
12 the party's nomination for that office in the city primary
13 election held under section forty-three point one hundred
14 twelve (43.112) of the Code, or all persons who did so
15 subsequently withdrew as candidates, were found to lack the
16 requisite requirements for the office or died before the date
17 of the city primary election, and no candidate received a
18 number of write-in votes sufficient for nomination under
19 section forty-three point fifty-three (43.53) of the Code;
20 or

21 b. The person nominated in the city primary election as
22 the party's candidate for that office withdrew by giving
23 written notice to that effect to the city clerk not later
24 than five o'clock p.m. on the day of the canvass of that city
25 primary election.

26 2. A ballot vacancy as defined by this section may be
27 filled by the city central committee of the party on whose
28 ticket the vacancy exists or, in the case of an officer elected
29 by the voters of a district within the city, by those members
30 of the committee who represent the precincts lying within
31 that district. The name of a candidate so designated to fill
32 such a ballot vacancy shall be submitted in writing to the
33 city clerk not later than five o'clock p.m. on the seventh
34 day following the city primary election.

35 Sec. 10. Section forty-four point nine (44.9), subsections

1 three (3), four (4) and five (5), Code 1975, are amended to
2 read as follows:

3 3. In the office of the proper school board secretary
4 or city clerk, at least ~~thirty~~ thirty-five days before the
5 day of ~~the~~ a regularly scheduled school or city election.

6 4. In the office of the state commissioner, in case of
7 a special election to fill vacancies, ~~at least sixteen days~~
8 ~~before the day of election~~ in congress or the general assembly,
9 not more than:

10 a. Twenty days after the date on which the governor issues
11 the call for a special election to be held on at least forty
12 days' notice.

13 b. Five days after the date on which the governor issues
14 the call for a special election to be held on at least ten
15 but less than forty days' notice.

16 5. In the office of the proper commissioner, school board
17 secretary or city clerk, in case of a special election to
18 fill vacancies, at least ~~thirty~~ twenty-five days before the
19 day of election.

20 Sec. 11. Section forty-four point eleven (44.11), Code
21 1975, is amended to read as follows:

22 44.11 VACANCIES FILLED. If a candidate named under this
23 chapter declines a nomination, or dies before election day,
24 or should any certificate of nomination be held insufficient
25 or inoperative by the officer with whom it is required to
26 be filed, or in case any objection made to any certificate
27 of nomination, or to the eligibility of any candidate therein
28 named, is sustained by the board appointed to determine such
29 questions, the vacancy or vacancies thus occasioned may be
30 filled by the convention, or caucus, or in such manner as
31 such convention or caucus has previously provided. The vacancy
32 or vacancies shall be filled not less than sixty days prior
33 to the election in the case of nominations required to be
34 filed with the state commissioner, not less than fifty days
35 prior to the election in the case of nominations required

1 to be filed with the commissioner, and not less than ~~thirty~~
2 thirty-five days prior to the election in the case of
3 nominations required to be filed in the office of the school
4 board secretary or city clerk.

5 Sec. 12. Section forty-four point fourteen (44.14), Code
6 1975, as amended by Acts of the Sixty-sixth General Assembly,
7 1975 Session, chapter eighty-one (81), section thirty-nine
8 (39), is amended to read as follows:

9 44.14 FILING OF CERTIFICATES. Certificates of nominations
10 made to fill vacancies, as required by section forty-four
11 point thirteen (44.13) of the Code, shall be filed with the
12 officer designated and at the time required by section forty-
13 four point eleven (44.11) of the Code. ~~In-the-case-of-a~~
14 ~~special-election-to-fill-a-vacancy-in-an-office-for-which~~
15 ~~nomination-papers-must-be-filed-with-the-state-commissioner,~~
16 ~~such-certificates-must-be-filed-with-the-state-commissioner~~
17 ~~not-less-than-fifteen-days-before-the-date-of-the-special~~
18 ~~election.--In-the-case-of-a-special-election-to-fill-a-vacancy~~
19 ~~in-an-office-for-which-nomination-papers-must-be-filed-with~~
20 ~~an-officer-other-than-the-state-commissioner,-such-certificates~~
21 ~~must-be-filed-with-the-appropriate-officer-not-less-than~~
22 ~~twelve-days-before-the-date-of-the-special-election.~~

23 Sec. 13. Section forty-five point three (45.3), subsection
24 one (1), Code 1975, as amended by Acts of the Sixty-sixth
25 General Assembly, 1975 Session, chapter eighty-one (81),
26 section forty-one (41), is amended to read as follows:

27 1. The affidavit of at least one ~~of-the-signers-of-the~~
28 petition eligible elector, stating that each of the persons
29 who signed the petition did so voluntarily and is an eligible
30 elector of the state, as defined by section thirty-nine point
31 three (39.3) of the Code, who is (or would be, if registered)
32 entitled to vote for the candidate nominated by the peti-
33 tion--and. The candidate being nominated by the petition
34 may sign the affidavit only if he or she personally circulated
35 the petition. If the affiant also signed the nominating

1 petition, that signature shall not be counted toward the total
2 required by section forty-five point one (45.1) of the Code.

3 Sec. 14. Acts of the Sixty-sixth General Assembly, 1975
4 Session, chapter eighty-one (81), section forty-four (44),
5 subsection one (1), is amended to read as follows:

6 1. The governing body of any political subdivision which
7 has authorized a special election to which section thirty-
8 nine point two (39.2) of the Code is applicable shall by
9 written notice inform the commissioner who will be responsible
10 for conducting the election of the proposed date of the special
11 election. ~~The~~ If the proposed date of the special election
12 coincides with the date of a regularly scheduled election,
13 the notice shall be given no later than five o'clock p.m.
14 on the last day on which nomination papers may be filed for
15 the latter election. Otherwise, the notice shall be given
16 at least thirty days in advance of ~~that~~ the date of the
17 proposed date special election. Upon receiving the notice,
18 the commissioner shall promptly give written approval of the
19 proposed date unless it appears that the special election,
20 if held on that date, would conflict with a regular election
21 or with another special election previously scheduled for
22 that date.

23 Sec. 15. Section forty-eight point five (48.5), subsection
24 three (3), Code 1975, as amended by Acts of the Sixty-sixth
25 General Assembly, 1975 Session, chapter eighty-one (81),
26 section forty-nine (49), is amended to read as follows:

27 3. Neither the duplicate registration records open to
28 public inspection nor any list obtained under subsection two
29 (2) of this section shall be used for any purpose of any kind
30 or nature, other than to request a registrant's vote ~~at-a~~
31 ~~primary-or-general-election,~~ or any other bona fide political
32 purpose. The commissioner shall keep a list of the name,
33 address, telephone number, and social security number of each
34 person who copies or obtains copies of the registration lists.
35 Any person that uses such lists in violation of this section

1 shall, upon conviction, be imprisoned in the county jail,
2 not to exceed one year, or be fined not to exceed one thousand
3 dollars, or by both such fine and imprisonment, for each
4 violation.

5 Sec. 16. Section forty-eight point seven (48.7), Code
6 1975, as amended by Acts of the Sixty-sixth General Assembly,
7 1975 Session, chapter eighty-one (81), section fifty-one (51),
8 is amended to read as follows:

9 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS. The com-
10 missioner of registration shall make available forms for use
11 by qualified electors in giving notice of a legal change of
12 name or a change of address within the county, or both. The
13 notice shall provide space for the qualified elector's current
14 name in full and the address of the exact location where he
15 or she currently resides, the full name under which the elector
16 was previously registered, if a legal change of name has
17 occurred, the previous residence address of the elector, if
18 a change of address has occurred, and the elector's signature.
19 If the commissioner of registration receives written
20 notification of a change of name or address from any qualified
21 elector in the county and the notice does not contain the
22 required information, the commissioner shall immediately send
23 by forwardable mail to the elector at his or her last known
24 address notice that the elector's registration is defective.
25 Upon receipt of any valid change of name or address notice,
26 on or before the last day of registration before any election,
27 the commissioner of registration shall make entry of the
28 change, as necessary, on the original and duplicate
29 registration lists and the elector shall be qualified to vote
30 under the new name or in the new election precinct, or both,
31 as the case may be. If a qualified elector fails to notify
32 the commissioner of registration of a change of legal name
33 or of residence address before the close of registration for
34 any election the elector shall not be qualified to vote at
35 that election, except that if a change of residence address

1 or change of name does not require printing the qualified
2 elector's name in a different election register for that
3 election, the qualified elector shall be allowed to vote.
4 A precinct election official shall have such an elector
5 complete a change-of-address-card registration form of the
6 type prescribed for use by electors registering under Acts
7 of the Sixty-sixth General Assembly, 1975 Session, chapter
8 eighty-one (81), section forty-seven (47), at the polls and
9 shall return the card to the commissioner with the election
10 supplies. Upon receipt of the registration form, if the
11 election was conducted for a political subdivision located
12 in more than one county and the elector has listed a new
13 address which is outside the commissioner's own county, the
14 commissioner shall forward the form to the commissioner of
15 the elector's county of residence.

16 Sec. 17. Section forty-eight point eleven (48.11),
17 unnumbered paragraph two (2), Code 1975, as amended by Acts
18 of the Sixty-sixth General Assembly, 1975 Session, chapter
19 eighty-one (81), section fifty-two (52), is amended to read
20 as follows:

21 Registration shall close in a precinct at five o'clock
22 p.m., ten days before an election, except as provided in Acts
23 of the Sixty-sixth General Assembly, 1975 Session, chapter
24 eighty-one (81), section forty-seven (47) ~~of this Act.~~ The
25 commissioner's office shall be open from eight o'clock a.m.
26 until at least six o'clock p.m. on the day registration closes
27 prior to each regularly scheduled election.

28 Sec. 18. Section forty-eight point twenty-seven (48.27),
29 subsection four (4), paragraph d, Code 1975, as amended by
30 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
31 eighty-one (81), section fifty-seven (57), is amended to read
32 as follows:

33 d. Mobile deputy registrars shall return all completed
34 registration records at least weekly to the county commis-
35 sioner of registration except that completed registration

1 records shall be turned in at least every two working days
2 during the last ten days of registration. All completed and
3 unused material must be turned in no later than six o'clock
4 on the day registration closes for the election. The
5 commissioner shall make suitable arrangements for registration
6 material to be received from mobile deputy registrars until
7 that hour on the day registration closes for each election
8 which is not a regularly scheduled election unless the
9 commissioner's office ~~shall remain~~ remains open until at least
10 six o'clock p.m. on that day, ~~unless it is a Sunday or a legal~~
11 ~~holiday~~. Failure to return registration materials as required
12 by this paragraph shall be a misdemeanor.

13 Sec. 19. Section forty-eight point thirty-one (48.31),
14 Code 1975, is amended by striking subsection seven (7).

15 Sec. 20. Section forty-nine point nineteen (49.19), Code
16 1975, is amended to read as follows:

17 49.19 OPTIONAL AUTHORITY FOR CERTAIN CITY ELECTIONS.

18 The commissioner may appoint unpaid election precinct officials
19 to election boards, as provided by sections 49.15, 49.16 and
20 49.20, or elect not to use voting machines even though they
21 are available, as permitted by section 49.26, ~~and direct that~~
22 ~~the polls be opened at twelve o'clock noon, as permitted by~~
23 ~~section 49.73~~ or both, for any election held for a city,
24 ~~regardless of the city's population~~ even if the city has a
25 population of more than three thousand five hundred, if there
26 is no contest for any office on the ballot and no public
27 question is being submitted to the voters at that election.

28 Sec. 21. Section forty-nine point twenty-five (49.25),
29 subsection two (2) and subsection three (3), unnumbered
30 paragraph one (1), Code 1975, as amended by Acts of the Sixty-
31 sixth General Assembly, 1975 Session, chapter eighty-one (81),
32 section sixty-four (64), are amended to read as follows:

33 2. The commissioner shall furnish to each precinct ~~where~~
34 ~~voting machines are to be used for any election~~, in advance
35 of ~~that~~ each election, ~~one~~ one voting machine machines meeting

1 the requirements of chapter fifty-two (52) of the Code or
2 voting booths, as the case may be, in the following number:

3 a. At each regularly scheduled election, one for every
4 three hundred voters or ~~major~~ fraction thereof who voted in
5 the last preceding similar election held in the precinct.

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

9 3. The commissioner shall furnish to each precinct where
10 paper ballots are to be used for any election, in advance
11 of that election, the necessary ballot boxes, suitably equipped
12 with locks and keys, and shall insure that the ~~number~~, arrange-
13 ment~~7~~ and construction of voting booths at the polling place
14 in each precinct are as follows:

15 Sec. 22. Section forty-nine point twenty-five (49.25),
16 subsection three (3), Code 1975, as amended by Acts of the
17 Sixty-sixth General Assembly, 1975 Session, chapter eighty-
18 one (81), section sixty-four (64), is amended by striking
19 paragraph d.

20 Sec. 23. Section forty-nine point fifty-three (49.53),
21 Code 1975, as amended by Acts of the Sixty-sixth General
22 Assembly, 1975 Session, chapter eighty-one (81), section
23 seventy-three (73), is amended to read as follows:

24 49.53 PUBLICATION OF BALLOT AND NOTICE. The commissioner
25 shall not less than four nor more than twenty days prior to
26 the day of each election, except those for which different
27 publication requirements are prescribed by law, publish notice
28 of the election. The notice shall contain a ~~sample~~ facsimile
29 of the portion of the ballot of containing the first rotation
30 as prescribed by section 49.31, subsection two (2), and shall
31 show the names of all candidates or nominees and the office
32 each seeks, and all public questions, to be voted upon at
33 the election. The sample ballot published as a part of the
34 notice may at the discretion of the commissioner be reduced
35 in size relative to the ~~extent-permitted-by-the-rules-of-the~~

1 ~~state-commissioner~~ actual ballot but such reduction shall
2 not cause upper case letters appearing on the published sample
3 ballot to be less than one-sixteenth of an inch high in can-
4 didates' names or in summaries of public measures. The notice
5 shall also state the date of the election, the hours the polls
6 will be open, the location of each polling place at which
7 voting is to occur in the election, and the names of the
8 precincts voting at each polling place, but the statement
9 need not set forth any fact which is apparent from the portion
10 of the ballot appearing as a part of the same notice. The
11 notice shall be published in at least one newspaper, as defined
12 in section 618.3, which is published in the county or other
13 political subdivision in which the election is to occur or,
14 if no newspaper is published there, in at least one newspaper
15 of substantial circulation in the county or political
16 subdivision. For the general election or the primary election
17 the foregoing notice shall be published in at least two
18 newspapers published in the county representing, if possible,
19 the two political parties whose candidates for president of
20 the United States or for governor, as the case may be, received
21 the largest and next largest number of votes in the county
22 at the last preceding general election. However, if there
23 is only one newspaper published in the county, publication
24 in one newspaper shall be sufficient.

25 Sec. 24. Section forty-nine point fifty-seven (49.57),
26 subsection five (5), Code 1975, as amended by Acts of the
27 Sixty-sixth General Assembly, 1975 Session, chapter eighty-
28 one (81), section seventy-four (74), is amended to read as
29 follows:

30 5. On the outside of the ballot, so as to appear when
31 folded, shall be printed the words "Official ballot", ~~fol-~~
32 ~~lowed-by-the-name-and-location-of-the-polling-place-for-which~~
33 ~~the-ballot-is-prepared~~ a designation of the ballot rotation,
34 if any, the date of the election, and a facsimile of the
35 signature of the commissioner who has caused the ballot to

1 be printed pursuant to section forty-nine point fifty-one
2 (49.51) of the Code.

3 Sec. 25. Section forty-nine point seventy-three (49.73),
4 Code 1975, as amended by Acts of the Sixty-sixth General
5 Assembly, 1975 Session, chapter eighty-one (81), section
6 seventy-six (76), is amended to read as follows: subsection
7 five (5), Code 1975, is amended to read as follows:

8 49.73 TIME OF OPENING AND CLOSING POLLS.

9 1. At all elections, except as otherwise permitted by
10 this section, the polls shall be opened at seven o'clock a.m.,
11 or as soon thereafter as vacancies on the precinct election
12 board have been filled. ~~The commissioner may direct that~~
13 ~~the polls be opened at twelve o'clock noon for any election~~
14 ~~conducted for a city of three thousand five hundred or less~~
15 ~~population or any school district at which the commissioner~~
16 ~~concludes, on~~ On the basis of voter turnout for recent similar
17 elections and factors considered likely to so affect voter
18 turnout for the forthcoming election, ~~that voting will probably~~
19 ~~be so light~~ as to justify shortened voting hours for that
20 election, ~~except that~~ the commissioner may direct that the
21 polls be opened at twelve o'clock noon for:

22 a. Any school district election.

23 b. Any election conducted for a city of three thousand
24 five hundred or less population.

25 c. Any election conducted for a city of more than three
26 thousand five hundred population if there is no contest for
27 any office on the ballot and no public question is being
28 submitted to the voters at that election.

29 2. The commissioner shall not de-se shorten voting hours
30 for any election if there is filed in the commissioner's
31 office, at least twenty-five days before the election, a peti-
32 tion signed by at least fifty eligible electors of the school
33 district or city, as the case may be, requesting that the
34 polls be opened not later than seven o'clock a.m. All polling
35 places where the candidates of or any public question submitted

1 by any one political subdivision are being voted upon shall
2 be opened at the same hour, except that this requirement shall
3 not apply to merged areas established under chapter two hundred
4 eighty A (280A) of the Code. The hours at which the respective
5 precinct polling places are to open shall not be changed after
6 publication of the notice required by section 49.53. In all
7 cases the polling places shall be closed at nine o'clock p.m.

8 Sec. 26. Section forty-nine point seventy-seven (49.77),
9 Code 1975, as amended by Acts of the Sixty-sixth General
10 Assembly, 1975 Session, chapter eighty-one (81), section
11 seventy-seven (77), is amended to read as follows:

12 49.77 BALLOT FURNISHED TO VOTER.

13 1. The board members of their respective precincts shall
14 have charge of the ballots and furnish them to the voters.
15 Any person desiring to vote shall ~~give-his-or-her-name-and~~
16 ~~address-to-the-precinct-election-officials,-one-of-whom-shall~~
17 ~~announce-the-person's-name-aloud-for-the-benefit-of-political~~
18 ~~party-challengers-if-any-are-present-in-the-polling-place-~~
19 ~~No-person-whose-name-does-not-appear-on-the-election-register~~
20 ~~of-the-precinct-in-which-that-person-claims-the-right-to-vote~~
21 ~~shall-be-permitted-to-vote-unless-the-county-commissioner~~
22 ~~of-elections-informs-the-precinct-election-officials-that~~
23 ~~an-error-has-been-made-and-that-the-person-is-a-qualified~~
24 ~~elector-of-that-precinct.--The-electror-shall~~ sign a voter's
25 declaration provided by the officials, in substantially the
26 following form:

27 VOTER'S DECLARATION OF ELIGIBILITY

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

31 I am a qualified elector. I have not voted and will not
32 vote in any other precinct in said election.

33 (For primary election only:) I am affiliated with the
34 _____ party.

35 I understand that any false statement in this declaration

1 is a criminal offense punishable as provided by law.

2
3
4
5

Signature of Voter

Address

6 Approved:

7 _____

8 Board Member

9 2. One of the precinct election officials shall announce
10 the elector's name aloud for the benefit of any persons present
11 pursuant to section forty-nine point one hundred four (49.104),
12 subsections two (2), three (3) or five (5) of the Code. Any
13 of those persons may upon request view the signed declarations
14 of eligibility.

15 3. A precinct election official may require of an elec-
16 tor unknown to the official, identification upon which the
17 elector's signature or mark appears. If identification is
18 established to the satisfaction of the precinct election of-
19 icials, the person may then be allowed to vote.

20 ~~All-voters'-declarations-may-be-seen-by-the-challengers~~
21 ~~of-each-political-party,-at-the-request-of-such-challengers-~~

22 4. A person whose name does not appear on the election
23 register of the precinct in which that person claims the right
24 to vote shall not be permitted to vote unless the commissioner
25 informs the precinct election officials that an error has
26 occurred and that the person is a qualified elector of that
27 precinct. If the commissioner finds no record of the person's
28 registration but the person insists that he or she is a
29 qualified elector of that precinct, the precinct election
30 officials shall allow the person to cast a ballot in the
31 manner prescribed by section forty-nine point eighty-one
32 (49.81) of the Code.

33 Sec. 27. Section forty-nine point eighty-one (49.81),
34 subsection one (1), Code 1975, as amended by Acts of the
35 Sixty-sixth General Assembly, 1975 Session, chapter sixty-

1 seven (67), section sixty-three (63), is amended to read as
2 follows:

3 1. A prospective voter who is prohibited under section
4 sections forty-nine point seventy-seven (49.77), subsection
5 four (4), or forty-nine point eighty (49.80) of the Code from
6 voting except under this section shall be permitted to cast
7 a paper ballot. If a booth meeting the requirement of section
8 forty-nine point twenty-five (49.25) of the Code is not avail-
9 able at that polling place, the precinct election officials
10 shall make alternative arrangements to insure the challenged
11 voter the opportunity to vote in secret. Paper ballots cast
12 pursuant to section forty-nine point ninety (49.90) of the
13 Code by handicapped voters in precincts where voting machines
14 are used shall also be received under this section. The
15 marked ballot, folded as required by section forty-nine point
16 eighty-four (49.84) of the Code, shall be delivered to a
17 precinct election official who shall immediately seal it in
18 ~~an unmarked-envelope-which-shall-be-placed-in-an-affidavit~~
19 ~~envelope of the type prescribed by section fifty-three-point~~
20 ~~thirteen-(53.13)-of-the-Code.--The-voter-shall-not-be-required~~
21 ~~to-execute-the-oath-contained-in-the-affidavit.--Space-shall~~
22 ~~be-left-on-the-affidavit-envelope-for-the-precinct-election~~
23 ~~official-to-indicate-the-name-of-the-challenged-electior-and~~
24 ~~the-reason-for-the-challenge~~ twenty-eight (28) of this Act.
25 The sealed affidavit envelope shall be deposited ~~as-required~~
26 ~~by-section-forty-nine-point-eighty-five-(49.85)-of-the-Code~~
27 in a special container envelope marked "challenged ballots
28 for special precinct" and shall be considered as having been
29 cast in the special precinct established by Acts of the Sixty-
30 sixth General Assembly, 1975 Session, chapter eighty-one (81),
31 section one hundred eighteen (118) of-this-Act for purposes
32 of the post-election canvass.

33 Sec. 28. Section forty-nine point eighty-one (49.81),
34 Code 1975, as amended by Acts of the Sixty-sixth General
35 Assembly, 1975 Session, chapter eighty-one (81), section

1 eighty (80), is amended by adding the following new subsection:

2 NEW SUBSECTION. The individual envelopes used for each
3 paper ballot cast pursuant to subsection one (1) of this
4 section shall have printed upon them:

5 "Challenged or Handicapped Elector's Ballot
6 (If handicapped elector's ballot enclosed, do not complete
7 following form)

8 I believe I am a qualified elector of this precinct. I
9 registered to vote in this county on or about _____ at
10 _____. I have not moved to a different precinct since
11 that time without recording the new address with the
12 commissioner. I am a United States citizen, at least eighteen
13 years of age.

14 _____
15 (signature of elector) (address of elector)

16 _____
17 (signature of precinct (date)
18 election official)

19 Reason for challenge:
20 _____
21 _____."

22 Sec. 29. Section forty-nine point ninety (49.90), Code
23 1975, as amended by Acts of the Sixty-sixth General Assembly,
24 1975 Session, chapter eighty-one (81), section eighty-one
25 (81), is amended to read as follows:

26 49.90 ASSISTING VOTER. Any voter who may declare upon
27 oath that he or she cannot read the English language, or is,
28 by reason of any physical disability other than intoxication,
29 unable to cast a vote without assistance, shall, upon request,
30 be assisted by said two officers, or ~~alternately~~ alternatively
31 by any other person the voter may select if the voter is
32 blind, in casting the vote. Said officers, or person selected
33 by the blind voter, shall cast the vote of the voter requiring
34 assistance, and shall thereafter give no information regarding
35 the same. If any elector because of a handicap cannot enter

1 the building where the polling place for the elector's precinct
2 of residence is located, the two officers shall take a paper
3 ballot to the vehicle occupied by the handicapped elector
4 and allow the elector to cast the ballot in the vehicle.
5 If a handicapped elector cannot cast a ballot on a voting
6 machine the elector shall be allowed to cast a paper ballot.
7 ~~Paper-ballots-cast-by-handicapped-electors~~, which shall be
8 ~~cast~~ received according to section forty-nine point eighty-
9 one (49.81) of the Code, ~~except-they-shall-be-marked~~
10 ~~"handicapped-voter's-ballot"~~, and shall be counted in the
11 same manner as challenged ballots accepted under section fifty
12 point twenty-two (50.22) of the Code. In precincts where
13 all voters use paper ballots, those cast by handicapped voters
14 shall be deposited in the regular ballot box and counted in
15 the usual manner.

16 Sec. 30. Acts of the Sixty-sixth General Assembly, 1975
17 Session, chapter eighty-one (81), section eighty-four (84),
18 is amended to read as follows:

19 SEC. 84. Chapter fifty (50), Code 1975, is amended by
20 inserting after section fifty point one (50.1) the following
21 new section:

22 NEW SECTION. ONE TALLY LIST IN CERTAIN MACHINE PRECINCTS.
23 In any precinct where an election is held by means of voting
24 machines which deliver, immediately upon conclusion of the
25 voting, multiple copies of a printed record of the votes cast
26 and the totals for each candidate or question appearing on
27 the face of the machine, the requirement of section fifty
28 point one (50.1), subsection four (4) of the Code that two
29 election board members keep separate tally lists of the vote
30 count shall not apply ~~unless-the-election-board-finds-upon~~
31 ~~opening-the-machine-that-the-printed-record-produced-by-the~~
32 ~~machine-is-smearred,--torn-or-otherwise-unreadable.--If-the~~
33 ~~printed-record-is-intact-and-legible,--the-election-board-need~~
34 ~~appoint-only-one-of-its-members-to-keep-a-tally-list-of-the~~
35 ~~count.~~

1 Sec. 31. Acts of the Sixty-sixth General Assembly, 1975
2 Session, chapter eighty-one (81), section eighty-seven (87),
3 third "new section", is amended to read as follows:

4 NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE
5 CHALLENGES. Upon being reconvened, the special precinct
6 election board shall review the affidavits upon the envelopes
7 bearing the challenged ballots, and all evidence submitted
8 in support of or opposition to the right of each challenged
9 person to vote in the election. The board may divide itself
10 into panels of not less than three members each in order to
11 hear and determine two or more challenges simultaneously,
12 but each panel shall meet the requirements of section forty-
13 nine point twelve (49.12) of the Code as regards political
14 party affiliation of the members of each panel. The decision
15 to count or reject each ballot shall be made upon the basis
16 of the information given on the affidavit envelope, the
17 evidence concerning the challenge, the registration and the
18 returned receipts of registration. If a challenged ballot
19 is rejected, the person casting the ballot shall be notified
20 by the commissioner within ten days of the reason for the
21 rejection, on the form prescribed by the state commissioner
22 pursuant to section fifty-three point twenty-five (53.25)
23 of the Code, and the affidavit envelope containing the
24 challenged ballot shall be preserved unsealed unopened and
25 disposed of in the same manner as spoiled ballots. The
26 challenged ballots which are accepted shall be counted in
27 the manner prescribed by section fifty-three point twenty-
28 four (53.24) of the Code. The commissioner shall make public
29 the number of challenged ballots rejected and not counted,
30 at the time of the canvass of the election.

31 Sec. 32. Section fifty-three point eight (53.8), Code
32 1975, as amended by Acts of the Sixty-sixth General Assembly,
33 1975 Session, chapter eighty-one (81), section one hundred
34 sixteen (116), is amended so that subsection three (3),
35 unnumbered paragraph one (1), reads as follows:

1 When an application for an absentee ballot is received
2 by the commissioner of any county from a qualified elector
3 who is a patient in a hospital in that county or a resident
4 of any facility in that county shown to be a health care
5 facility by the list of licenses provided the commissioner
6 under section one hundred twenty-four (124) of this Act, the
7 absentee ballot shall be delivered to the elector and returned
8 to the commissioner in the manner prescribed by section one
9 hundred nineteen (119) of this Act. However, if the application
10 is received more than ten calendar days before the election,
11 the commissioner shall mail to the applicant within twenty-
12 four hours a letter ~~acknowledging receipt of the application~~
13 ~~and describing the procedure prescribed by section one hundred~~
14 ~~nineteen (119) of this Act~~ in substantially the following
15 form:

16 "Your application for an absentee ballot for the election
17 to be held on _____ has been received. This ballot will
18 be personally delivered to you by a bi-partisan team sometime
19 during the ten days preceding the election. If you will not
20 be at the address from which your application was sent during
21 any or all of the ten-day period immediately preceding the
22 election, contact this office and arrangements will be made
23 to have your absentee ballot delivered at a time when you
24 will be present at that address."

25 Sec. 33. Section fifty-three point twenty-two (53.22),
26 Code 1975, as amended by Acts of the Sixty-sixth General As-
27 sembly, 1975 Session, chapter sixty-seven (67), section sixty-
28 four (64), is amended so that subsection one (1) reads as
29 follows:

30 1. a. A qualified elector who has applied for an absen-
31 tee ballot, in a manner other than that prescribed by sec-
32 tion fifty-three point eleven (53.11) of the Code, and who
33 is a resident or patient in a health care facility or hospital
34 located in the county to which the application has been
35 submitted shall be delivered the appropriate absentee ballot

1 by two special precinct election officers, one of whom shall
2 be a member of each of the political parties referred to in
3 section forty-nine point thirteen (49.13) of the Code, who
4 shall be appointed by the commissioner from the election board
5 panel for the special precinct established by section one
6 hundred three (103) of this Act. The special precinct election
7 officers shall be sworn in the manner provided by section
8 forty-nine point seventy-five (49.75) of the Code for election
9 board members, shall receive compensation as provided in
10 section forty-nine point twenty (49.20) of the Code, and shall
11 perform their duties during the ten calendar days preceding
12 the election and on election day if all ballots requested
13 under section fifty-three point eight (53.8), subsection three
14 (3), of the Code have not previously been delivered and
15 returned.

16 b. If an applicant under this subsection notifies the
17 commissioner that he or she will not be available at the
18 health care facility or hospital address at any time during
19 the ten-day period immediately prior to the election, but
20 will be available there at some earlier time, the commissioner
21 shall direct the two special precinct election officers to
22 deliver the applicant's ballot at an appropriate time prior
23 to the ten-day period immediately preceding the election.

24 If a person who so requested an absentee ballot has been
25 dismissed from the health care facility or hospital, the
26 special precinct election officers may take the ballot to
27 the elector if he or she is currently residing in the county.

28 c. The special precinct election officers shall both
29 notarize each absent voters affidavit as required by section
30 fifty-three point sixteen (53.16) of the Code; any such officer
31 who is not a notary public shall be provided with a stamp
32 containing that person's name and the words "special pre-
33 inct election officer" and may notarize the absentee
34 affidavits so delivered by signing them and applying the
35 stamp. The special precinct election officers shall travel

1 together in the same vehicle and both shall be present when
2 an applicant casts his or her absentee ballot. If either
3 or both of the special election officers fails to appear at
4 the time the duties set forth in this section are to be per-
5 formed, the commissioner shall at once appoint some other
6 person, giving preference to persons designated by the
7 respective county chairpersons of the political parties
8 described in section forty-nine point thirteen (49.13) of
9 the Code, to carry out the requirements of this section.
10 The persons authorized by this subsection to deliver an
11 absentee ballot to an applicant may assist the applicant in
12 filling out the ballot as permitted by section forty-nine
13 point ninety (49.90) of the Code. The voted absentee ballots
14 shall be deposited in a sealed container which shall be
15 returned to the commissioner on the same day.

16 Sec. 34. Section fifty-seven point one (57.1), Code 1975,
17 is amended by striking the section and inserting in lieu
18 thereof the following:

19 57.1 STANDING TO BRING CONTEST--GROUNDS FOR CONTEST.

20 1. Elections may be contested under this chapter as fol-
21 lows:

22 a. The election of any person to any county office, to
23 a seat in either branch of the general assembly, to a state
24 office, to the office of senator or representative in Congress,
25 or to the office of presidential elector may be contested
26 by any eligible person who received votes for the office in
27 question.

28 b. The outcome of the voting on a public measure may be
29 contested by petition of the greater of ten eligible elec-
30 tors or a number of eligible electors equalling one percent
31 of the total number of votes cast upon the public measure;
32 each petitioner must be a person who was entitled to vote
33 on the public measure in question or would have been so en-
34 titled if registered to vote.

35 2. Grounds for contesting an election under this chapter

1 are:

2 a. Misconduct, fraud or corruption on the part of any
3 election official or of any board of canvassers of sufficient
4 magnitude to change the result of the election.

5 b. That the incumbent was not eligible to the office in
6 question at the time of election.

7 c. That prior to the election the incumbent had been duly
8 convicted of an infamous crime, and that the judgment had
9 not been reversed, annulled or set aside, nor the incumbent
10 pardoned, at the time of the election.

11 d. That the incumbent has given or offered to any elector,
12 or any precinct election official or canvasser of the elec-
13 tion, any bribe or reward in money, property, or thing of
14 value, for the purpose of procuring his or her election.

15 e. That illegal votes have been received or legal votes
16 rejected at the polls, sufficient to change the result of
17 the election.

18 f. Any error in any board of canvassers in counting the
19 votes, or in declaring the result of the election, if the
20 error would affect the result.

21 g. Any other cause or allegation which, if sustained,
22 would show that a person other than the incumbent was the
23 person duly elected to the office in question, or would show
24 that the outcome of the voting on the public measure in
25 question was contrary to the result declared by the board
26 of canvassers.

27 Sec. 35. Section fifty-seven point two (57.2), Code 1975,
28 is amended to read as follows:

29 57.2 CERTIFICATE WITHHELD. If notice of contesting a
30 contest of the election of an officer is filed before the
31 certificate of election is delivered to him, ~~it~~ the incum-
32 bent, or notice of a contest of the declared result of an
33 election on a public measure is filed before a duplicate of
34 the abstract of votes upon the measure and of the county
35 board's declaration is certified pursuant to section fifty

1 point twenty-seven (50.27) of the Code, the certificate or
2 duplicate abstract and declaration shall be withheld until
3 the determination of the contest. If the certificate of
4 election or duplicate abstract and declaration have been
5 issued, the commissioner shall send the persons or political
6 subdivisions affected by the notice of contest a statement
7 advising them that the election is being contested and that
8 the certificate or duplicate abstract and declaration are
9 not valid until the election contest is resolved.

10 Sec. 36. Section fifty-seven point three (57.3), Code
11 1975, is amended to read as follows:

12 57.3 ~~INCUMBENT~~ TERMS DEFINED. The term "incumbent" in
13 this chapter means the person whom the canvassers declare
14 elected. The term "election" in this chapter means the voting
15 for a particular office, or the voting for or against a
16 particular public measure, including the notice and other
17 preparations for voting required by law and the tallying and
18 canvass of the votes cast, section thirty-nine point two
19 (39.2) of the Code as amended by this Act notwithstanding.

20 Sec. 37. Section fifty-seven point four (57.4), Code 1975,
21 is amended to read as follows:

22 57.4 CHANGE OF RESULT. When the misconduct, fraud, or
23 corruption complained of is on the part of the ~~judges-of~~ elec-
24 tion board in a precinct, it shall not be held sufficient
25 to set aside the election, unless the rejection of the vote
26 of that precinct would change the result as to that office.

27 Sec. 38. Section fifty-seven point five (57.5), Code 1975,
28 is amended to read as follows:

29 57.5 RECANVASS IN CASE OF CONTEST. The parties to any
30 contested election shall have the right, in open session of
31 the court or tribunal trying the contest, and in the presence
32 of the officer having them in custody, to have the ballots
33 opened, and all errors of the ~~judges~~ precinct election
34 officials in counting or refusing to count ballots corrected
35 by such court or tribunal.

1 Sec. 39. Section fifty-seven point six (57.6), Code 1975,
2 is amended to read as follows:

3 57.6 OTHER CONTESTS. All the provisions of the chapter
4 in relation to contested elections of county officers shall
5 be applicable, as near as may be, to contested elections for
6 other offices, and for public measures, except as herein
7 otherwise provided, and in all cases process and papers may
8 be issued to and served by the sheriff of any county.

9 Sec. 40. Section sixty-nine point twelve (69.12), unnum-
10 bered paragraph one (1), Code 1975, is amended to read as
11 follows:

12 When a vacancy occurs in any nonpartisan elective office
13 of a political subdivision of this state, ~~and a method for~~
14 ~~electing a person to the vacant office for the remainder of~~
15 ~~the unexpired term is not otherwise provided by law~~, the
16 vacancy shall be filled pursuant to this section. As used
17 in this section, "pending election" means any election at
18 which there will be on the ballot either the office in which
19 the vacancy exists, or any other office to be filled or any
20 public question to be decided by the voters of the same politi-
21 cal subdivision.

22 Sec. 41. Section sixty-nine point twelve (69.12), sub-
23 section one (1), Code 1975, as amended by Acts of the Sixty-
24 sixth General Assembly, 1975 Session, chapter eighty-one (81),
25 section one hundred twenty-two (122), is amended by striking
26 the subsection and inserting in lieu thereof the following:

27 1. If the unexpired term in which the vacancy occurs has
28 more than seventy days to run after the date of the next
29 pending election, the vacancy shall be filled in accordance
30 with this subsection. The fact that absentee ballots were
31 distributed or voted before the vacancy occurred or was
32 declared shall not invalidate the election.

33 a. A vacancy shall be filled at the next pending election
34 if its occurs:

35 (1) Sixty or more days prior to the election, if it is

1 a general or primary election.

2 (2) Forty-five or more days prior to the election, if it
3 is a regularly scheduled school or city election.

4 (3) Forty or more days prior to the election, if it is
5 a special election.

6 b. Nomination papers on behalf of candidates for a vacant
7 office to be filled pursuant to paragraph a of this subsec-
8 tion shall be filed, in the form and manner prescribed by
9 applicable law, by five o'clock p.m. on:

10 (1) The fifty-fifth day prior to a general or primary elec-
11 tion.

12 (2) The fortieth day prior to a regularly scheduled school
13 or city election.

14 (3) The twenty-fifth day prior to a special election.

15 c. A vacancy which occurs at a time when paragraph a of
16 this subsection does not permit it to be filled at the next
17 pending election shall be filled by appointment as provided
18 by law until the succeeding pending election.

19 Sec. 42. Section two hundred seventy-seven point four
20 (277.4), Code 1975, is amended to read as follows:

21 277.4 NOMINATIONS REQUIRED. Nomination papers for all
22 candidates for election to office in each school district
23 shall be filed with the secretary of the school board not
24 more than sixty-five days, nor less than forty days prior
25 to the election. Nomination petitions shall be filed not
26 later than five o'clock p.m. on the last day for filing.
27 Each candidate shall be nominated by a petition signed by
28 not less than ten eligible electors of the district. To each
29 such petition shall be attached the affidavit of an eligible
30 elector of the district, ~~other than the candidate being~~
31 ~~nominated,~~ that all of the signers thereof are electors of
32 such district and that the signatures thereto are genuine.
33 The candidate being nominated by the petition may sign the
34 affidavit only if he or she personally circulated the petition.
35 If the affiant also signed the nomination petition, that

1 signature shall not be counted toward the total required by
2 this section. The petition shall include the affidavit of
3 the candidate being nominated, stating his name, his residence,
4 that he is a candidate and is eligible for the office he
5 seeks, and that if elected he will qualify for the office.

6 The secretary of the school board shall deliver all nomina-
7 tion petitions to the county commissioner of elections not
8 later than five o'clock p.m. on the day following the last
9 day on which nomination petitions can be filed. Any person
10 on whose behalf nomination petitions have been filed under
11 this section may withdraw as a candidate by filing a signed
12 statement to that effect with the commissioner at any time
13 prior to five o'clock p.m. on the ~~twenty-first~~ thirty-fifth
14 day before the election.

15 Sec. 43. Section two hundred seventy-seven point twenty-
16 eight (277.28), Code 1975, is amended by striking unnumbered
17 paragraph six (6).

18 Sec. 44. Section two hundred eighty A point fifteen
19 (280A.15), subsections one (1) and three (3), Code 1975, are
20 amended to read as follows:

21 1. Regular elections held annually by the merged area
22 for the election of members of the board of directors as
23 required by section 280A.12, for the renewal of the three-
24 fourths mill levy authorized in section 280A.22, or for any
25 other matter authorized by law and designated for election
26 by the board of directors of the merged area, shall be held
27 on the date of the school election as fixed by section 277.1.
28 The election notice shall be made a part of the local school
29 election notice published as provided in section 49.53 in
30 each local school district where voting is to occur in the
31 merged area election, and the election shall be conducted
32 by the county commissioner of elections pursuant to chapters
33 39 to 53 and section 277.20.

34 3. Nomination papers in behalf of candidates for member
35 of the board of directors of a merged area shall be filed

1 with the secretary of the board not earlier than sixty-five
2 days nor later than five o'clock p.m. on the fortieth day
3 prior to the election at which members of the board are to
4 be elected. The secretary shall deliver all nomination peti-
5 tions so filed, together with the text of any public mea-
6 sure being submitted by the board of directors to the elec-
7 torate, to the county commissioner of elections who is
8 responsible under section 47.2 for conducting elections held
9 for the merged area, not later than five o'clock p.m. on
10 the day following the last day on which nomination petitions
11 can be filed. That commissioner shall certify the names of
12 candidates, and the text and summary of any public measure
13 being submitted to the electorate, to all county commissioners
14 of elections in the merged area by the thirty-fifth day prior
15 to the election.

16 Sec. 45. Section three hundred forty-five point six
17 (345.6), Code 1975, is amended to read as follows:

18 345.6 MANNER OF SUBMITTING QUESTIONS. The mode of
19 submitting questions to the people shall be the following:
20 The whole question, including the sum desired to be raised,
21 or the amount of tax desired to be levied, or the rate per
22 annum, and the whole regulation, including the time of its
23 taking effect or having operation, if it be of a nature to
24 be set forth, and the penalty for its violation if there be
25 one, shall be embraced in a notice of the election. The
26 notice shall, to the extent consistent with this section,
27 be drawn up in accordance with and shall be published ~~once~~
28 ~~each-week-for-at-least-four-weeks-in-some-newspaper-published~~
29 ~~in-the-county.--Such-notice-shall-name-the-time-when-such~~
30 ~~question-will-be-voted-upon, and the form in which the question~~
31 ~~shall-be-submitted, and a~~ as required by section forty-nine
32 point fifty-three (49.53) of the Code. A copy of the ques-
33 tion to be submitted shall be posted at each polling place
34 during the day of election.

35 Sec. 46. Section three hundred fifty-eight point nine

1 (358.9), Code 1975, as amended by Acts of the Sixty-sixth
2 General Assembly, 1975 Session, chapter eighty-one (81),
3 section one hundred forty-eight (148), is amended by striking
4 unnumbered paragraphs one (1) and two (2) and inserting in
5 lieu thereof the following:

6 At the election provided for in section three hundred
7 fifty-eight point seven (358.7) of the Code, the names of
8 candidates for trustee of the district shall be written by
9 the voters on blank ballots without formal nomination, and
10 the board of supervisors which had jurisdiction of the pro-
11 ceedings for establishment of the sanitary district, together
12 with the board of supervisors of any other county in which
13 any part of the district is located, shall appoint three
14 trustees from among the five persons receiving the greatest
15 number of votes as trustees of the district. One of the
16 trustees shall be designated to serve a term expiring one
17 year from the next succeeding June thirtieth, one to serve
18 a term of two years from that date, and one to serve a term
19 of three years from that date. Their successors shall each
20 serve terms of three years commencing July first of the year
21 in which they are chosen. Successors to the initial trustees
22 may be chosen by appointment by the same board or boards of
23 supervisors which made the initial appointments or by elec-
24 tion, at the option of the remaining trustees.

25 Vacancies in the office of trustee of a sanitary district
26 shall be filled by the remaining members of the board for
27 the period until a successor is chosen in the manner pre-
28 scribed by this section or by section sixty-nine point twelve
29 (69.12) of the Code, whichever is applicable.

30 Sec. 47. Section three hundred fifty-nine point twenty-
31 three (359.23), Code 1975, is amended to read as follows:

32 359.23 RECEIPTS AND EXPENDITURES. Each township clerk
33 ~~on-the-morning-of-the-day-of-the-general-election-and-before~~
34 ~~the-hour-for-opening-the-polls, shall post, at the place where~~
35 ~~such-election-is-to-be-held-in-his-township~~ shall prepare,

1 on or before September thirtieth of each year, a statement
2 in writing, showing all receipts of money and disbursements
3 in his or her office for the preceding two-years fiscal year,
4 which shall be certified as correct by the trustees of the
5 township. Each township clerk shall ~~also~~ send a copy of this
6 written statement to the county auditor no later than seven
7 days after the ~~posting~~ statement is certified by the trustees.

8 Sec. 48. Section three hundred sixty-eight point nineteen
9 (368.19), Code 1975, as amended by Acts of the Sixty-sixth
10 General Assembly, 1975 Session, chapter one hundred ninety-
11 seven (197), section nine (9), is amended by striking the
12 section and inserting in lieu thereof the following:

13 368.19 TIME LIMIT--ELECTION. The committee shall approve
14 or disapprove the petition or plan as amended, within ninety
15 days of the final hearing, and shall file its decision for
16 record and promptly notify the parties to the proceeding of
17 its decision. If a petition or plan is approved, the board
18 shall set a date within ninety days for a special election
19 on the proposal and the county commissioner of elections shall
20 conduct the election. In a case of incorporation or discon-
21 tinuance, qualified electors of the territory or city may
22 vote, and the proposal is authorized if a majority of those
23 voting approves it. In a case of annexation or severance,
24 qualified electors of the territory and of the city may vote,
25 and the proposal is authorized if a majority of the total
26 number of persons voting approves it. In a case of
27 consolidation, qualified electors of each city to be con-
28 solidated may vote, and the proposal is authorized only if
29 it receives a favorable majority vote in each city. The
30 county commissioner of elections shall publish notice of the
31 election as provided in section forty-nine point fifty-three
32 (49.53) of the Code and shall conduct the election in the
33 same manner as other special city elections.

34 The costs of an incorporation election shall be borne by
35 the initiating petitioners if the election fails, but if the

1 proposition is approved the cost shall become a charge of
2 the new city.

3 Sec. 49. Section three hundred seventy-six point two
4 (376.2), unnumbered paragraph two (2), Code 1975, as amended
5 by Acts of the Sixty-sixth General Assembly, 1975 Session,
6 chapter one hundred ninety-seven (197), section eighteen (18),
7 is amended to read as follows:

8 Except as otherwise provided by state law or the city
9 charter, terms for elective offices are two years. However,
10 the term of an elective office may be changed to two or four
11 years by petition and election. Upon receipt of a valid
12 petition as defined in section 362.4, requesting that the
13 term of an elective office be changed, the council shall
14 submit the question at a special city election to be held
15 within ~~thirty~~ sixty days. If a majority of the persons voting
16 at the special election approves the changed term, it becomes
17 effective at the beginning of the term following the next
18 regular city election. If a majority does not approve the
19 changed term, the council shall not submit the same proposal
20 to the voters within the next four years.

21 Sec. 50. Section three hundred seventy-six point four
22 (376.4), unnumbered paragraphs one (1) and four (4), Code
23 1975, as amended by Acts of the Sixty-sixth General Assembly,
24 1975 Session, chapter two hundred three (203), section twenty-
25 five (25), are amended to read as follows:

26 An eligible elector of a city may become a candidate for
27 an elective city office by filing with the city clerk a valid
28 petition requesting that his or her name be placed on the
29 ballot for that office. The petition must be filed not more
30 than sixty-five days nor less than forty days before the date
31 of the election, and must be signed by eligible electors equal
32 in number to at least two percent of those who voted to fill
33 the same office at the last regular city election, but not
34 less than ten persons. The candidate for whom the petition
35 is filed may sign the affidavit only if he or she personally

1 circulated the petition. The person being nominated by the
2 petition may not sign it. Nomination petitions shall be filed
3 not later than five o'clock p.m. on the last day for filing.
4 The petition must include the affidavit of at least one
5 eligible elector other than the petitioners and the individual
6 for whom the petition is being filed, stating the affiant's
7 knowledge, information, and belief as to the residence of
8 the petitioners. If the affiant also signed the nomination
9 petition, that signature shall not be counted toward the total
10 required by this section.

11 Sec. 51. Section three hundred seventy-six point seven
12 (376.7), Code 1975, is amended to read as follows:

13 376.7 DATE OF PRIMARY. If a primary election is neces-
14 sary, it must be held on the Tuesday ~~two~~ three weeks before
15 the date of the regular city election. The county board of
16 supervisors shall publicly canvass the tally lists of the
17 vote cast in the primary election, following the procedures
18 prescribed in section fifty point twenty-four (50.24) of the
19 Code, at a meeting to be held beginning at one o'clock in
20 the afternoon on the second day following the primary election.

21 The names of those candidates who receive the highest
22 number of votes ~~in~~ for each office on the primary election
23 ballot, to the extent of twice the number of unfilled
24 positions, must be placed on the ballot for the regular city
25 election as candidates for ~~the~~ that office ~~for-which-they~~
26 ~~have-filed~~.

27 Sec. 52. Section three hundred seventy-six point eight
28 (376.8), Code 1975, is amended to read as follows:

29 376.8 WHO ELECTED. In a regular city election follow-
30 ing a primary, the candidates who receive the highest number
31 of votes cast for ~~the~~ each office ~~for-which-they-have-filed~~
32 on the ballot are elected, to the extent necessary to fill
33 the positions ~~for-which-they-have-filed~~ open. In a regular
34 city election when a council has chosen a runoff election
35 in lieu of a primary, the candidates who receive the highest

1 number of votes and a majority of the votes cast for ~~the~~ each
2 office ~~for-which-they-have-filed~~ on the ballot are elected,
3 to the extent necessary to fill the positions ~~for-which-they~~
4 ~~have-filed~~ open, but no candidate is elected who fails to
5 receive a majority of that number of votes found by dividing
6 the number of votes cast for the office in question by the
7 number of persons to be elected to that office. In a regular
8 city election when a council has chosen to have nominations
9 made in the manner provided by chapter 44 or 45, the candidates
10 who receive the highest number of votes for ~~the~~ each office
11 ~~for-which-they-are-nominated~~ on the ballot are elected, to
12 the extent necessary to fill the positions ~~for-which-they~~
13 ~~are-nominated~~ open.

14 Sec. 53. Section three hundred seventy-six point nine
15 (376.9), Code 1975, as amended by Acts of the Sixty-sixth
16 General Assembly, 1975 Session, chapter one hundred ninety-
17 seven (197), section twenty (20), is amended to read as
18 follows:

19 376.9 RUNOFF ELECTION. A runoff election may be held
20 only for positions unfilled because of failure of a sufficient
21 number of candidates to receive a majority vote in the regu-
22 lar city election. When a council has chosen a runoff election
23 in lieu of a primary, the county board of supervisors shall
24 publicly canvass the tally lists of the vote cast in the
25 regular city election, following the procedures prescribed
26 in section 50.24, at a meeting to be held beginning at one
27 o'clock in the afternoon on the second day following the
28 regular city election. Candidates who do not receive a major-
29 ity of the votes cast for ~~the~~ an office ~~for-which-they-have~~
30 ~~filed~~, but who receive the highest number of votes cast for
31 that office in the regular city election, to the extent of
32 twice the number of unfilled positions, are candidates in
33 the runoff election.

34 Runoff elections ~~must~~ shall be held ~~two~~ three weeks after
35 the date of the regular city election and ~~must~~ shall be

1 conducted in the same manner as regular city elections ~~except~~
2 ~~that only persons who were qualified electors in the last~~
3 ~~preceding regular city election are qualified to vote in the~~
4 runoff.

5 Candidates in the runoff election who receive the highest
6 number of votes cast for ~~the~~ each office ~~for which they have~~
7 ~~filed~~ on the ballot are elected to the extent necessary to
8 fill the positions ~~for which they have filed~~ open.

9 Sec. 54. Chapter three hundred seventy-six (376), Code
10 1975, is amended by adding the following new section:

11 NEW SECTION. CANDIDATES NOMINATED BY WRITE-IN VOTE. Any
12 person nominated by a write-in vote in a city primary election,
13 or in a regular city election in a city where the council
14 has chosen a runoff election in lieu of a primary, shall /
15 execute an affidavit in substantially the form required by
16 section forty-five point three (45.3) of the Code and file
17 it with the county commissioner of elections or the city clerk
18 not later than five o'clock p.m. of the day after the canvass
19 of the primary or regular city election, as the case may be.
20 If the person so nominated fails to complete and file the
21 affidavit at the time required, the county commissioner of
22 elections shall disregard the write-in votes cast for that
23 person and proceed in accordance with the requirements of
24 this chapter on the basis of the canvass of all other votes
25 cast at the primary or regular city election.

26 Sec. 55. For the purpose of transition from the provisions
27 of section three hundred fifty-eight point nine (358.9), Code
28 1975, to the replacement provisions enacted as section forty-
29 six (46) of this Act, in those sanitary districts in exis-
30 tence under chapter three hundred fifty-eight (358) of the
31 Code prior to the effective date of this Act, the terms of
32 trustees elected in those districts shall be adjusted as
33 follows:

34 1. The terms of trustees elected in 1970 for a six-year
35 term beginning in January, 1971, or their successors, shall

1 be extended until June 30, 1977.

2 2. The terms of trustees elected in 1972 for a six-year
3 term beginning in January, 1973, or their successors, shall
4 be terminated June 30, 1978.

5 3. The terms of trustees elected in 1974 for a six-year
6 term beginning in January, 1975, or their successors, shall
7 be terminated June 30, 1979.

8 The successors to the trustees whose terms are adjusted
9 under this section shall be chosen in accord with section
10 three hundred fifty-eight point nine (358.9) of the Code as
11 amended by section forty-six (46) of this Act.

12 Sec. 56. This Act, being deemed of immediate importance,
13 shall take effect and be in force from and after its publica-
14 tion in _____, a newspaper published in
15 _____, Iowa, and in _____,
16 a newspaper published in _____, Iowa.

17 EXPLANATION

18 This bill makes a number of revisions in existing election
19 laws, dealing with some 20 different specific problems or
20 defects in wording which have come to light in the past year.
21 A key provision deletes the unintended requirement that voters
22 registering by mail have their registration forms notarized.
23 Persons who claim to be registered but whose names do not
24 appear on the registration records are authorized to use the
25 challenged ballot voting procedure set up in 1975. Various
26 adjustments in this procedure and the related procedure for
27 voting at the polls on election day by handicapped persons
28 are also made. A number of improvements in city election
29 laws are made, including clarification of the situations in
30 which shortened voting hours may be ordered, revision of
31 language interpreted as suggesting write-in votes are not
32 acceptable in city elections, and adjustments to the procedure
33 for filling ballot vacancies in special charter cities. The
34 grounds for bringing an election contest under Chapter 57
35 are clarified, and specifically extended to elections on

1 public measures such as bond issues. Publication of election
2 notice requirements are further refined and clarified.

3 Since this is in the nature of an omnibus corrective bill,
4 the foregoing paragraph is not a complete list of all matters
5 affected by the bill.

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*Proof of Publication 5/18 (p. 2862)
The Hawk Eye 5/14 Burlington
Missouri Journal 5/14 Muncie*

-5016

Amend House File 1011 as follows:

1. Page 19, by inserting after line 35 the following new section:

"Sec. _____. Section fifty point eleven (50.11), Code 1975, is amended to read as follows:

50.11 PROCLAMATION OF RESULT. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which he is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people, and he shall communicate said information by telephone or telegraph or in person to the commissioner who is conducting the election immediately upon completion of the canvass; and the commissioner shall remain on duty until such information is communicated to him from each polling place in his county. At any election at which the precinct election officials have been notified that fewer than twenty-five absentee ballots were received in the office of the commissioner, the precinct canvass is not complete until the results of the tabulation of any absentee ballots cast by electors of that precinct have been communicated to the precinct election officials by the commissioner pursuant to section 53.23 of the Code.

2. Page 23, by inserting after line 15 the following new section:

"Sec. _____. Section fifty-three point twenty-three (53.23), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred twenty (120), is amended by adding the following new subsection:

NEW SUBSECTION. The intent of this subsection is to protect the secrecy of each absentee voter's ballot to the greatest extent feasible. If the commissioner has not received a total of at least twenty-five absentee ballots cast in an election before the election supplies are delivered to the precinct election officials pursuant to section forty-nine point fifty-five (49.55) of the Code, the commissioner shall at that time so notify the precinct election officials of each precinct under his or her jurisdiction. In that case, the special precinct election board shall not announce the results of its tally as would otherwise be required by section fifty point eleven (50.11) of the Code. Instead, at nine o'clock p.m. on election day or as soon after that

H-5016

Page 2

1 hour as possible, the commissioner shall communicate
2 the tabulation of any absentee ballots cast by electors
3 of each precinct to the regular election board of
4 that precinct, which shall include these tabulations
5 in the results announced at the precinct polling place
6 under section fifty point eleven (50.11) of the Code."
7 3. Amend the title, second page, line 8, by
8 inserting after the word "precincts," the words
9 "providing alternative procedures to protect the
10 secrecy of absentee voters' ballots in certain
11 elections,".

H-5016 FILED - *Lost 1/22* BY GRIFFEE of Chickasaw
JANUARY 21, 1976

H-5018

1 Amend House File 1011 as follows:
2 1. Page 4, by striking line 8 and inserting in
3 lieu thereof the following: "(1) all of paragraphs
4 f and g and inserting in lieu thereof the following:
5 f. For any other partisan office filled by the
6 voters of a subdivision of a county, by those members
7 of the party's county central committee who represent
8 the precincts lying within that district, who shall
9 be convened or reconvened as appropriate by the county
10 party chairperson. However this paragraph shall not
11 apply to partisan city offices in special charter
12 cities for which candidates are nominated under this
13 chapter, but such ballot vacancies shall be filled
14 as provided by section nine (9) of this Act.
15 Sec. _____. Section forty-three point seventy-eight
16 (43.78), subsection three (3), Code 1975, as amended
17 by Acts of the Sixty-sixth General Assembly, 1975
18 Session, chapter eighty-one (81), section twenty-five
19 (25), is amended to read as follows:
20 3. The name of any candidate designated to fill
21 a vacancy on the general election ballot in accordance
22 with subsection one (1), paragraphs d, e, f or g
23 of this section shall be submitted in writing to the
24 commissioner not later than five o'clock p.m. on the
25 fifty-fifth day prior to the date of the general
26 election."
27 2. By renumbering succeeding sections of the bill
28 and changing internal references in the bill and in
29 section 1 of this amendment in accordance with this
30 amendment.

H-5018 FILED - *Adopted* BY BINA of Scott
JANUARY 21, 1976 *1/22* MONROE of Des Moines

H-5029

1 Amend House File 1011 as follows:
2 1. Page 14, by striking lines 29 through 33 and
3 inserting in lieu thereof the following:
4 "2. The commissioner shall ~~not-de-se~~ shorten
5 voting hours for any election only if there is filed
6 in the commissioner's office, at least twenty-five
7 twenty-eight days before the election, a petition
8 signed by at least fifty eligible electors of the
9 school district or city, as the case may be, requesting
10 that the polls be opened for that election at twelve
11 o'clock noon. However, in such cases, the commissioner
12 may use his or her discretion if there is filed in
13 the commissioner's office, at least twenty-five days
14 before the election, a second petition signed by a
15 greater number of eligible electors of the school
16 district or city, none of whom signed the first
17 petition, requesting that the polls be opened not
18 later than seven o'clock a.m. All polling".

H-5029 FILED BY MILLER of Buchanan
Ayes-34; Nays-48 LOST
JANUARY 22, 1976

H-5038

1 Amend House File 1011 as follows:
2 1. Page 3, by inserting after line 20 the
3 following:
4 "I am aware that I am required to organize a
5 candidate's committee which shall file an organiza-
6 tion statement and disclosure reports if it receives
7 contributions, makes expenditures, or incurs indebted-
8 ness in excess of one hundred dollars for the purpose
9 of supporting my candidacy for public office."
10 2. Page 22, lines 5 and 6, by striking the words
11 and figures "one hundred three (103)" and inserting
12 in lieu thereof the words and figures "one-hundred
13 three-(103)- one hundred eighteen (118)".
14 3. Page 33, line 14, by striking the word "must"
15 and inserting in lieu thereof the words "must shall".

H-5038 FILED, ADOPTED BY MONROE of Des Moines
JANUARY 22, 1976

H-5031

1 Amend House File 1011, by striking page 10, line
2 6 through page 15, line 7, and inserting in lieu
3 thereof the following: "seventy-six (76) is amended
4 by striking the section and inserting in lieu thereof
5 the following:
6 49.73 TIME OF OPENING AND CLOSING POLLS. At all
7 elections, the polls shall be opened at seven o'clock
8 a.m., or as soon thereafter as vacancies on the
9 precinct election board have been filled. The polling
10 places shall be closed at nine o'clock p.m."

H-5031 FILED BY MILLER of Buchanan
Ayes-20; Nays-69 LOST
JANUARY 22, 1976

H-5017

1 Amend House File 1011 as follows:

- 2 1. Page 13, line 3, by striking the word "one-
3 sixteenth" and inserting in lieu thereof the word
4 "five-thirty-sixth".

H-5017 FILED - *Adopted* 1/22 BY SCHROEDER of Pottawattamie
JANUARY 21, 1976

H-5025

1 Amend House File 1011 as follows:

- 2 1. Page 17, by striking lines 11 through 14 and
3 inserting in lieu thereof the words "voter the
4 opportunity to vote in secret. The".
5 2. Page 18, by striking lines 5, 6 and 7 and in-
6 sserting in lieu thereof the following:
7 "Challenged Elector's Ballot"
8 3. Page 19, by striking lines 8 through 12 and
9 inserting in lieu thereof the following: "east
10 aeecording-to-section-forty-nine-point-eighty-one
11 (49.81)-of-the-Code, except they shall be marked
12 "handicapped-voter's-ballot"-and-shall-be-counted
13 opened immediately after the closing of the polling
14 place by the two precinct election officials designated
15 under section forty-nine point eighty-nine (49.89)
16 of the Code, who shall register the votes cast thereon
17 on a voting machine in the polling place before the
18 votes cast there are tallied pursuant to section
19 fifty-two point twenty-one (52.21) of the Code. To
20 preserve so far as possible the confidentiality of
21 each handicapped elector's ballot, the two officers
22 shall proceed substantially in the same manner as
23 challenged-ballots-accepted-under provided in section
24 fifty-point-twenty-two-(50.22) fifty-three point
25 twenty-four (53.24) of the Code. In precincts where".

H-5025 FILED BY WYCKOFF of Benton
Ayes-46; Nays-42 SCHROEDER of Pottawattamie
ADOPTED, JANUARY 22, 1976

H-5026

- 1 Amend House File 1011, page 8, line 34, by in-
2 sserting after the word "lists." the words "Each such
3 person who does so shall, before receiving the
4 requested information, sign an affidavit to the effect
5 that he or she understands the restrictions imposed
6 on use of the information by this subsection, intends
7 to abide by those restrictions, and is aware of the
8 penalty provided by this subsection for violating
9 them."

H-5026 FILED, LOST BY HINES of Story
JANUARY 22, 1976 SCHROEDER of Pottawattamie

H-5030

1 Amend House File 1011 as follows:

2 1. Page 3, by striking line 6 and inserting in
3 lieu thereof the following: "without other
4 certificate-, except that:

5 1. A person currently holding an elective office
6 established by the constitution of the state of Iowa
7 or the statutes of the state or any of its political
8 subdivisions for a term which will extend more than
9 sixty days beyond the forthcoming general election,
10 and who has been nominated in the primary for any
11 other such office, shall submit to the proper authority
12 his or her resignation from the office currently held
13 effective not later than the first day of July next
14 succeeding the primary election in which he or she
15 was so nominated.

16 2. A candidate whose".

17 2. Page 3, line 28, by striking the words "required
18 to execute the foregoing affidavit" and inserting
19 in lieu thereof the words "subject to the requirements
20 of subsections one (1) or two (2) of this section".

21 3. Page 3, lines 34 and 35, by striking the words
22 "execute and deliver the affidavit" and inserting
23 in lieu thereof the words "comply with the applicable
24 requirement of this section".

25 4. Amend the title, first page, line 10, by
26 inserting after the word "that" the words "certain
27 officeholders seeking other elective office resign
28 from the office currently held to qualify for the
29 general election ballot and that".

H-5030 FILED, ADOPTED BY MILLER of Buchanan
JANUARY 22, 1976 JORDAN of Linn

H-5014

1 Amend the Monroe, et al. amendment H-5009 to House
2 File 1011 by inserting after line 11 the following:
3 "____. Page 14, by striking from lines 6 and 7
4 the words "subsection five (5), Code 1975, is amended
5 to read as follows:".

H-5014 FILED - *Adopted 1/22* BY MONROE of Des Moines
JANUARY 21, 1976

H-5012

1 Amend House File 1011 as follows:

2 1. Page 13, line 3, by striking the word "one-
3 sixteenth" and inserting in lieu thereof the word
4 "one-sixth".

H-5012 FILED - *Withdrawn 1/22* BY SCHROEDER of Pottawattamie
JANUARY 21, 1976

1 Amend House File 1011 as follows:

2 1. Page 3, by striking line 6 and inserting in
3 lieu thereof the following: "without other
4 certificate- , except that:

5 1. A candidate who is an incumbent senator in
6 the general assembly serving a term which will extend
7 more than sixty days beyond the forthcoming general
8 election, and who has been nominated in the primary
9 election for an office established by the constitution
10 of the state of Iowa or the statutes of the state
11 or any of its political subdivisions, shall submit
12 to the governor his or her resignation from the senate
13 effective not later than the first day of July next
14 succeeding the primary election in which he or she
15 was so nominated.

16 2. A candidate whose".

17 2. Page 3, line 28, by striking the words
18 "required to execute the foregoing affidavit" and
19 inserting in lieu thereof the words "subject to the
20 requirements of subsections one (1) or two (2) of this
21 section".

22 3. Page 3, lines 34 and 35, by striking the words
23 "execute and deliver the affidavit" and inserting in
24 lieu thereof the words "comply with the applicable
25 requirement of this section".

26 4. Amend the title, first page, line 10, by
27 inserting after the word "that" the words "certain
28 state senators seeking other elective office resign
29 from the senate to qualify for the general election
30 ballot and that".

Amend House File 1011 as follows:

1. Page 11, by striking line 17 and inserting in lieu thereof the following:

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

2. Page 12, line 3, by inserting after the word "election," the words "at least".

3. Page 12, line 4, by striking the words "voters or major fraction thereof" and inserting in lieu thereof the words fifty voters or-major-fraction thereof".

4. Page 15, lines 6 and 7, by striking the words "In all cases the" and inserting in lieu thereof the words In-all-cases-the The".

5. Page 15, by inserting after line 7 the following: "for state primary and general elections and other partisan elections and at eight o'clock p.m. for all other elections."

6. Page 20, line 6, by striking the word "affidavits" and inserting in lieu thereof the wrds "affidavits information".

7. Page 20, line 16, by striking the words "affidavit envelope" and inserting in lieu thereof the words "affidavit envelope containing the challenged ballot".

8. Page 32, by striking lines 34 and 35, and page 33, by striking lines 1 and 2, and inserting in lieu thereof the following: "less than ten persons. Nomination petitions shall be filed".

9. Page 33, lines 5 and 6, by striking the words "and the individual for whom the petition is being filed" and inserting in lieu thereof the words "and the-individual-for-whom-the-petition-is-being-filed".

10. Page 33, line 8, by inserting after the word "petitioners." the words "The candidate for whom the petition is filed may sign the affidavit only if he or she personally circulated the petition."

11. Page 36, by striking lines 12 through 16 and inserting in lieu thereof the following:

"Sec. ____ . This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk-Eye, a newspaper published in Burlington, Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa."

A
adopted 1/22

B
adopted as amended
by 50.4 1/22

C
adopted 1/22

C
adopted 1/22

D
adopted 1/22

E
adopted 1/22

H-5009 FILED - *adopted 1/22*
JANUARY 20, 1976

BY MONROE of Des Moines
DRAKE of Muscatine
HINES of Story

FISCAL NOTE
HOUSE FILE 1011

Date Prepared March 23, 1976

Requested by Representative Caffrey
Prepared in regard to Amendment S-5391 to H.F. 1011.
Following is the fiscal effect in dollars of the legis-
lative proposal as required by Joint Rule 16:

The fiscal effect of this proposal is as follows:

First year-one time costs	\$127,000
Possible additional costs to acquire and keypunch data	<u>141,000</u>
Total	\$268,000
Thereafter - recurring	\$ 47,000

Certain recurring costs are assumed to be charged back to the counties and no estimate of these costs is included. No estimate is made of the cost of supervising contracts from other providers during period preceding implementation of this system.

FILED
MARCH 23, 1976

BY GERRY D. RANKIN
Legislative Fiscal Director

HOUSE FILE 1011

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

per Senate amendment as amended
 Passed House, Date 4-9-76 (1848) Passed Senate, Date 3-22-76 (999)
 Vote: Ayes 64 Nays 28 Vote: Ayes 42 Nays 3
 Approved 5-7-76

Re-passed Senate per Amendment S-5502
4-14-76 (1304)
 35-12

A BILL FOR

Re-passed Senate per S-5529
4-21-76 (1376)
 36-10

1 An Act to amend the election laws of the state of Iowa by
 2 specifying the times when special elections may be called
 3 and held, clarifying the requirement that nominating peti-
 4 tions for candidates for public office be accompanied by
 5 an eligible elector's affidavit, clarifying the manner in
 6 which ballots cast by challenged or handicapped electors
 7 are to be received, handled and canvassed, requiring that
 8 county election commissioners notify the state commissioner
 9 when a recount of primary election ballots is granted, re-
 10 quiring that certain officeholders seeking other
 11 elective office resign from the office currently held
 12 to qualify for the general election ballot and that
 13 candidates nominated by write-in votes in
 14 certain elections affirm their candidacy, changing the
 15 manner of filling vacancies on city primary election ballots
 16 in special charter cities, changing the time when the number
 17 of delegates to be elected to county political party con-
 18 ventions by each precinct caucus must be designated, stating
 19 the functions of state political party conventions, changing
 20 the time when petitions for certain candidates nominated
 21 under chapter forty-four (44) of the Code must be filed,
 22 clarifying the permissible uses of voter registration records,
 23 altering the procedures for certain registered voters to
 24 record a change of name or address, specifying certain hours
 25 when the office of the county commissioner of elections must

1 be open or make alternative arrangements to receive registra-
2 tion material from mobile deputy registrars, clarifying the
3 time and method of holding and canvassing and the formula
4 for determining who is nominated or elected in certain city
5 elections, clarifying the number of voting machines or
6 booths to be furnished each precinct polling place, clarify-
7 ing the requirements for publishing notice of elections,
8 clarifying the manner in which printed ballots are to be
9 identified, clarifying the hours when the polls must be
10 open for certain elections, revising the law relative to
11 tallying votes cast in certain precincts, clarifying the
12 manner of delivery of absentee ballots to certain voters,
13 providing for contesting elections on public measures,
14 clarifying when vacancies in certain elective offices must
15 be filled by election, changing the time when candidates in
16 school elections may withdraw, deleting an obsolete refer-
17 ence to elected school district treasurers, clarifying the
18 manner of administering merged area elections, changing the
19 manner of electing sanitary district trustees, ending the
20 requirement that the township clerk's annual financial
21 statement be posted at each polling place in the township,
22 clarifying the law relative to certain elections conducted
23 for the city development board, and providing that this Act
24 shall take effect upon publication.

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

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1 Section 1. Section thirty-nine point two (39.2), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter eighty-one (81), section two (2), is
4 amended to read as follows:

5 39.2 SPECIAL ELECTIONS.

6 1. All special elections which are authorized or required
7 by law, unless the applicable law otherwise requires, shall
8 be held on Tuesday. No special election may be held on the
9 first or second Tuesday preceding and following the primary
10 and the general elections.

11 2. A special election may be held on the same day as a
12 regularly scheduled election if the two elections are not
13 in conflict within the meaning of Acts of the Sixty-sixth
14 General Assembly, 1975 Session, chapter eighty-one (81),
15 section forty-four (44), subsection two (2). A special
16 election may be held on the same day as a regularly scheduled
17 election with which it does so conflict if the commissioner
18 who is responsible for conducting the elections concludes
19 that to do so will cause no undue difficulties.

20 3. When voting is to occur on the same day in any one
21 precinct for two or more elections, they shall be considered
22 one election for purposes of administration including but
23 not limited to publishing notice of the election, preparation
24 of the precinct election register and completion of tally
25 sheets after the polling place has closed.

26 Sec. 2. Section forty-three point seventeen (43.17), Code
27 1975, is amended to read as follows:

28 43.17 AFFIDAVIT TO NOMINATION PAPERS. The affidavit of
29 an eligible elector, ~~7-ether-than-the-candidate,~~ shall be
30 appended to each such nomination paper, or papers, if more
31 than one for any candidate, stating that to the best of his
32 or her knowledge and belief all the persons who have signed
33 the paper or papers are electors of that county or legislative
34 district; that they signed the same with full knowledge of
35 the contents thereof; that their respective residences are

1 truly stated therein; and that each signer signed the same
2 on the date stated opposite his or her name. The candidate
3 being nominated by the paper or papers may sign the affidavit
4 only if he or she personally circulated the paper or papers.
5 If the affiant also signed the nomination paper, that signature
6 shall not be counted toward the total required by section
7 forty-three point twenty (43.20) of the Code.

8 Sec. 3. Section forty-three point forty-six (43.46), Code
9 1975, as amended by Acts of the Sixty-sixth General Assembly,
10 1975 Session, chapter eighty-one (81), section thirteen (13),
11 is amended to read as follows:

12 43.46 DELIVERING RETURNS. The precinct election officials
13 shall deliver all election supplies, by noon of the day after
14 the close of the polls, to the commissioner who shall carefully
15 preserve them and deliver the returns and envelopes containing
16 ballots, in the condition in which received except as is
17 otherwise required by Acts of the Sixty-sixth General Assembly,
18 1975 Session, chapter eighty-one (81), section eighty-seven
19 (87), to the county board of supervisors.

20 Sec. 4. Section forty-three point fifty-eight (43.58),
21 Code 1975, is amended to read as follows:

22 43.58 RECOUNT GRANTED. If such showing is made to the
23 satisfaction of the board, it shall thereupon recount the
24 ballots cast in any such precinct for the office for which
25 the contestant was a candidate, and if the result reached
26 by the board on the recount of the ballots as to such office
27 be different from that returned by the judges of election,
28 it shall be substituted therefor as the true and correct
29 return and so regarded in all subsequent proceedings. The
30 action of the board shall be final and no other contest of
31 any kind shall be permitted. The commissioner shall promptly
32 notify the state commissioner of any recount the board decides
33 to make and shall subsequently, at the earliest practicable
34 time, inform the state commissioner whether any change in
35 the outcome of the election resulted from the recount.

1 Sec. 5. Section forty-three point sixty-seven (43.67),
2 Code 1975, is amended to read as follows:

3 43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT. Each candidate
4 so nominated shall be entitled to have his or her name printed
5 on the official ballot to be voted at the general election
6 without other certificate, except that:

7 1. A person currently holding an elective office es-
8 tablished by the constitution of the state of Iowa or
9 the statutes of the state or any of its political sub-
10 divisions for a term which will extend more than sixty
11 days beyond the forthcoming general election, and who
12 has been nominated in the primary for any other such
13 office, shall submit to the proper authority his or her
14 resignation from the office currently held effective not
15 later than the first day of July next succeeding the
16 primary election in which he or she was so nominated.

17 2. A candidate whose
18 name was not printed on the official primary election ballot
19 must execute and deliver to the commissioner or the state
20 commissioner, as the case may be, an affidavit in substantially
21 the following form:

22 "I,, being duly sworn, say that I reside at
23 street, city of, county of,
24 in the state of Iowa; that I am a candidate for election to
25 the office of at the election to be held on
26, as the candidate of the (name
27 of political party) and hereby request that my name be so
28 printed upon the official ballot for that election as provided
29 by law. I furthermore declare that I am eligible to the
30 office for which I am a candidate and that if I am elected
31 I will qualify as such officer.

32 I am aware that I am required to organize a candidate's
33 committee which shall file an organization statement and
34 disclosure reports if it receives contributions, makes
35 expenditures, or incurs indebtedness in excess of one

1 hundred dollars for the purpose of supporting my
2 candidacy for public office.

3 _____ (Signed)

4 Subscribed and sworn to (or affirmed) before me by

5 on this day of, 19...

6 _____

7 _____ (Name)

8 _____

9 _____ (Official title)"

10 Each candidate subject to the requirements of sub-
11 sections one (1) or two (2) of this section

12 shall be so notified by the commissioner immediately upon
13 completion of the canvass held under section forty-three point
14 forty-nine (43.49) of the Code, or by the state commissioner
15 immediately upon completion of the canvass held under section
16 forty-three point sixty-three (43.63) of the Code, as the
17 case may be. If the candidate does not comply with
18 the applicable requirement of this section

19 by five o'clock p.m. on the seventh day following
20 completion of such canvass, the commissioner or state
21 commissioner shall not cause that candidate's name to be
22 placed upon the official general election ballot.

23 Sec. 6. Section forty-three point seventy-eight (43.78),
24 Code 1975, as amended by Acts of the Sixty-sixth General
25 Assembly, 1975 Session, chapter eighty-one (81), section
26 twenty-five (25), is amended by striking from subsection one
27 (1) all of paragraphs f and g and inserting in lieu thereof
28 the following:

29 f. For any other partisan office filled by the voters
30 of a subdivision of a county, by those members of the
31 party's county central committee who represent the
32 precincts lying within that district, who shall be con-
33 vened or reconvened as appropriate by the county party
34 chairperson. However this paragraph shall not apply to
35 partisan city offices in special charter cities for which

1 candidates are nominated under this chapter, but such
2 ballot vacancies shall be filled as provided by section
3 nine (9) of this Act.

4 Sec. 7. Section forty-three point seventy-eight
5 (43.78), subsection three (3), Code 1975, as amended by
6 Acts of the Sixty-sixth General Assembly, 1975 Session,
7 chapter eighty-one (81), section twenty-five (25), is
8 amended to read as follows:

9 3. The name of any candidate designated to fill a
10 vacancy on the general election ballot in accordance with
11 subsection one (1), paragraphs d, e, f or g of this
12 section shall be submitted in writing to the commissioner
13 not later than five o'clock p.m. on the fifty-fifth day prior
14 to the date of the general election.

15 Sec. 8. Section forty-three point ninety (43.90), Code
16 1975, is amended to read as follows:

17 43.90 DELEGATES. The county convention shall be com-
18 posed of delegates elected at the last preceding precinct
19 caucus. Delegates shall be persons who are or will by the
20 date of the next general election become eligible electors
21 and who are residents of the precinct. The number of delegates
22 from each voting precinct shall be determined by a ratio
23 adopted by the respective party county central committees,
24 and a statement designating the number from each voting
25 precinct in the county shall be filed by such committee at
26 least-fifty-five-days-before-the-primary-election not later
27 than the time the list of precinct caucus meeting places
28 required by section forty-three point four (43.4) of the Code
29 is filed in the office of the commissioner. If the required
30 statement is not filed, the commissioner shall fix the number
31 of delegates from each voting precinct.

32 Sec. 9. Section forty-three point one hundred seven
33 (43.107), Code 1975, is amended to read as follows:

34 43.107 STATE CONVENTION. Each political party shall hold
35 a state convention either preceding or following the primary

1 election. The state central committee of each political party
2 shall designate the time and place of the state convention,
3 which shall transact such business as is required or permitted
4 by the party's state constitution or bylaws or by the rules
5 of the convention.

6 Sec. 10. Chapter forty-three (43), Code 1975, is amended
7 by inserting after section forty-three point one hundred
8 fifteen (43.115) the following new section:

9 NEW SECTION. BALLOT VACANCIES IN SPECIAL CHARTER CITY
10 ELECTIONS.

11 1. A vacancy on the ballot for an election at which city
12 officers are to be chosen, and for which candidates have been
13 nominated under this chapter, exists when any political party
14 lacks a candidate for an office to be filled at that election
15 because:

16 a. No person filed at the time required by section forty-
17 three point one hundred fifteen (43.115) as a candidate for
18 the party's nomination for that office in the city primary
19 election held under section forty-three point one hundred
20 twelve (43.112) of the Code, or all persons who did so
21 subsequently withdrew as candidates, were found to lack the
22 requisite requirements for the office or died before the date
23 of the city primary election, and no candidate received a
24 number of write-in votes sufficient for nomination under
25 section forty-three point fifty-three (43.53) of the Code;
26 or

27 b. The person nominated in the city primary election as
28 the party's candidate for that office withdrew by giving
29 written notice to that effect to the city clerk not later
30 than five o'clock p.m. on the day of the canvass of that city
31 primary election.

32 2. A ballot vacancy as defined by this section may be
33 filled by the city central committee of the party on whose
34 ticket the vacancy exists or, in the case of an officer elected
35 by the voters of a district within the city, by those members

1 of the committee who represent the precincts lying within
2 that district. The name of a candidate so designated to fill
3 such a ballot vacancy shall be submitted in writing to the
4 city clerk not later than five o'clock p.m. on the seventh
5 day following the city primary election.

6 Sec. 11. Section forty-four point nine (44.9), subsections
7 three (3), four (4) and five (5), Code 1975, are amended to
8 read as follows:

9 3. In the office of the proper school board secretary
10 or city clerk, at least ~~thirty~~ thirty-five days before the
11 day of ~~the~~ a regularly scheduled school or city election.

12 4. In the office of the state commissioner, in case of
13 a special election to fill vacancies, ~~at least sixteen days~~
14 ~~before the day of election~~ in congress or the general assembly,
15 not more than:

16 a. Twenty days after the date on which the governor issues
17 the call for a special election to be held on at least forty
18 days' notice.

19 b. Five days after the date on which the governor issues
20 the call for a special election to be held on at least ten
21 but less than forty days' notice.

22 5. In the office of the proper commissioner, school board
23 secretary or city clerk, in case of a special election to
24 fill vacancies, at least ~~thirty~~ twenty-five days before the
25 day of election.

26 Sec. 12. Section forty-four point eleven (44.11), Code
27 1975, is amended to read as follows:

28 44.11 VACANCIES FILLED. If a candidate named under this
29 chapter declines a nomination, or dies before election day,
30 or should any certificate of nomination be held insufficient
31 or inoperative by the officer with whom it is required to
32 be filed, or in case any objection made to any certificate
33 of nomination, or to the eligibility of any candidate therein
34 named, is sustained by the board appointed to determine such
35 questions, the vacancy or vacancies thus occasioned may be

1 filled by the convention, or caucus, or in such manner as
2 such convention or caucus has previously provided. The vacancy
3 or vacancies shall be filled not less than sixty days prior
4 to the election in the case of nominations required to be
5 filed with the state commissioner, not less than fifty days
6 prior to the election in the case of nominations required
7 to be filed with the commissioner, and not less than ~~thirty~~
8 thirty-five days prior to the election in the case of
9 nominations required to be filed in the office of the school
10 board secretary or city clerk.

11 Sec. 13. Section forty-four point fourteen (44.14), Code
12 1975, as amended by Acts of the Sixty-sixth General Assembly,
13 1975 Session, chapter eighty-one (81), section thirty-nine
14 (39), is amended to read as follows:

15 44.14 FILING OF CERTIFICATES. Certificates of nominations
16 made to fill vacancies, as required by section forty-four
17 point thirteen (44.13) of the Code, shall be filed with the
18 officer designated and at the time required by section forty-
19 four point eleven (44.11) of the Code. ~~In-the-case-of-a~~
20 ~~special-election-to-fill-a-vacancy-in-an-office-for-which~~
21 ~~nomination-papers-must-be-filed-with-the-state-commissioner,~~
22 ~~such-certificates-must-be-filed-with-the-state-commissioner~~
23 ~~not-less-than-fifteen-days-before-the-date-of-the-special~~
24 ~~election.--In-the-case-of-a-special-election-to-fill-a-vacancy~~
25 ~~in-an-office-for-which-nomination-papers-must-be-filed-with~~
26 ~~an-officer-other-than-the-state-commissioner,-such-certificates~~
27 ~~must-be-filed-with-the-appropriate-officer-not-less-than~~
28 ~~twelve-days-before-the-date-of-the-special-election.~~

29 Sec. 14. Section forty-five point three (45.3), subsection
30 one (1), Code 1975, as amended by Acts of the Sixty-sixth
31 General Assembly, 1975 Session, chapter eighty-one (81),
32 section forty-one (41), is amended to read as follows:

33 1. The affidavit of at least one ~~of-the-signers-of-the~~
34 petition eligible elector, stating that each of the persons
35 who signed the petition did so voluntarily and is an eligible

1 elector of the state, as defined by section thirty-nine point
2 three (39.3) of the Code, who is (or would be, if registered)
3 entitled to vote for the candidate nominated by the peti-
4 tion,--and. The candidate being nominated by the petition
5 may sign the affidavit only if he or she personally circulated
6 the petition. If the affiant also signed the nominating
7 petition, that signature shall not be counted toward the total
8 required by section forty-five point one (45.1) of the Code.

9 Sec. 15. Acts of the Sixty-sixth General Assembly, 1975
10 Session, chapter eighty-one (81), section forty-four (44),
11 subsection one (1), is amended to read as follows:

12 1. The governing body of any political subdivision which
13 has authorized a special election to which section thirty-
14 nine point two (39.2) of the Code is applicable shall by
15 written notice inform the commissioner who will be responsible
16 for conducting the election of the proposed date of the special
17 election. ~~The~~ If the proposed date of the special election
18 coincides with the date of a regularly scheduled election,
19 the notice shall be given no later than five o'clock p.m.
20 on the last day on which nomination papers may be filed for
21 the latter election. Otherwise, the notice shall be given
22 at least thirty days in advance of that the date of the
23 proposed date special election. Upon receiving the notice,
24 the commissioner shall promptly give written approval of the
25 proposed date unless it appears that the special election,
26 if held on that date, would conflict with a regular election
27 or with another special election previously scheduled for
28 that date.

29 Sec. 16. Section forty-eight point five (48.5), subsection
30 three (3), Code 1975, as amended by Acts of the Sixty-sixth
31 General Assembly, 1975 Session, chapter eighty-one (81),
32 section forty-nine (49), is amended to read as follows:

33 3. Neither the duplicate registration records open to
34 public inspection nor any list obtained under subsection two
35 (2) of this section shall be used for any purpose of any kind

1 or nature, other than to request a registrant's vote at-a
2 ~~primary-or-general-election~~, or any other bona fide political
3 purpose. The commissioner shall keep a list of the name,
4 address, telephone number, and social security number of each
5 person who copies or obtains copies of the registration lists.
6 Any person that uses such lists in violation of this section
7 shall, upon conviction, be imprisoned in the county jail,
8 not to exceed one year, or be fined not to exceed one thousand
9 dollars, or by both such fine and imprisonment, for each
10 violation.

11 Sec. 17. Section forty-eight point seven (48.7), Code
12 1975, as amended by Acts of the Sixty-sixth General Assembly,
13 1975 Session, chapter eighty-one (81), section fifty-one (51),
14 is amended to read as follows:

15 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS. The com-
16 missioner of registration shall make available forms for use
17 by qualified electors in giving notice of a legal change of
18 name or a change of address within the county, or both. The
19 notice shall provide space for the qualified elector's current
20 name in full and the address of the exact location where he
21 or she currently resides, the full name under which the elector
22 was previously registered, if a legal change of name has
23 occurred, the previous residence address of the elector, if
24 a change of address has occurred, and the elector's signature.
25 If the commissioner of registration receives written
26 notification of a change of name or address from any qualified
27 elector in the county and the notice does not contain the
28 required information, the commissioner shall immediately send
29 by forwardable mail to the elector at his or her last known
30 address notice that the elector's registration is defective.
31 Upon receipt of any valid change of name or address notice,
32 on or before the last day of registration before any election,
33 the commissioner of registration shall make entry of the
34 change, as necessary, on the original and duplicate
35 registration lists and the elector shall be qualified to vote

1 under the new name or in the new election precinct, or both,
2 as the case may be. If a qualified elector fails to notify
3 the commissioner of registration of a change of legal name
4 or of residence address before the close of registration for
5 any election the elector shall not be qualified to vote at
6 that election, except that if a change of residence address
7 or change of name does not require printing the qualified
8 elector's name in a different election register for that
9 election, the qualified elector shall be allowed to vote.
10 A precinct election official shall have such an elector
11 complete a change-of-address-card registration form of the
12 type prescribed for use by electors registering under Acts
13 of the Sixty-sixth General Assembly, 1975 Session, chapter
14 eighty-one (81), section forty-seven (47), at the polls and
15 shall return the card to the commissioner with the election
16 supplies. Upon receipt of the registration form, if the
17 election was conducted for a political subdivision located
18 in more than one county and the elector has listed a new
19 address which is outside the commissioner's own county, the
20 commissioner shall forward the form to the commissioner of
21 the elector's county of residence.

22 Sec. 18. Section forty-eight point eleven (48.11),
23 unnumbered paragraph two (2), Code 1975, as amended by Acts
24 of the Sixty-sixth General Assembly, 1975 Session, chapter
25 eighty-one (81), section fifty-two (52), is amended to read
26 as follows:

27 Registration shall close in a precinct at five o'clock
28 p.m., ten days before an election, except as provided in Acts
29 of the Sixty-sixth General Assembly, 1975 Session, chapter
30 eighty-one (81), section forty-seven (47) of this Act. The
31 commissioner's office shall be open from eight o'clock a.m.
32 until at least six o'clock p.m. on the day registration closes
33 prior to each regularly scheduled election.

34 Sec. 19. Section forty-eight point twenty-seven (48.27),
35 subsection four (4), paragraph d, Code 1975, as amended by

1 Acts of the Sixty-sixth General Assembly, 1975 Session, chapter
2 eighty-one (81), section fifty-seven (57), is amended to read
3 as follows:

4 d. Mobile deputy registrars shall return all completed
5 registration records at least weekly to the county commis-
6 sioner of registration except that completed registration
7 records shall be turned in at least every two working days
8 during the last ten days of registration. All completed and
9 unused material must be turned in no later than six o'clock
10 on the day registration closes for the election. The
11 commissioner shall make suitable arrangements for registration
12 material to be received from mobile deputy registrars until
13 that hour on the day registration closes for each election
14 which is not a regularly scheduled election unless the
15 commissioner's office shall-remain remains open until at least
16 six o'clock p.m. on that day,--unless-it-is-a-Sunday-or-a-legal
17 holiday. Failure to return registration materials as required
18 by this paragraph shall be a misdemeanor.

19 Sec. 20. Section forty-eight point thirty-one (48.31),
20 Code 1975, is amended by striking subsection seven (7).

21 Sec. 21. Section forty-nine point nineteen (49.19), Code
22 1975, is amended to read as follows:

23 49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL
24 AUTHORITY FOR CERTAIN CITY ELECTIONS.

25 The commissioner may appoint unpaid election precinct officials
26 to election boards, as provided by sections 49.15, 49.16 and
27 49.20, or elect not to use voting machines even though they
28 are available, as permitted by section 49.26, and-direct-that
29 the-polls-be-opened-at-twelve-o'clock-noon,--as-permitted-by
30 section-49-73 or both, for any election held for a city,
31 regardless-of-the-city's-population even if the city has a
32 population of more than three thousand five hundred, if there
33 is no contest for any office on the ballot and no public
34 question is being submitted to the voters at that election.

35 Sec. 22. Section forty-nine point twenty-five (49.25),

1 subsection two (2) and subsection three (3), unnumbered
2 paragraph one (1), Code 1975, as amended by Acts of the Sixty-
3 sixth General Assembly, 1975 Session, chapter eighty-one (81),
4 section sixty-four (64), are amended to read as follows:

5 2. The commissioner shall furnish to each precinct where
6 ~~voting-machines-are-to-be-used-for-any-election~~, in advance
7 of ~~that~~ each election, ~~one voting machine~~ machines meeting
8 the requirements of chapter fifty-two (52) of the Code or
9 voting booths, as the case may be, in the following number:

10 a. At each regularly scheduled election, at least
11 one for every three hundred,

12 fifty voters or-major-fraction-thereof who voted in
13 the last preceding similar election held in the precinct.

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

17 3. The commissioner shall furnish to each precinct where
18 paper ballots are to be used for any election, in advance
19 of that election, the necessary ballot boxes, suitably equipped
20 with locks and keys, and shall insure that the number, arrange-
21 ment, and construction of voting booths at the polling place
22 in each precinct are as follows:

23 Sec. 23. Section forty-nine point twenty-five (49.25),
24 subsection three (3), Code 1975, as amended by Acts of the
25 Sixty-sixth General Assembly, 1975 Session, chapter eighty-
26 one (81), section sixty-four (64), is amended by striking
27 paragraph d.

28 Sec. 24. Section forty-nine point fifty-three (49.53),
29 Code 1975, as amended by Acts of the Sixty-sixth General
30 Assembly, 1975 Session, chapter eighty-one (81), section
31 seventy-three (73), is amended to read as follows:

32 49.53 PUBLICATION OF BALLOT AND NOTICE. The commissioner
33 shall not less than four nor more than twenty days prior to
34 the day of each election, except those for which different
35 publication requirements are prescribed by law, publish notice

1 of the election. The notice shall contain a sample facsimile
2 of the portion of the ballot of containing the first rotation
3 as prescribed by section 49.31, subsection two (2), and shall
4 show the names of all candidates or nominees and the office
5 each seeks, and all public questions, to be voted upon at
6 the election. The sample ballot published as a part of the
7 notice may at the discretion of the commissioner be reduced
8 in size relative to the extent-permitted-by-the-rules-of-the
9 state-commissioner actual ballot but such reduction shall
10 not cause upper case letters appearing on the published sample
11 ballot to be less than five-thirty-sixth of an inch high in can-
12 didates' names or in summaries of public measures. The notice
13 shall also state the date of the election, the hours the polls
14 will be open, the location of each polling place at which
15 voting is to occur in the election, and the names of the
16 precincts voting at each polling place, but the statement
17 need not set forth any fact which is apparent from the portion
18 of the ballot appearing as a part of the same notice. The
19 notice shall be published in at least one newspaper, as defined
20 in section 618.3, which is published in the county or other
21 political subdivision in which the election is to occur or,
22 if no newspaper is published there, in at least one newspaper
23 of substantial circulation in the county or political
24 subdivision. For the general election or the primary election
25 the foregoing notice shall be published in at least two
26 newspapers published in the county representing, if possible,
27 the two political parties whose candidates for president of
28 the United States or for governor, as the case may be, received
29 the largest and next largest number of votes in the county
30 at the last preceding general election. However, if there
31 is only one newspaper published in the county, publication
32 in one newspaper shall be sufficient.

33 Sec. 25. Section forty-nine point fifty-seven (49.57),
34 subsection five (5), Code 1975, as amended by Acts of the
35 Sixty-sixth General Assembly, 1975 Session, chapter eighty-

1 one (81), section seventy-four (74), is amended to read as
2 follows:

3 5. On the outside of the ballot, so as to appear when
4 folded, shall be printed the words "Official ballot", ~~fel-~~
5 ~~lowed-by-the-name-and-location-of-the-polling-place-for-which~~
6 ~~the-ballot-is-prepared~~ a designation of the ballot rotation,
7 if any, the date of the election, and a facsimile of the
8 signature of the commissioner who has caused the ballot to
9 be printed pursuant to section forty-nine point fifty-one
10 (49.51) of the Code.

11 Sec. 26. Section forty-nine point seventy-three (49.73),
12 Code 1975, as amended by Acts of the Sixty-sixth General
13 Assembly, 1975 Session, chapter eighty-one (81), section
14 seventy-six (76), is amended to read as follows:

15 49.73 TIME OF OPENING AND CLOSING POLLS.

16 1. At all elections, except as otherwise permitted by
17 this section, the polls shall be opened at seven o'clock a.m.,
18 or as soon thereafter as vacancies on the precinct election
19 board have been filled. ~~The-commissioner-may-direct-that~~
20 ~~the-polls-be-opened-at-twelve-o'clock-noon-for-any-election~~
21 ~~conducted-for-a-city-of-three-thousand-five-hundred-or-less~~
22 ~~population-or-any-school-district-at-which-the-commissioner~~
23 ~~concludes,-on~~ On the basis of voter turnout for recent similar
24 elections and factors considered likely to so affect voter
25 turnout for the forthcoming election, ~~that-voting-will-probably~~
26 ~~be-so-light~~ as to justify shortened voting hours for that
27 election, ~~except-that~~ the commissioner may direct that the
28 polls be opened at twelve o'clock noon for:

29 a. Any school district election.

30 b. Any election conducted for a city of three thousand
31 five hundred or less population.

32 c. Any election conducted for a city of more than three
33 thousand five hundred population if there is no contest for
34 any office on the ballot and no public question is being
35 submitted to the voters at that election.

1 2. The commissioner shall not de-se shorten voting hours
2 for any election if there is filed in the commissioner's
3 office, at least twenty-five days before the election, a peti-
4 tion signed by at least fifty eligible electors of the school
5 district or city, as the case may be, requesting that the
6 polls be opened not later than seven o'clock a.m. All polling
7 places where the candidates of or any public question submitted
8 by any one political subdivision are being voted upon shall
9 be opened at the same hour, except that this requirement shall
10 not apply to merged areas established under chapter two hundred
11 eighty A (280A) of the Code. The hours at which the respective
12 precinct polling places are to open shall not be changed after
13 publication of the notice required by section 49.53. In-all-cases
14 the The polling places shall be closed at nine o'clock p.m.
15 for state primary and general elections and other partisan
16 elections and at eight o'clock p.m. for all other elections.

17 Sec. 27. Section forty-nine point seventy-seven (49.77),
18 Code 1975, as amended by Acts of the Sixty-sixth General
19 Assembly, 1975 Session, chapter eighty-one (81), section
20 seventy-seven (77), is amended to read as follows:

21 49.77 BALLOT FURNISHED TO VOTER.

22 1. The board members of their respective precincts shall
23 have charge of the ballots and furnish them to the voters.
24 Any person desiring to vote shall ~~give-his-or-her-name-and~~
25 ~~address-to-the-precinct-election-officials,-one-of-whom-shall~~
26 ~~announce-the-person's-name-aloud-for-the-benefit-of-political~~
27 ~~party-challengers-if-any-are-present-in-the-polling-place-~~
28 ~~No-person-whose-name-does-not-appear-on-the-election-register~~
29 ~~of-the-precinct-in-which-that-person-claims-the-right-to-vote~~
30 ~~shall-be-permitted-to-vote-unless-the-county-commissioner~~
31 ~~of-elections-informs-the-precinct-election-officials-that~~
32 ~~an-error-has-been-made-and-that-the-person-is-a-qualified~~
33 ~~elector-of-that-precinct.--The-electer-shall~~ sign a voter's
34 declaration provided by the officials, in substantially the
35 following form:

VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

Signature of Voter

Address

Approved:

Board Member

2. One of the precinct election officials shall announce the elector's name aloud for the benefit of any persons present pursuant to section forty-nine point one hundred four (49.104), subsections two (2), three (3) or five (5) of the Code. Any of those persons may upon request view the signed declarations of eligibility.

3. A precinct election official may require of an elector unknown to the official, identification upon which the elector's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

~~All-voters' declarations may be seen by the challengers of each political party, at the request of such challengers.~~

4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote unless the commissioner informs the precinct election officials that an error has occurred and that the person is a qualified elector of that

1 precinct. If the commissioner finds no record of the person's
2 registration but the person insists that he or she is a
3 qualified elector of that precinct, the precinct election
4 officials shall allow the person to cast a ballot in the
5 manner prescribed by section forty-nine point eighty-one
6 (49.81) of the Code.

7 Sec. 28. Section forty-nine point eighty-one (49.81),
8 subsection one (1), Code 1975, as amended by Acts of the
9 Sixty-sixth General Assembly, 1975 Session, chapter sixty-
10 seven (67), section sixty-three (63), is amended to read as
11 follows:

12 1. A prospective voter who is prohibited under section
13 sections forty-nine point seventy-seven (49.77), subsection
14 four (4), or forty-nine point eighty (49.80) of the Code from
15 voting except under this section shall be permitted to cast
16 a paper ballot. If a booth meeting the requirement of section
17 forty-nine point twenty-five (49.25) of the Code is not avail-
18 able at that polling place, the precinct election officials
19 shall make alternative arrangements to insure the challenged
20 voter the opportunity to vote in secret. The
21 marked ballot, folded as required by section forty-nine point
22 eighty-four (49.84) of the Code, shall be delivered to a
23 precinct election official who shall immediately seal it in
24 an unmarked-envelope-which-shall-be-placed-in-an-affidavit
25 envelope of the type prescribed by section fifty-three-point
26 thirteen-(53.13)-of-the-Code---The-voter-shall-not-be-required
27 to-execute-the-oath-contained-in-the-affidavit---Space-shall
28 be-left-on-the-affidavit-envelope-for-the-precinct-election
29 official-to-indicate-the-name-of-the-challenged-electer-and
30 the-reason-for-the-challenge twenty-eight (28) of this Act.
31 The sealed affidavit envelope shall be deposited as required
32 by section forty-nine point eighty-five (49.85) of the Code
33 in a special container envelope marked "challenged ballots
34 for special precinct" and shall be considered as having been
35 cast in the special precinct established by Acts of the Sixty-

1 sixth General Assembly, 1975 Session, chapter eighty-one (81),
2 section one hundred eighteen (118) of this Act for purposes
3 of the post-election canvass.

4 Sec. 29. Section forty-nine point eighty-one (49.81),
5 Code 1975, as amended by Acts of the Sixty-sixth General
6 Assembly, 1975 Session, chapter eighty-one (81), section
7 eighty (80), is amended by adding the following new subsection:

8 NEW SUBSECTION. The individual envelopes used for each
9 paper ballot cast pursuant to subsection one (1) of this
10 section shall have printed upon them:

11 "Challenged Elector's Ballot

12 I believe I am a qualified elector of this precinct. I
13 registered to vote in this county on or about _____ at
14 _____. I have not moved to a different precinct since
15 that time without recording the new address with the
16 commissioner. I am a United States citizen, at least eighteen
17 years of age.

18 _____
19 (signature of elector) (address of elector)

20 _____
21 (signature of precinct (date)
22 election official)

23 Reason for challenge:

24 _____
25 _____

26 Sec. 30. Section forty-nine point ninety (49.90), Code
27 1975, as amended by Acts of the Sixty-sixth General Assembly,
28 1975 Session, chapter eighty-one (81), section eighty-one
29 (81), is amended to read as follows:

30 49.90 ASSISTING VOTER. Any voter who may declare upon
31 oath that he or she cannot read the English language, or is,
32 by reason of any physical disability other than intoxication,
33 unable to cast a vote without assistance, shall, upon request,
34 be assisted by said two officers, or ~~alternately~~ alternatively
35 by any other person the voter may select if the voter is

1 blind, in casting the vote. Said officers, or person selected
 2 by the blind voter, shall cast the vote of the voter requiring
 3 assistance, and shall thereafter give no information regarding
 4 the same. If any elector because of a handicap cannot enter
 5 the building where the polling place for the elector's precinct
 6 of residence is located, the two officers shall take a paper
 7 ballot to the vehicle occupied by the handicapped elector
 8 and allow the elector to cast the ballot in the vehicle.
 9 If a handicapped elector cannot cast a ballot on a voting
 10 machine the elector shall be allowed to cast a paper ballot:
 11 Paper-ballots-cast-by-handicapped-electors, which shall be
 12 cast-according-to-section-forty-nine-point-eighty-one
 13 (49.81)-of-the-Code, except they shall be marked
 14 "handicapped-voter's-ballot", and shall be counted
 15 opened immediately after the closing of the polling place
 16 by the two precinct election officials designated under
 17 section forty-nine point eighty-nine (49.89) of the Code,
 18 who shall register the votes cast thereon on a voting
 19 machine in the polling place before the votes cast
 20 there are tallied pursuant to section fifty-two point
 21 twenty-one (52.21) of the Code. To preserve so far as
 22 possible the confidentiality of each handicapped elector's
 23 ballot, the two officers shall proceed substantially in
 24 the same manner as challenged-ballots-accepted-under provided
 25 in section fifty-point-twenty-two-(50.22) fifty-three point
 26 twenty-four (53.24) of the Code. In precincts where
 27 all voters use paper ballots, those cast by handicapped voters
 28 shall be deposited in the regular ballot box and counted in
 29 the usual manner.

30 Sec. 31. Acts of the Sixty-sixth G_eneral Assembly, 1975
 31 Session, chapter eighty-one (81), section eighty-four (84),
 32 is amended to read as follows:

33 SEC. 84. Chapter fifty (50), Code 1975, is amended by
 34 inserting after section fifty point one (50.1) the following
 35 new section:

1 NEW SECTION. ONE TALLY LIST IN CERTAIN MACHINE PRECINCTS.
2 In any precinct where an election is held by means of voting
3 machines which deliver, immediately upon conclusion of the
4 voting, multiple copies of a printed record of the votes cast
5 and the totals for each candidate or question appearing on
6 the face of the machine, the requirement of section fifty
7 point one (50.1), subsection four (4) of the Code that two
8 election board members keep separate tally lists of the vote
9 count shall not apply ~~unless the election board finds upon~~
10 ~~opening the machine that the printed record produced by the~~
11 ~~machine is smeared, torn or otherwise unreadable.---If the~~
12 ~~printed record is intact and legible, the election board need~~
13 ~~appoint only one of its members to keep a tally list of the~~
14 ~~count.~~

15 Sec. 32. Acts of the Sixty-sixth General Assembly, 1975
16 Session, chapter eighty-one (81), section eighty-seven (87),
17 third "new section", is amended to read as follows:

18 NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE
19 CHALLENGES. Upon being reconvened, the special precinct
20 election board shall review the affidavits information
21 upon the envelopes
22 bearing the challenged ballots, and all evidence submitted
23 in support of or opposition to the right of each challenged
24 person to vote in the election. The board may divide itself
25 into panels of not less than three members each in order to
26 hear and determine two or more challenges simultaneously,
27 but each panel shall meet the requirements of section forty-
28 nine point twelve (49.12) of the Code as regards political
29 party affiliation of the members of each panel. The decision
30 to count or reject each ballot shall be made upon the basis
31 of the information given on the affidavit envelope
32 containing the challenged ballot, the
33 evidence concerning the challenge, the registration and the
34 returned receipts of registration. If a challenged ballot
35 is rejected, the person casting the ballot shall be notified

1 by the commissioner within ten days of the reason for the
2 rejection, on the form prescribed by the state commissioner
3 pursuant to section fifty-three point twenty-five (53.25)
4 of the Code, and the affidavit envelope containing the
5 challenged ballot shall be preserved unsealed unopened and
6 disposed of in the same manner as spoiled ballots. The
7 challenged ballots which are accepted shall be counted in
8 the manner prescribed by section fifty-three point twenty-
9 four (53.24) of the Code. The commissioner shall make public
10 the number of challenged ballots rejected and not counted,
11 at the time of the canvass of the election.

12 Sec. 33. Section fifty-three point eight (53.8), Code
13 1975, as amended by Acts of the Sixty-sixth General Assembly,
14 1975 Session, chapter eighty-one (81), section one hundred
15 sixteen (116), is amended so that subsection three (3),
16 unnumbered paragraph one (1), reads as follows:

17 When an application for an absentee ballot is received
18 by the commissioner of any county from a qualified elector
19 who is a patient in a hospital in that county or a resident
20 of any facility in that county shown to be a health care
21 facility by the list of licenses provided the commissioner
22 under section one hundred twenty-four (124) of this Act, the
23 absentee ballot shall be delivered to the elector and returned
24 to the commissioner in the manner prescribed by section one
25 hundred nineteen (119) of this Act. However, if the application
26 is received more than ten calendar days before the election,
27 the commissioner shall mail to the applicant within twenty-
28 four hours a letter ~~acknowledging receipt of the application~~
29 ~~and describing the procedure prescribed by section one hundred~~
30 ~~nineteen-(119)-of-this-Act~~ in substantially the following
31 form:

32 "Your application for an absentee ballot for the election
33 to be held on _____ has been received. This ballot will
34 be personally delivered to you by a bi-partisan team sometime
35 during the ten days preceding the election. If you will not

1 be at the address from which your application was sent during
2 any or all of the ten-day period immediately preceding the
3 election, contact this office and arrangements will be made
4 to have your absentee ballot delivered at a time when you
5 will be present at that address."

6 Sec. 34. Section fifty-three point twenty-two (53.22),
7 Code 1975, as amended by Acts of the Sixty-sixth General As-
8 sembly, 1975 Session, chapter sixty-seven (67), section sixty-
9 four (64), is amended so that subsection one (1) reads as
10 follows:

11 1. a. A qualified elector who has applied for an absen-
12 tee ballot, in a manner other than that prescribed by sec-
13 tion fifty-three point eleven (53.11) of the Code, and who
14 is a resident or patient in a health care facility or hospital
15 located in the county to which the application has been
16 submitted shall be delivered the appropriate absentee ballot
17 by two special precinct election officers, one of whom shall
18 be a member of each of the political parties referred to in
19 section forty-nine point thirteen (49.13) of the Code, who
20 shall be appointed by the commissioner from the election board
21 panel for the special precinct established by section one
22 hundred-three-(103) one hundred eighteen (118)
23 of this Act. The special precinct election
24 officers shall be sworn in the manner provided by section
25 forty-nine point seventy-five (49.75) of the Code for election
26 board members, shall receive compensation as provided in
27 section forty-nine point twenty (49.20) of the Code, and shall
28 perform their duties during the ten calendar days preceding
29 the election and on election day if all ballots requested
30 under section fifty-three point eight (53.8), subsection three
31 (3), of the Code have not previously been delivered and
32 returned.

33 b. If an applicant under this subsection notifies the
34 commissioner that he or she will not be available at the
35 health care facility or hospital address at any time during

1 the ten-day period immediately prior to the election, but
2 will be available there at some earlier time, the commissioner
3 shall direct the two special precinct election officers to
4 deliver the applicant's ballot at an appropriate time prior
5 to the ten-day period immediately preceding the election.

6 If a person who so requested an absentee ballot has been
7 dismissed from the health care facility or hospital, the
8 special precinct election officers may take the ballot to
9 the elector if he or she is currently residing in the county.

10 c. The special precinct election officers shall both
11 notarize each absent voters affidavit as required by section
12 fifty-three point sixteen (53.16) of the Code; any such officer
13 who is not a notary public shall be provided with a stamp
14 containing that person's name and the words "special pre-
15 cinct election officer" and may notarize the absentee
16 affidavits so delivered by signing them and applying the
17 stamp. The special precinct election officers shall travel
18 together in the same vehicle and both shall be present when
19 an applicant casts his or her absentee ballot. If either
20 or both of the special election officers fails to appear at
21 the time the duties set forth in this section are to be per-
22 formed, the commissioner shall at once appoint some other
23 person, giving preference to persons designated by the
24 respective county chairpersons of the political parties
25 described in section forty-nine point thirteen (49.13) of
26 the Code, to carry out the requirements of this section.
27 The persons authorized by this subsection to deliver an
28 absentee ballot to an applicant may assist the applicant in
29 filling out the ballot as permitted by section forty-nine
30 point ninety (49.90) of the Code. The voted absentee ballots
31 shall be deposited in a sealed container which shall be
32 returned to the commissioner on the same day.

33 Sec. 35. Section fifty-seven point one (57.1), Code 1975,
34 is amended by striking the section and inserting in lieu
35 thereof the following:

1 57.1 STANDING TO BRING CONTEST--GROUNDS FOR CONTEST.

2 1. Elections may be contested under this chapter as fol-
3 lows:

4 a. The election of any person to any county office, to
5 a seat in either branch of the general assembly, to a state
6 office, to the office of senator or representative in Congress,
7 or to the office of presidential elector may be contested
8 by any eligible person who received votes for the office in
9 question.

10 b. The outcome of the voting on a public measure may be
11 contested by petition of the greater of ten eligible elec-
12 tors or a number of eligible electors equalling one percent
13 of the total number of votes cast upon the public measure;
14 each petitioner must be a person who was entitled to vote
15 on the public measure in question or would have been so en-
16 titled if registered to vote.

17 2. Grounds for contesting an election under this chapter
18 are:

19 a. Misconduct, fraud or corruption on the part of any
20 election official or of any board of canvassers of sufficient
21 magnitude to change the result of the election.

22 b. That the incumbent was not eligible to the office in
23 question at the time of election.

24 c. That prior to the election the incumbent had been duly
25 convicted of an infamous crime, and that the judgment had
26 not been reversed, annulled or set aside, nor the incumbent
27 pardoned, at the time of the election.

28 d. That the incumbent has given or offered to any elector,
29 or any precinct election official or canvasser of the elec-
30 tion, any bribe or reward in money, property, or thing of
31 value, for the purpose of procuring his or her election.

32 e. That illegal votes have been received or legal votes
33 rejected at the polls, sufficient to change the result of
34 the election.

35 f. Any error in any board of canvassers in counting the

1 votes, or in declaring the result of the election, if the
2 error would affect the result.

3 g. Any other cause or allegation which, if sustained,
4 would show that a person other than the incumbent was the
5 person duly elected to the office in question, or would show
6 that the outcome of the voting on the public measure in
7 question was contrary to the result declared by the board
8 of canvassers.

9 Sec. 36. Section fifty-seven point two (57.2), Code 1975,
10 is amended to read as follows:

11 57.2 CERTIFICATE WITHHELD. If notice of ~~contesting a~~
12 contest of the election of an officer is filed before the
13 certificate of election is delivered to him, -it the incum-
14 bent, or notice of a contest of the declared result of an
15 election on a public measure is filed before a duplicate of
16 the abstract of votes upon the measure and of the county
17 board's declaration is certified pursuant to section fifty
18 point twenty-seven (50.27) of the Code, the certificate or
19 duplicate abstract and declaration shall be withheld until
20 the determination of the contest. If the certificate of
21 election or duplicate abstract and declaration have been
22 issued, the commissioner shall send the persons or political
23 subdivisions affected by the notice of contest a statement
24 advising them that the election is being contested and that
25 the certificate or duplicate abstract and declaration are
26 not valid until the election contest is resolved.

27 Sec. 37. Section fifty-seven point three (57.3), Code
28 1975, is amended to read as follows:

29 57.3 ~~INCUMBENT~~ TERMS DEFINED. The term "incumbent" in
30 this chapter means the person whom the canvassers declare
31 elected. The term "election" in this chapter means the voting
32 for a particular office, or the voting for or against a
33 particular public measure, including the notice and other
34 preparations for voting required by law and the tallying and
35 canvass of the votes cast, section thirty-nine point two

1 (39.2) of the Code as amended by this Act notwithstanding.

2 Sec. 38. Section fifty-seven point four (57.4), Code 1975,
3 is amended to read as follows:

4 57.4 CHANGE OF RESULT. When the misconduct, fraud, or
5 corruption complained of is on the part of the judges-of elec-
6 tion board in a precinct, it shall not be held sufficient
7 to set aside the election, unless the rejection of the vote
8 of that precinct would change the result as to that office.

9 Sec. 39. Section fifty-seven point five (57.5), Code 1975,
10 is amended to read as follows:

11 57.5 RECANVASS IN CASE OF CONTEST. The parties to any
12 contested election shall have the right, in open session of
13 the court or tribunal trying the contest, and in the presence
14 of the officer having them in custody, to have the ballots
15 opened, and all errors of the judges precinct election
16 officials in counting or refusing to count ballots corrected
17 by such court or tribunal.

18 Sec. 40. Section fifty-seven point six (57.6), Code 1975,
19 is amended to read as follows:

20 57.6 OTHER CONTESTS. All the provisions of the chapter
21 in relation to contested elections of county officers shall
22 be applicable, as near as may be, to contested elections for
23 other offices, and for public measures, except as herein
24 otherwise provided, and in all cases process and papers may
25 be issued to and served by the sheriff of any county.

26 Sec. 41. Section sixty-nine point twelve (69.12), unnum-
27 bered paragraph one (1), Code 1975, is amended to read as
28 follows:

29 When a vacancy occurs in any nonpartisan elective office
30 of a political subdivision of this state, ~~and-a-method-for~~
31 ~~electing-a-person-to-the-vacant-office-for-the-remainder-of~~
32 ~~the-unexpired-term-is-not-otherwise-provided-by-law~~, the
33 vacancy shall be filled pursuant to this section. As used
34 in this section, "pending election" means any election at
35 which there will be on the ballot either the office in which

1 the vacancy exists, or any other office to be filled or any
2 public question to be decided by the voters of the same politi-
3 cal subdivision.

4 Sec. 42. Section sixty-nine point twelve (69.12), sub-
5 section one (1), Code 1975, as amended by Acts of the Sixty-
6 sixth General Assembly, 1975 Session, chapter eighty-one (81),
7 section one hundred twenty-two (122), is amended by striking
8 the subsection and inserting in lieu thereof the following:

9 1. If the unexpired term in which the vacancy occurs has
10 more than seventy days to run after the date of the next
11 pending election, the vacancy shall be filled in accordance
12 with this subsection. The fact that absentee ballots were
13 distributed or voted before the vacancy occurred or was
14 declared shall not invalidate the election.

15 a. A vacancy shall be filled at the next pending election
16 if its occurs:

17 (1) Sixty or more days prior to the election, if it is
18 a general or primary election.

19 (2) Forty-five or more days prior to the election, if it
20 is a regularly scheduled school or city election.

21 (3) Forty or more days prior to the election, if it is
22 a special election.

23 b. Nomination papers on behalf of candidates for a vacant
24 office to be filled pursuant to paragraph a of this subsec-
25 tion shall be filed, in the form and manner prescribed by
26 applicable law, by five o'clock p.m. on:

27 (1) The fifty-fifth day prior to a general or primary elec-
28 tion.

29 (2) The fortieth day prior to a regularly scheduled school
30 or city election.

31 (3) The twenty-fifth day prior to a special election.

32 c. A vacancy which occurs at a time when paragraph a of
33 this subsection does not permit it to be filled at the next
34 pending election shall be filled by appointment as provided
35 by law until the succeeding pending election.

1 Sec. 43. Section two hundred seventy-seven point four
2 (277.4), Code 1975, is amended to read as follows:

3 277.4 NOMINATIONS REQUIRED. Nomination papers for all
4 candidates for election to office in each school district
5 shall be filed with the secretary of the school board not
6 more than sixty-five days, nor less than forty days prior
7 to the election. Nomination petitions shall be filed not
8 later than five o'clock p.m. on the last day for filing.
9 Each candidate shall be nominated by a petition signed by
10 not less than ten eligible electors of the district. To each
11 such petition shall be attached the affidavit of an eligible
12 elector of the district, ~~either than the candidate being~~
13 ~~nominated,~~ that all of the signers thereof are electors of
14 such district and that the signatures thereto are genuine.
15 The candidate being nominated by the petition may sign the
16 affidavit only if he or she personally circulated the petition.
17 If the affiant also signed the nomination petition, that
18 signature shall not be counted toward the total required by
19 this section. The petition shall include the affidavit of
20 the candidate being nominated, stating his name, his residence,
21 that he is a candidate and is eligible for the office he
22 seeks, and that if elected he will qualify for the office.

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

32 Sec. 44. Section two hundred seventy-seven point twenty-
33 eight (277.28), Code 1975, is amended by striking unnumbered
34 paragraph six (6).

35 Sec. 45. Section two hundred eighty A point fifteen

1 (280A.15), subsections one (1) and three (3), Code 1975, are
2 amended to read as follows:

3 1. Regular elections held annually by the merged area
4 for the election of members of the board of directors as
5 required by section 280A.12, for the renewal of the three-
6 fourths mill levy authorized in section 280A.22, or for any
7 other matter authorized by law and designated for election
8 by the board of directors of the merged area, shall be held
9 on the date of the school election as fixed by section 277.1.
10 The election notice shall be made a part of the local school
11 election notice published as provided in section 49.53 in
12 each local school district where voting is to occur in the
13 merged area election, and the election shall be conducted
14 by the county commissioner of elections pursuant to chapters
15 39 to 53 and section 277.20.

16 3. Nomination papers in behalf of candidates for member
17 of the board of directors of a merged area shall be filed
18 with the secretary of the board not earlier than sixty-five
19 days nor later than five o'clock p.m. on the fortieth day
20 prior to the election at which members of the board are to
21 be elected. The secretary shall deliver all nomination peti-
22 tions so filed, together with the text of any public mea-
23 sure being submitted by the board of directors to the elec-
24 torate, to the county commissioner of elections who is
25 responsible under section 47.2 for conducting elections held
26 for the merged area, not later than five o'clock p.m. on
27 the day following the last day on which nomination petitions
28 can be filed. That commissioner shall certify the names of
29 candidates, and the text and summary of any public measure
30 being submitted to the electorate, to all county commissioners
31 of elections in the merged area by the thirty-fifth day prior
32 to the election.

33 Sec. 46. Section three hundred forty-five point six
34 (345.6), Code 1975, is amended to read as follows:

35 345.6 MANNER OF SUBMITTING QUESTIONS. The mode of

1 submitting questions to the people shall be the following:
2 The whole question, including the sum desired to be raised,
3 or the amount of tax desired to be levied, or the rate per
4 annum, and the whole regulation, including the time of its
5 taking effect or having operation, if it be of a nature to
6 be set forth, and the penalty for its violation if there be
7 one, shall be embraced in a notice of the election. The
8 notice shall, to the extent consistent with this section,
9 be drawn up in accordance with and shall be published ~~once~~
10 ~~each-week-for-at-least-four-weeks-in-some-newspaper-published~~
11 ~~in-the-county.--Such-notice-shall-name-the-time-when-such~~
12 ~~question-will-be-voted-upon,-and-the-form-in-which-the-question~~
13 ~~shall-be-submitted,-and-a~~ as required by section forty-nine
14 point fifty-three (49.53) of the Code. A copy of the ques-
15 tion to be submitted shall be posted at each polling place
16 during the day of election.

17 Sec. 47. Section three hundred fifty-eight point nine
18 (358.9), Code 1975, as amended by Acts of the Sixty-sixth
19 General Assembly, 1975 Session, chapter eighty-one (81),
20 section one hundred forty-eight (148), is amended by striking
21 unnumbered paragraphs one (1) and two (2) and inserting in
22 lieu thereof the following:

23 At the election provided for in section three hundred
24 fifty-eight point seven (358.7) of the Code, the names of
25 candidates for trustee of the district shall be written by
26 the voters on blank ballots without formal nomination, and
27 the board of supervisors which had jurisdiction of the pro-
28 ceedings for establishment of the sanitary district, together
29 with the board of supervisors of any other county in which
30 any part of the district is located, shall appoint three
31 trustees from among the five persons receiving the greatest
32 number of votes as trustees of the district. One of the
33 trustees shall be designated to serve a term expiring one
34 year from the next succeeding June thirtieth, one to serve
35 a term of two years from that date, and one to serve a term

1 of three years from that date. Their successors shall each
2 serve terms of three years commencing July first of the year
3 in which they are chosen. Successors to the initial trustees
4 may be chosen by appointment by the same board or boards of
5 supervisors which made the initial appointments or by elec-
6 tion, at the option of the remaining trustees.

7 Vacancies in the office of trustee of a sanitary district
8 shall be filled by the remaining members of the board for
9 the period until a successor is chosen in the manner pre-
10 scribed by this section or by section sixty-nine point twelve
11 (69.12) of the Code, whichever is applicable.

12 Sec. 48. Section three hundred fifty-nine point twenty-
13 three (359.23), Code 1975, is amended to read as follows:

14 359.23 RECEIPTS AND EXPENDITURES. Each township clerk,
15 ~~on the morning of the day of the general election and before~~
16 ~~the hour for opening the polls, shall post, at the place where~~
17 ~~such election is to be held in his township~~ shall prepare,
18 on or before September thirtieth of each year, a statement
19 in writing, showing all receipts of money and disbursements
20 in his or her office for the preceding ~~two~~-years fiscal year,
21 which shall be certified as correct by the trustees of the
22 township. Each township clerk shall also send a copy of this
23 written statement to the county auditor no later than seven
24 days after the ~~posting~~ statement is certified by the trustees.

25 Sec. 49. Section three hundred sixty-eight point nineteen
26 (368.19), Code 1975, as amended by Acts of the Sixty-sixth
27 General Assembly, 1975 Session, chapter one hundred ninety-
28 seven (197), section nine (9), is amended by striking the
29 section and inserting in lieu thereof the following:

30 368.19 TIME LIMIT--ELECTION. The committee shall approve
31 or disapprove the petition or plan as amended, within ninety
32 days of the final hearing, and shall file its decision for
33 record and promptly notify the parties to the proceeding of
34 its decision. If a petition or plan is approved, the board
35 shall set a date within ninety days for a special election

1 on the proposal and the county commissioner of elections shall
2 conduct the election. In a case of incorporation or discon-
3 tinuance, qualified electors of the territory or city may
4 vote, and the proposal is authorized if a majority of those
5 voting approves it. In a case of annexation or severance,
6 qualified electors of the territory and of the city may vote,
7 and the proposal is authorized if a majority of the total
8 number of persons voting approves it. In a case of
9 consolidation, qualified electors of each city to be con-
10 solidated may vote, and the proposal is authorized only if
11 it receives a favorable majority vote in each city. The
12 county commissioner of elections shall publish notice of the
13 election as provided in section forty-nine point fifty-three
14 (49.53) of the Code and shall conduct the election in the
15 same manner as other special city elections.

16 The costs of an incorporation election shall be borne by
17 the initiating petitioners if the election fails, but if the
18 proposition is approved the cost shall become a charge of
19 the new city.

20 Sec. 50. Section three hundred seventy-six point two
21 (376.2), unnumbered paragraph two (2), Code 1975, as amended
22 by Acts of the Sixty-sixth General Assembly, 1975 Session,
23 chapter one hundred ninety-seven (197), section eighteen (18),
24 is amended to read as follows:

25 Except as otherwise provided by state law or the city
26 charter, terms for elective offices are two years. However,
27 the term of an elective office may be changed to two or four
28 years by petition and election. Upon receipt of a valid
29 petition as defined in section 362.4, requesting that the
30 term of an elective office be changed, the council shall
31 submit the question at a special city election to be held
32 within ~~thirty~~ sixty days. If a majority of the persons voting
33 at the special election approves the changed term, it becomes
34 effective at the beginning of the term following the next
35 regular city election. If a majority does not approve the

1 changed term, the council shall not submit the same proposal
2 to the voters within the next four years.

3 Sec. 51. Section three hundred seventy-six point four
4 (376.4), unnumbered paragraphs one (1) and four (4), Code
5 1975, as amended by Acts of the Sixty-sixth General Assembly,
6 1975 Session, chapter two hundred three (203), section twenty-
7 five (25), are amended to read as follows:

8 An eligible elector of a city may become a candidate for
9 an elective city office by filing with the city clerk a valid
10 petition requesting that his or her name be placed on the
11 ballot for that office. The petition must be filed not more
12 than sixty-five days nor less than forty days before the date
13 of the election, and must be signed by eligible electors equal
14 in number to at least two percent of those who voted to fill
15 the same office at the last regular city election, but not
16 less than ten persons. Nomination petitions shall be filed
17 not later than five o'clock p.m. on the last day for filing.

18 The petition must include the affidavit of at least one
19 eligible elector other than the petitioners ~~and the individual~~
20 ~~for whom the petition is being filed~~, stating the affiant's
21 knowledge, information, and belief as to the residence of
22 the petitioners. | The candidate for whom the petition is
23 filed may sign the affidavit only if he or she personally
24 circulated the petition.
25 If the affiant also signed the nomination
26 petition, that signature shall not be counted toward the total
27 required by this section.

29 Sec. 52. Section three hundred seventy-six point seven
30 (376.7), Code 1975, is amended to read as follows:

31 376.7 DATE OF PRIMARY. If a primary election is neces-
32 sary, it ~~must~~ shall be held on the Tuesday ~~two~~ three weeks before
33 the date of the regular city election. The county board of
34 supervisors shall publicly canvass the tally lists of the
35 vote cast in the primary election, following the procedures
prescribed in section fifty point twenty-four (50.24) of the

1 Code, at a meeting to be held beginning at one o'clock in
2 the afternoon on the second day following the primary election.

3 The names of those candidates who receive the highest
4 number of votes ~~in~~ for each office on the primary election
5 ballot, to the extent of twice the number of unfilled
6 positions, must be placed on the ballot for the regular city
7 election as candidates for the ~~that~~ office ~~for-which-they~~
8 have-filed.

9 Sec. 53. Section three hundred seventy-six point eight
10 (376.8), Code 1975, is amended to read as follows:

11 376.8 WHO ELECTED. In a regular city election follow-
12 ing a primary, the candidates who receive the highest number
13 of votes cast for the each office ~~for-which-they-have-filed~~
14 on the ballot are elected, to the extent necessary to fill
15 the positions ~~for-which-they-have-filed~~ open. In a regular
16 city election when a council has chosen a runoff election
17 in lieu of a primary, the candidates who receive the highest
18 number of votes and a majority of the votes cast for ~~the~~ each
19 office ~~for-which-they-have-filed~~ on the ballot are elected,
20 to the extent necessary to fill the positions ~~for-which-they~~
21 have-filed open, but no candidate is elected who fails to
22 receive a majority of that number of votes found by dividing
23 the number of votes cast for the office in question by the
24 number of persons to be elected to that office. In a regular
25 city election when a council has chosen to have nominations
26 made in the manner provided by chapter 44 or 45, the candidates
27 who receive the highest number of votes for ~~the~~ each office
28 ~~for-which-they-are-nominated~~ on the ballot are elected, to
29 the extent necessary to fill the positions ~~for-which-they~~
30 are-nominated open.

31 Sec. 54. Section three hundred seventy-six point nine
32 (376.9), Code 1975, as amended by Acts of the Sixty-sixth
33 General Assembly, 1975 Session, chapter one hundred ninety-
34 seven (197), section twenty (20), is amended to read as
35 follows:

1 376.9 RUNOFF ELECTION. A runoff election may be held
2 only for positions unfilled because of failure of a sufficient
3 number of candidates to receive a majority vote in the regu-
4 lar city election. When a council has chosen a runoff election
5 in lieu of a primary, the county board of supervisors shall
6 publicly canvass the tally lists of the vote cast in the
7 regular city election, following the procedures prescribed
8 in section 50.24, at a meeting to be held beginning at one
9 o'clock in the afternoon on the second day following the
10 regular city election. Candidates who do not receive a major-
11 ity of the votes cast for the an office ~~for-which-they-have~~
12 ~~filed~~, but who receive the highest number of votes cast for
13 that office in the regular city election, to the extent of
14 twice the number of unfilled positions, are candidates in
15 the runoff election.

16 Runoff elections ~~must~~ shall be held ~~two~~ three weeks after
17 the date of the regular city election and ~~must~~ shall be
18 conducted in the same manner as regular city elections ~~except~~
19 ~~that-only-persons-who-were-qualified-electors-in-the-last~~
20 ~~preceeding-regular-city-election-are-qualified-to-vote-in-the~~
21 ~~runoff.~~

22 Candidates in the runoff election who receive the highest
23 number of votes cast for the each office ~~for-which-they-have~~
24 ~~filed~~ on the ballot are elected to the extent necessary to
25 fill the positions ~~for-which-they-have-filed~~ open.

26 Sec. 55. Chapter three hundred seventy-six (376), Code
27 1975, is amended by adding the following new section:

28 NEW SECTION. CANDIDATES NOMINATED BY WRITE-IN VOTE. Any
29 person nominated by a write-in vote in a city primary election,
30 or in a regular city election in a city where the council
31 has chosen a runoff election in lieu of a primary, shall ;
32 execute an affidavit in substantially the form required by
33 section forty-five point three (45.3) of the Code and file
34 it with the county commissioner of elections or the city clerk
35 not later than five o'clock p.m. of the day after the canvass

1 laws, dealing with some 20 different specific problems or
2 defects in wording which have come to light in the past year.
3 A key provision deletes the unintended requirement that voters
4 registering by mail have their registration forms notarized.
5 Persons who claim to be registered but whose names do not
6 appear on the registration records are authorized to use the
7 challenged ballot voting procedure set up in 1975. Various
8 adjustments in this procedure and the related procedure for
9 voting at the polls on election day by handicapped persons
10 are also made. A number of improvements in city election
11 laws are made, including clarification of the situations in
12 which shortened voting hours may be ordered, revision of
13 language interpreted as suggesting write-in votes are not
14 acceptable in city elections, and adjustments to the procedure
15 for filling ballot vacancies in special charter cities. The
16 grounds for bringing an election contest under Chapter 57
17 are clarified, and specifically extended to elections on
18 public measures such as bond issues. Publication of election
19 notice requirements are further refined and clarified.

20 Since this is in the nature of an omnibus corrective bill,
21 the foregoing paragraph is not a complete list of all matters
22 affected by the bill.

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Amend the Senate amendment H-5955 to House File 1011 as amended, passed and reprinted by the House, as follows:

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

"NEW SUBSECTION. "Registration commission" means the state voter registration commission established by section _____ of this Act."

2. Page 1, by striking lines 45 through 50.

3. Page 2, by striking lines 1 through 20.

4. Page 3, by striking lines 3, 4 and 5 and inserting in lieu thereof the words "county. Administrative and clerical".

5. Page 3, by striking lines 10 through 19 and inserting in lieu thereof the following:

"47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The commissioner shall take bids for any goods and services which are needed in connection with registration of voters or preparation for or administration of elections and which will be performed or provided by persons who are not employees of the commissioner and where the costs of such services exceed five thousand dollars per contract in the case of contracts for the printing of ballots or in the case of other services, two thousand five hundred dollars per contract, under the following circumstances:

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In the case of arrangements for printing of ballots, where the cost of the printing will exceed five thousand dollars.

c. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

d. No bids shall be required for legal services.
The

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commis-"

6. Page 3, line 29, by striking the words "the date the bid is let" and inserting in lieu thereof

1 the words "the such final date the-bid-is-let".

2 7. Page 3, by striking line 50, and page 4, by
3 striking lines 1 through 34, and inserting in lieu
4 thereof the following:

5 "3. The procedure for purchasing data process-
6 ing services in connection with administration of
7 elections shall be the same as prescribed in subsec-
8 tion two (2) of this section, except that the required
9 copy of the bid specifications shall be filed with
10 the registrar rather than the state commissioner.
11 The specifications for data processing contracts
12 relative to voter registration records shall be
13 specified by the registration commission. The
14 registrar shall, not later than the final date for
15 submission of bids, inform the commissioner in writ-
16 ing whether the state comptroller's data processing
17 facilities are currently capable of furnishing the
18 services the county proposes to purchase, and if so
19 the cost to the county of so obtaining the services
20 as determined in accordance with the standard charges
21 therefor adopted by the registration commission.
22 The commissioner, with approval of the board of
23 supervisors, may reject all bids and enter into an
24 arrangement with the registrar for the services to
25 be furnished by the state. The commissioner may
26 recommend and the board of supervisors may approve
27 purchasing the needed services from the lowest
28 responsible bidder, however if the needed services
29 could be obtained through the registrar at a lower
30 cost, the board shall publish notice twice in a
31 newspaper of general circulation in the county of
32 its intent to accept such bid and of the difference
33 in the amount of the bid and the cost of purchasing
34 the needed services from the state comptroller's data
35 processing facilities through the registrar. Each
36 contract for the furnishing of data processing
37 services, necessary in connection with the
38 administration of elections, by any person other than
39 the registrar or an employee of the county shall be
40 executed with the contractor by the board of
41 supervisors of the county purchasing the services,
42 but only after the contract has been reviewed and
43 approved by the registration commission. Such contract
44 shall be of not more than one year's duration. Each
45 county exercising the option to purchase such data
46 processing services from a provider other than the
47 registrar shall provide the registrar, at the county's
48 expense, original and updated voter registration lists
49 in a form and at times prescribed by rules promulgated
50 by the registration commission."

1 8. Page 4, line 35, by striking the word "Any"
2 and inserting in lieu thereof the figure and word
3 "4. Any".

4 9. Page 4, line 43, by striking the words
5 "contract, which" and inserting in lieu thereof the
6 word "contract."

7 10. Page 4, by striking lines 44 and 45 and
8 inserting in lieu thereof the words "A new contract
9 with the same provider may be entered into in
10 accordance with subsection three (3) of this section."

11 11. Page 4, by inserting after line 45 the fol-
12 lowing new section:

13 " Page 9, line 21, by striking the word "latter"
14 and inserting in lieu thereof the words "regularly
15 scheduled".

16 12. Page 5, line 4, by striking the word "super-
17 vise" and inserting in lieu thereof the word
18 "regulate".

19 13. Page 5, line 12, by inserting after the word
20 "state" the words ", except as otherwise provided
21 by section forty-eight point five (48.5), subsection
22 two (2), paragraph d of the Code".

23 14. Page 5, by striking lines 18 through 33 and
24 inserting in lieu thereof the following:

25 "2. The registrar shall offer to each county in
26 the state the opportunity to arrange for performance
27 of all functions referred to in subsection one (1)
28 of this section by the data processing facilities
29 of the state comptroller's office, commencing at the
30 earliest practicable time, at a cost to the county
31 determined in accordance with the standard charges
32 for those services adopted by the registration
33 commission. A county may accept this offer without
34 taking bids under section forty-seven point five
35 (47.5) of the Code.

36 3. Any county may use its own data processing
37 facilities for voter registration record keeping and
38 utilization functions, if the system design and the
39 form".

40 15. Page 5, lines 35 and 36, by striking the words
41 "adopted by the registrar" and inserting in lieu
42 thereof the words "promulgated by the registration
43 commission".

44 16. Page 5, by striking lines 49 and 50 and in-
45 serting in lieu thereof the following: "commission
46 shall consist of the state commissioner of elections,
47 or his or her designee".

48 17. Page 6, by striking line 7 and inserting
49 in lieu thereof the following:

50 "2. The registration commission shall prescribe

1 the forms required for voter registration by rules
2 promulgated pursuant to chapter seventeen A (17A)
3 of the Code.

4 3. The registrar shall provide staff services".

5 18. Page 6, line 9, by inserting after the word
6 "to" the words "the activities of the registrar's
7 office in connection with the".

8 19. Page 6, lines 10 and 11, by striking the words
9 "two commission members" and inserting in lieu thereof
10 the words "commission member".

11 20. Page 6, by striking lines 17 through 25 and
12 inserting in lieu thereof the following:

13 "4. The registration commission shall annually
14 adopt a set of standard charges to be made for the
15 services the registrar is required to offer to the
16 several commissioners, and for furnishing of voter
17 registration records which are requested by persons
18 other than the registrar, the state commissioner or
19 any commissioner pursuant to section forty-eight point
20 five (48.5), subsection two (2) of the Code. These
21 charges shall be sufficient to reimburse the state
22 for the actual cost of furnishing such services or
23 information, and shall be specified by unit wherever
24 possible. The standard charges shall be adopted by
25 the commission by January fifteenth of each calendar
26 year."

27 21. Page 6, lines 33 and 34, by striking the words
28 "state commissioner" and inserting in lieu thereof
29 the words "registration commission".

30 22. Page 7, line 11, by striking the word
31 "registrar" and inserting in lieu thereof the words
32 "registration commission".

33 23. Page 7, by striking lines 24, 25 and 26 and
34 inserting in lieu thereof the words "by the requestor,
35 so long as that order and form are within the
36 capability capacity of the system used by the
37 commissioner registrar."

38 24. Page 8, line 17, by striking the words "the
39 same a" and inserting in lieu thereof the words "the
40 same".

41 25. Page 8, line 18, by striking the words "
42 which-shall-be" and inserting in lieu thereof the
43 words ", which shall be".

44 26. Page 8, by inserting after line 33 the
45 following new section:

46 "Sec. . Section forty-eight point sixteen
47 (48.16), Code 1975, is amended to read as follows:

48 48.16 PENALTIES. Any officer or employee, or
49 any person who has contracted with a commissioner
50 to perform services in the implementation of this

chapter, who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but his or her true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where he or she is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year.

For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter."

27. Page 8, line 41, by striking the word "individual" and inserting in lieu thereof the words "eligible elector".

28. Page 9, line 12, by striking the word "section" and inserting in lieu thereof the word "chapter".

29. Page 10, by striking lines 30 through 50, and page 11, by striking lines 1 through 3.

30. Page 10, by inserting after line 29, the following:

"_____. Page 25, line 10, by striking the word "voting" and inserting in lieu thereof the word "election".

"_____. Page 26, line 6, by striking the word "voting" and inserting in lieu thereof the word "election".

"_____. Page 27, by inserting after line 25 the following new section:

Sec. _____. Chapter fifty-seven (57), Code 1975, is amended by adding the following new section:

NEW SECTION. CONTEST COURT FOR CONTEST OF PUBLIC MEASURE. The court for the trial of a contested election on a public measure shall consist of one person designated by the petitioners who are contesting the election, who shall be designated in writing by the petitioners at the time the contest is filed, one person designated by the county commissioner of elections to represent the

1 interests adverse to those of the petitioners, and
 2 a third person who shall be chosen jointly by
 3 the designees of the petitioners and of the
 4 commissioner. If the persons selected by the
 5 petitioners and the county commissioner of elections
 6 cannot agree on a third person, the chief judge
 7 of the judicial district in which the contest
 8 is filed shall appoint a third person to serve.

S 5529

FILED

APRIL 19, 1976

5-5229

RECEIVED FROM THE HOUSE

Senate concurred 4/21 (1375)

S-5531

1 Amend House amendment S-5529, to Senate amend-
 2 ment to House File 1011 as amended, passed and re-
 3 printed by the House, as follows:
 4 1. Page 3, by inserting after line 39 the
 5 following:
 6 "_____. Page 5, by inserting after line 41 the
 7 following:
 8 "4. Notwithstanding any other provisions of
 9 the Code and prior to distribution, the state
 10 comptroller shall deduct from the funds remitted
 11 to a political party pursuant to chapter fifty-six
 12 (56) of the Code, the standard charges of preparing
 13 all state and county voter registration lists for
 14 that party."
 15 2. Renumber the remaining operations as
 16 necessary.

S-5531 FILED - *Lost 4/21 (1375)*
APRIL 20, 1976

BY CALVIN O. HULTMAN

S-5502

1 Amend the Senate amendment H-5955 to House
2 File 1011 as amended, passed and reprinted by
3 the House, as follows:

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

6 "NEW SUBSECTION. "Registration commission"
7 means the state voter registration commission
8 established by section _____ of this Act."

9 2. Page 1, by striking lines 45 through 50.

10 3. Page 2, by striking lines 1 through 20.

11 4. Page 3, by striking lines 3, 4 and 5 and
12 inserting in lieu thereof the words "county.
13 Administrative and clerical".

14 5. Page 3, by striking lines 10 through 19 and
15 inserting in lieu thereof the following:

16 "47.5 PURCHASING BY COMPETITIVE BIDDING.

17 1. The commissioner shall take bids for any
18 goods and services which are needed in connection
19 with registration of voters or preparation for or
20 administration of elections and which will be
21 performed or provided by persons who are not
22 employees of the commissioner and where the costs
23 of such services exceed five thousand dollars per
24 contract in the case of contracts for the printing
25 of ballots or, in the case of other services, two
26 thousand five hundred dollars per contract, under
27 the following circumstances:

28 a. In any case where it is proposed to purchase
29 data processing services. The commissioner shall
30 give the registrar written notice in advance on each
31 occasion when it is proposed to have data processing
32 services, necessary in connection with the
33 administration of elections, performed by any person
34 other than the registrar or an employee of the county.
35 Such notice shall be made at least thirty days prior
36 to publication of the specifications.

37 b. In the case of arrangements for printing of
38 ballots, where the cost of the printing will exceed
39 five thousand dollars.

40 c. In all other cases, where the cost of the
41 goods or services to be purchased will exceed one
42 thousand dollars.

43 d. No bids shall be required for legal services.
44 The

45 2. When it is proposed to purchase any goods or
46 services, other than data processing services, in
47 connection with administration of elections, the
48 commis-".

49 6. Page 3, line 29, by striking the words "the
50 date the bid is let" and inserting in lieu thereof

1 the words "the such final date the-bid-is-let".

2 7. Page 3, by striking line 50, and page 4, by
3 striking lines 1 through 34, and inserting in lieu
4 thereof the following:

5 "3. The procedure for purchasing data process-
6 ing services in connection with administration of
7 elections shall be the same as prescribed in subsec-
8 tion two (2) of this section, except that the required
9 copy of the bid specifications shall be filed with
10 the registrar rather than the state commissioner.
11 The specifications for data processing contracts
12 relative to voter registration records shall be
13 specified by the registration commission. The
14 registrar shall, not later than the final date for
15 submission of bids, inform the commissioner in writ-
16 ing whether the state comptroller's data processing
17 facilities are currently capable of furnishing the
18 services the county proposes to purchase, and if so
19 the cost to the county of so obtaining the services
20 as determined in accordance with the standard charges
21 therefor adopted by the registration commission.
22 The commissioner, with approval of the board of
23 supervisors, may reject all bids and enter into an
24 arrangement with the registrar for the services to
25 be furnished by the state. The commissioner may
26 recommend and the board of supervisors may approve
27 purchasing the needed services from the lowest
28 responsible bidder, however if the needed services
29 could be obtained through the registrar at a lower
30 cost, the board shall publish notice twice in a
31 newspaper of general circulation in the county of
32 its intent to accept such bid and of the difference
33 in the amount of the bid and the cost of purchasing
34 the needed services from the state comptroller's data
35 processing facilities through the registrar. Each
36 contract for the furnishing of data processing
37 services, necessary in connection with the
38 administration of elections, by any person other than
39 the registrar or an employee of the county shall be
40 executed with the contractor by the board of
41 supervisors of the county purchasing the services,
42 but only after the contract has been reviewed and
43 approved by the registration commission. Such contract
44 shall be of not more than one year's duration. Each
45 county exercising the option to purchase such data
46 processing services from a provider other than the
47 registrar shall provide the registrar, at the county's
48 expense, original and updated voter registration lists
49 in a form and at times prescribed by rules promulgated
50 by the registration commission."

1 8. Page 4, line 35, by striking the word "Any"
2 and inserting in lieu thereof the figure and word
3 "4. Any".

4 9. Page 4, line 43, by striking the words
5 "contract, which" and inserting in lieu thereof the
6 word "contract."

7 10. Page 4, by striking lines 44 and 45 and
8 inserting in lieu thereof the words "A new contract
9 with the same provider may be entered into in
10 accordance with subsection three (3) of this section."

11 11. Page 4, by inserting after line 45 the fol-
12 lowing new section:

13 " . Page 9, line 21, by striking the word "latter"
14 and inserting in lieu thereof the words "regularly
15 scheduled".

16 12. Page 5, line 4, by striking the word "super-
17 vise" and inserting in lieu thereof the word
18 "regulate".

19 13. Page 5, line 12, by inserting after the word
20 "state" the words ", except as otherwise provided
21 by section forty-eight point five (48.5), subsection
22 two (2), paragraph d of the Code".

23 14. Page 5, by striking lines 18 through 33 and
24 inserting in lieu thereof the following:

25 "2. The registrar shall offer to each county in
26 the state the opportunity to arrange for performance
27 of all functions referred to in subsection one (1)
28 of this section by the data processing facilities
29 of the state comptroller's office, commencing at the
30 earliest practicable time, at a cost to the county
31 determined in accordance with the standard charges
32 for those services adopted by the registration
33 commission. A county may accept this offer without
34 taking bids under section forty-seven point five
35 (47.5) of the Code.

36 3. Any county may use its own data processing
37 facilities for voter registration record keeping and
38 utilization functions, if the system design and the
39 form".

40 15. Page 5, lines 35 and 36, by striking the words
41 "adopted by the registrar" and inserting in lieu
42 thereof the words "promulgated by the registration
43 commission".

44 16. Page 5, by striking lines 49 and 50 and in-
45 sserting in lieu thereof the following: "commission
46 shall consist of the state commissioner of elections,
47 or his or her designee".

48 17. Page 6, by striking line 7 and inserting
49 in lieu thereof the following:

50 "2. The registration commission shall prescribe

1 the forms required for voter registration by rules
2 promulgated pursuant to chapter seventeen A (17A)
3 of the Code.

4 3. The registrar shall provide staff services".

5 18. Page 6, line 9, by inserting after the word
6 "to" the words "the activities of the registrar's
7 office in connection with the".

8 19. Page 6, lines 10 and 11, by striking the words
9 "two commission members" and inserting in lieu thereof
10 the words "commission member".

11 20. Page 6, by striking lines 17 through 25 and
12 inserting in lieu thereof the following:

13 "4. The registration commission shall annually
14 adopt a set of standard charges to be made for the
15 services the registrar is required to offer to the
16 several commissioners, and for furnishing of voter
17 registration records which are requested by persons
18 other than the registrar, the state commissioner or
19 any commissioner pursuant to section forty-eight point
20 five (48.5), subsection two (2) of the Code. These
21 charges shall be sufficient to reimburse the state
22 for the actual cost of furnishing such services or
23 information, and shall be specified by unit wherever
24 possible. The standard charges shall be adopted by
25 the commission by January fifteenth of each calendar
26 year."

27 21. Page 6, lines 33 and 34, by striking the words
28 "state commissioner" and inserting in lieu thereof
29 the words "registration commission".

30 22. Page 7, line 11, by striking the word
31 "registrar" and inserting in lieu thereof the words
32 "registration commission".

33 23. Page 7, by striking lines 24, 25 and 26 and
34 inserting in lieu thereof the words "by the requestor,
35 so long as that order and form are within the
36 capability capacity of the system used by the
37 commissioner registrar."

38 24. Page 8, line 17, by striking the words "the
39 same a" and inserting in lieu thereof the words "the
40 same".

41 25. Page 8, line 18, by striking the words "7
42 which-shall-be" and inserting in lieu thereof the
43 words ", which shall be".

44 26. Page 8, by inserting after line 33 the
45 following new section:

46 "Sec. ____ . Section forty-eight point sixteen
47 (48.16), Code 1975, is amended to read as follows:

48 48.16 PENALTIES. Any officer or employee, or
49 any person who has contracted with a commissioner
50 to perform services in the implementation of this

chapter, who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but his or her true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where he or she is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year.

For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter."

27. Page 8, line 41, by striking the word "individual" and inserting in lieu thereof the words "eligible elector".

28. Page 9, line 12, by striking the word "section" and inserting in lieu thereof the word "chapter".

29. Page 10, by striking lines 30 through 50, and page 11, by striking lines 1 through 3.

30. Page 25, line 10, by striking the word "voting" and inserting in lieu thereof the word "election".

31. Page 26, line 6, by striking the word "voting" and inserting in lieu thereof the word "election".

32. Page 27, by inserting after line 25 the following new section:

Sec. . Chapter fifty-seven (57), Code 1975, is amended by adding the following new section:

NEW SECTION. CONTEST COURT FOR CONTEST OF PUBLIC MEASURE. The court for the trial of a contested election on a public measure shall consist of one person designated by the petitioners who are contesting the election, who shall be designated in writing by the petitioners at the time the contest is filed, one person designated by the county commissioner of elections to represent the interests adverse to those of the petitioners, and a third person who shall be chosen jointly by the designees

PAGE 6

of the petitioners and of the commissioner. If the persons selected by the petitioners and the county commissioner of elections cannot agree on a third person, the chief judge of the judicial district in which the contest is filed shall appoint a third person to serve.

1 Amend the Senate amendment H-5955 to House File
2 1011 as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 10 the fol-
5 lowing:

6 "NEW SUBSECTION. "Registration commission" means
7 the state voter registration commission established
8 by section _____ of this Act."

9 2. Page 3, by striking lines 3, 4 and 5 and
10 inserting in lieu thereof the words "county. Ad-
11 ministrative and clerical".

12 3. Page 3, by striking lines 10 through 19 and
13 inserting in lieu thereof the following:

14 "47.5 PURCHASING BY COMPETITIVE BIDDING.

15 1. The commissioner shall take bids for any goods
16 and services which are needed in connection with
17 registration of voters or preparation for or
18 administration of elections and which will be performed
19 or provided by persons who are not employees of the
20 commissioner and where the costs of such services
21 exceed five thousand dollars per contract in the case
22 of contracts for the printing of ballots or, in the
23 case of other services, two thousand five hundred
24 dollars per contract, under the following
25 circumstances:

26 a. In any case where it is proposed to purchase
27 data processing services. The commissioner shall
28 give the registrar written notice in advance on each
29 occasion when it is proposed to have data processing
30 services, necessary in connection with the
31 administration of elections, performed by any person
32 other than the registrar or an employee of the county.
33 Such notice shall be made at least thirty days prior
34 to publication of the specifications.

35 b. In the case of arrangements for printing of
36 ballots, where the cost of the printing will exceed
37 five thousand dollars.

38 c. In all other cases, where the cost of the goods
39 or services to be purchased will exceed one thousand
40 dollars.

41 d. No bids shall be required for legal services.
42 ~~the~~

43 2. When it is proposed to purchase any goods or
44 services, other than data processing services, in
45 connection with administration of elections, the
46 commis-".

47 4. Page 3, line 29, by striking the words "the
48 date the bid is let" and inserting in lieu thereof
49 the words "~~the~~ such final date ~~the bid is let~~".

50 5. Page 3, by striking line 50, and page 4, by

1 striking lines 1 through 34, and inserting in lieu
2 thereof the following:

3 "3. The procedure for purchasing data process-
4 ing services in connection with administration of
5 elections shall be the same as prescribed in subsec-
6 tion two (2) of this section, except that the required
7 copy of the bid specifications shall be filed with
8 the registrar rather than the state commissioner.
9 The specifications for data processing contracts
10 relative to voter registration records shall be
11 specified by the registration commission. The
12 registrar shall, not later than the final date for
13 submission of bids, inform the commissioner in writ-
14 ing whether the state comptroller's data processing
15 facilities are currently capable of furnishing the
16 services the county proposes to purchase, and if so
17 the cost to the county of so obtaining the services
18 as determined in accordance with the standard charges
19 therefor adopted by the registration commission.
20 The commissioner, with approval of the board of
21 supervisors, may reject all bids and enter into an
22 arrangement with the registrar for the services to
23 be furnished by the state. The commissioner may
24 recommend and the board of supervisors may approve
25 purchasing the needed services from the lowest
26 responsible bidder, however if the needed services
27 could be obtained through the registrar at a lower
28 cost, the board shall publish notice twice in a
29 newspaper of general circulation in the county of
30 its intent to accept such bid and of the difference
31 in the amount of the bid and the cost of purchasing
32 the needed services from the state comptroller's data
33 processing facilities through the registrar. Each
34 contract for the furnishing of data processing
35 services, necessary in connection with the
36 administration of elections, by any person other than
37 the registrar or an employee of the county shall be
38 executed with the contractor by the board of
39 supervisors of the county purchasing the services,
40 but only after the contract has been reviewed and
41 approved by the registration commission. Such contract
42 shall be of not more than one year's duration. Each
43 county exercising the option to purchase such data
44 processing services from a provider other than the
45 registrar shall provide the registrar, at the county's
46 expense, original and updated voter registration lists
47 in a form and at times prescribed by rules promulgated
48 by the registration commission."

49 6. Page 4, line 35, by striking the word "Any"
50 and inserting in lieu thereof the figure and word

1 "4. Any".

2 7. Page 4, line 43, by striking the words
3 "contract, which" and inserting in lieu thereof the
4 word "contract."

5 8. Page 4, by striking lines 44 and 45 and
6 inserting in lieu thereof the words "A new contract
7 with the same provider may be entered into in
8 accordance with subsection three (3) of this section."

9 9. Page 4, by inserting after line 45 the fol-
10 lowing new section:

11 " 7. Page 9, line 21, by striking the word "latter"
12 and inserting in lieu thereof the words "regularly
13 scheduled".

14 10. Page 5, line 4, by striking the word "super-
15 vise" and inserting in lieu thereof the word
16 "regulate".

17 11. Page 5, line 12, by inserting after the word
18 "state" the words ", except as otherwise provided
19 by section forty-eight point five (48.5), subsection
20 two (2), paragraph d of the Code".

21 12. Page 5, by striking lines 18 through 33 and
22 inserting in lieu thereof the following:

23 "2. The registrar shall offer to each county in
24 the state the opportunity to arrange for performance
25 of all functions referred to in subsection one (1)
26 of this section by the data processing facilities
27 of the state comptroller's office, commencing at the
28 earliest practicable time, at a cost to the county
29 determined in accordance with the standard charges
30 for those services adopted by the registration
31 commission. A county may accept this offer without
32 taking bids under section forty-seven point five
33 (47.5) of the Code.

34 3. Any county may use its own data processing
35 facilities for voter registration record keeping and
36 utilization functions, if the system design and the
37 form".

38 13. Page 5, lines 35 and 36, by striking the words
39 "adopted by the registrar" and inserting in lieu
40 thereof the words "promulgated by the registration
41 commission".

42 14. Page 5, by striking lines 49 and 50 and in-
43 serting in lieu thereof the following: "commission
44 shall consist of the state commissioner of elections,
45 or his or her designee".

46 15. Page 6, by striking line 7 and inserting
47 in lieu thereof the following:

48 "2. The registration commission shall prescribe
49 the forms required for voter registration by rules
50 promulgated pursuant to chapter seventeen A (17A)

1 of the Code.

2 3. The registrar shall provide staff services".

3 16. Page 6, line 9, by inserting after the word
4 "to" the words "the activities of the registrar's
5 office in connection with the".

6 17. Page 6, lines 10 and 11, by striking the words
7 "two commission members" and inserting in lieu thereof
8 the words "commission member".

9 18. Page 6, by striking lines 17 through 25 and
10 inserting in lieu thereof the following:

11 "4. The registration commission shall annually
12 adopt a set of standard charges to be made for the
13 services the registrar is required to offer to the
14 several commissioners, and for furnishing of voter
15 registration records which are requested by persons
16 other than the registrar, the state commissioner or
17 any commissioner pursuant to section forty-eight point
18 five (48.5), subsection two (2) of the Code. These
19 charges shall be sufficient to reimburse the state
20 for the actual cost of furnishing such services or
21 information, and shall be specified by unit wherever
22 possible. The standard charges shall be adopted by
23 the commission by January fifteenth of each calendar
24 year."

25 19. Page 6, lines 33 and 34, by striking the words
26 "state commissioner" and inserting in lieu thereof
27 the words "registration commission".

28 20. Page 7, line 11, by striking the word
29 "registrar" and inserting in lieu thereof the words
30 "registration commission".

31 21. Page 7, by striking lines 24, 25 and 26 and
32 inserting in lieu thereof the words "by the requestor,
33 so long as that order and form are within the
34 capacity of the system used by the
35 registrar."

36 22. Page 8, line 17, by striking the words "the
37 same a" and inserting in lieu thereof the words "the
38 same".

39 23. Page 8, line 18, by striking the words "~~7~~
40 ~~which-shall-be~~" and inserting in lieu thereof the
41 words "7, which shall be".

42 24. Page 8, by inserting after line 33 the
43 following new section:

44 "Sec. ____ . Section forty-eight point sixteen
45 (48.16), Code 1975, is amended to read as follows:

46 48.16 PENALTIES. Any officer or employee, or
47 any person who has contracted with a commissioner
48 to perform services in the implementation of this
49 chapter, who shall willfully fail to perform or enforce
50 any of the provisions of this chapter, or who shall

1 unlawfully or fraudulently remove any registration
 2 card or record from its proper compartment in the
 3 registration records, or who shall willfully destroy
 4 any record provided by this chapter, or any person
 5 who shall willfully or fraudulently register more
 6 than once, or register under any but his or her true
 7 name, or votes or attempts to vote by impersonating
 8 another who is registered, or who willfully or
 9 fraudulently registers in any election precinct where
 10 he or she is not a resident at the time of registering,
 11 or who adds a name or names to a page or pages, or
 12 who violates any of the provisions of this chapter,
 13 shall be guilty of felony and, upon conviction, shall
 14 be imprisoned in the state penitentiary for not less
 15 than one year.

16 For the purposes of this section, the alteration
 17 or destruction of any machine readable compilation
 18 of voter registration records which has not been re-
 19 placed by a more recent revision of the same record
 20 shall constitute destruction of a record provided
 21 by this chapter."

22 25. Page 8, line 41, by striking the word "in-
 23 dividual" and inserting in lieu thereof the words
 24 "eligible elector".

25 26. Page 9, line 12, by striking the word "sec-
 26 tion" and inserting in lieu thereof the word "chapter".

H-6215 FILED - *Adopted 4/8* BY DRAKE of Muscatine
 APRIL 7, 1976 *(1748)* MONROE of Des Moines
 TAUKE of Dubuque
 SCHROEDER of Pottawattamie

H-6220

1 Amend the Senate amendment H-5955 to House
 2 File 1011 as follows:
 3 1. Page 12 by inserting after line 18 the
 4 following:
 5 _____ Page 33, by striking lines 5 through
 6 8 and inserting in lieu thereof the following:
 7 "voting approves it. A vote of the majority of
 8 the qualified electors of the territory proposed
 9 to be annexed or severed, and a vote of the
 10 qualified electors of the city, shall be required
 11 to annex or sever any territory. In a case of".

H-6220 FILED, ADOPTED *as amended by H-6222* BY WOODS of Polk
 MOVED TO RECONSIDER, LOST *7-222*
 APRIL 8, 1976 *78-48 (1758)* *Reconsidered 6241 substituted, and*
6220 withdrawn 4/9 (1847)

H-6222

1 Amend amendment H-6220, to page 12 of Senate
 2 amendment H-5955, to House File 1011 as follows:
 3 1. Line 9, by inserting after the word "a"
 4 the word "majority".

H-6222 FILED - *Adopted by* BY WOODS of Polk
 APRIL 8, 1976 *unanimous*
consent (1758)

HOUSE FILE 1011

H-6216

1 Amend the Senate amendment H-5955 to House File
2 1011 as amended, passed and reprinted by the House,
3 page 10, by inserting after line 29 the following
4 new sections:
5 "_____. Page 25, line 10, by striking the word
6 "voting" and inserting in lieu thereof the word
7 "election".
8 "_____. Page 26, line 6, by striking the word
9 "voting" and inserting in lieu thereof the word
10 "election".
11 "_____. Page 27, by inserting after line 25 the
12 following new section:
13 Sec. _____. Chapter fifty-seven (57), Code 1975,
14 is amended by adding the following new section:
15 NEW SECTION. CONTEST COURT FOR CONTEST OF PUBLIC
16 MEASURE. The court for the trial of a contested
17 election on a public measure shall consist of one
18 person designated by the petitioners who are contesting
19 the election, who shall be designated in writing by
20 the petitioners at the time the contest is filed,
21 one person designated by the county commissioner of
22 elections to represent the interests adverse to those
23 of the petitioners, and a third person who shall be
24 chosen jointly by the designees of the petitioners
25 and of the commissioner."

H-6216 FILED - *Adopted 4/8* BY MONROE of Des Moines *Reconsidered, amended by 6221*
APRIL 7, 1976 DRAKE of Muscatine *and adopted 4/8 (1759)*

HOUSE FILE 1011

H-6241

1 Amend the Senate amendment H-5955 to House
2 File 1011 as follows:
3 1. Page 12, by inserting after line 18 the
4 following:
5 "_____. Page 33, by striking lines 5 through
6 8 and inserting in lieu thereof the following:
7 "voting approves it. In the case of annexation or
8 severance, the proposal is authorized upon approval
9 of a majority of the total number of persons voting
10 in the territory proposed to be annexed or severed,
11 and a majority of the total number of persons voting
12 in the city to which the territory is proposed to
13 be annexed, or from which the territory is proposed
14 to be severed. In a case of".

H-6241 FILED, LOST *41-52 (1848)* BY WOODS of Polk
APRIL 9, 1976

HOUSE FILE 1011

H-5987

1 Amend the Senate amendment H-5955 to House File
2 1011 as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 2, by striking lines 45 through 50, and
5 page 3, by striking lines 1 through 7.

6 2. Page 3, by striking line 10 and inserting in
7 lieu thereof the following:

8 "47.5 PURCHASING BY COMPETITIVE BIDDING.

9 1. The com-".

10 3. Page 3, lines 11 and 12, by striking the words
11 ", other than data processing services,".

12 4. Page 3, lines 17 and 18, by striking the words
13 "~~two-thousand-five-hundred one hundred~~" and inserting
14 in lieu thereof the words "two thousand five hundred".

15 5. Page 3, by striking line 19 and inserting in
16 lieu thereof the words "shall be required for legal
17 services. The

18 2. When it is proposed to purchase any goods or
19 services, other than data processing services, in
20 connection with administration of elections, the
21 commis-".

22 6. Page 3, line 29, by striking the words "the
23 date the bid is let" and inserting in lieu thereof
24 the words "the such final date the-bid-is-let".

25 7. Page 3, by striking lines 42 through 49 and
26 inserting in lieu thereof the following:

27 "A county shall not enter into an intergovernmental
28 agreement with any other political subdivision of
29 the state for acquisition of goods or performance
30 of services until an audit has been conducted by the
31 auditor of state or an independent certified public
32 accountant not in the regular employ of the counties
33 executing an agreement which sets forth the costs
34 of each county for providing goods and services."

35 8. Page 3, by striking line 50, and page 4, by
36 striking lines 1 through 34, and inserting in lieu
37 thereof the following:

38 "3. The procedure for purchasing data process-
39 ing services in connection with administration of
40 elections shall be the same as prescribed in subsec-
41 tion two (2) of this section, except that the required
42 copy of the bid specifications shall be filed with
43 the registrar rather than the state commissioner.
44 The specifications shall conform to the rules of the
45 voter registration commission relative to the form
46 and manner of keeping voter registration records.
47 The registrar shall, not later than the final date
48 for submission of bids, inform the commissioner in
49 writing whether the state comptroller's data processing
50 facilities are currently capable of furnishing the

1 services the county proposes to purchase, and if so
2 the cost to the county of so obtaining the services
3 as determined in accordance with the standard charges
4 therefor adopted by the voter registration commis-
5 sion. The commissioner, with approval of the board
6 of supervisors, may reject all bids and enter into
7 an arrangement with the registrar for the services
8 to be furnished by the state. Each contract for the
9 furnishing of data processing services necessary in
10 connection with the administration of elections by
11 any person other than the registrar or an employee
12 of the county shall be executed with the contractor
13 by the board of supervisors of the county purchasing
14 the services. Each county exercising the option to
15 purchase such data processing services from a provider
16 other than the registrar or an employee of the county
17 shall provide the registrar, at the county's expense,
18 original and updated voter registration lists in a
19 form and at times prescribed by rules promulgated
20 by the voter registration commission."

21 9. Page 4, line 35, by striking the word "Any"
22 and inserting in lieu thereof the figure and word
23 "4. Any".

24 10. Page 4, line 45, by inserting after the word
25 "Act." the words "A new contract with the same provider
26 may be entered into in accordance with subsection
27 three (3) of this section."

28 11. Page 5, line 4, by striking the word "super-
29 vise" and inserting in lieu thereof the word
30 "regulate".

31 12. Page 5, by striking lines 18 through 26 and
32 inserting in lieu thereof the following:

33 "2. The registrar shall offer to each county in
34 the state the opportunity to arrange for performance
35 of all functions referred to in subsection one (1)
36 of this section by the data processing facilities
37 of the state comptroller's office, commencing at the
38 earliest practicable time."

39 13. Page 5, by striking lines 30 through 33 and
40 inserting in lieu thereof the words "functions, if
41 the system design and the form".

42 14. Page 5, lines 35 and 36, by striking the words
43 "adopted by the registrar" and inserting in lieu
44 thereof the words "promulgated by the voter
45 registration commission".

46 15. Page 6, by striking line 7 and inserting in
47 lieu thereof the following:

48 "2. The voter registration commission shall
49 prescribe the forms required for voter registration
50 by rules promulgated pursuant to chapter seventeen

MARCH 26, 1976

PAGE 13

H-5987

Page 3

- 1 A (17A) of the Code.
- 2 3. The registrar shall provide staff services".
- 3 16. Page 6, line 9, by inserting after the word
- 4 "to" the words "the activities of the registrar's
- 5 office in connection with the".
- 6 17. Page 6, by striking lines 17 through 22 and
- 7 inserting in lieu thereof the following:
- 8 "4. The commission shall annually adopt a set
- 9 of standard charges to be made for the services the
- 10 registrar is required to offer to the several counties,
- 11 and for furnishing of voter registration records which
- 12 are requested by persons other than the registrar,
- 13 the state commissioner of any commissioner pursuant
- 14 to section forty-eight point five (48.5), subsection
- 15 two (2) of the Code. These charges shall be sufficient
- 16 to reimburse the state for the actual cost of
- 17 furnishing such services or information, and shall
- 18 be specified by unit wherever".
- 19 18. Page 7, line 11, by striking the word
- 20 "registrar" and inserting in lieu thereof the words
- 21 "voter registration commission".
- 22 19. Page 8, line 17, by striking the words "the
- 23 same a" and inserting in lieu thereof the words "the
- 24 same".
- 25 20. Page 8, line 18, by striking the words "7
- 26 which shall be" and inserting in lieu thereof the
- 27 words ", which shall be".

H-5987 FILED BY SCHROEDER of Pottawattamie

MARCH 25, 1976 *Public Law of order - 51-52*

Ruled out of order
HOUSE FILE 1011

H-6017

- 1 Amend Senate amendment H-5955 to House File
- 2 1011, as amended, passed, and reprinted by the
- 3 House as follows:
- 4 1. Page 1, by striking lines 45 through 50.
- 5 2. Page 2, by striking lines 1 through 20.

H-6017 FILED *accepted* BY TAUKE of Dubuque
MARCH 26, 1976 *4/2/76*

H-6116

- 1 Amend the Senate amendment H-5955 to House File
- 2 1011 as amended, passed and reprinted by the House,
- 3 page 10, by striking lines 30 through 50, and page 11,
- 4 by striking lines 1 through 3.

H-6116 FILED *accepted 4/2(1753)* BY DRAKE of Muscatine
APRIL 2, 1976 MONROE of Des Moines

HOUSE FILE 1011

H-6219

1 Amend the Senate amendment H-5955 to House
2 File 1011 as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 7, line 44, by striking the words
5 "without charge" and inserting in lieu thereof the
6 following: "~~without-charge~~, upon payment by the
7 state comptroller of the cost of preparation from
8 the funds available to the political party under
9 section fifty-six point nineteen (56.19), of the
10 Code,".

11 2. Page 10, by inserting after line 29 the
12 following:

13 "Sec. _____. Section fifty-six point twenty-one
14 (56.21), unnumbered paragraph two (2), Code 1975,
15 is amended to read as follows:

16 The state comptroller shall remit by check drawn
17 upon the Iowa election campaign fund all funds
18 remaining in the party's account after: (1) deducting
19 the actual costs incurred by that party for
20 preparation of that party's state and county voter
21 registration and other election data (2) after
22 deducting one-half the general expenses of
23 maintaining the office of state registrar of voters.
24 The check shall be payable to the chairman upon
25 certification by the state commissioner that the
26 party has qualified to have candidate names placed
27 on the official general election ballot.

H-6219 FILED, RULED NOT GERMANE BY BYERLY of Polk
MOVED TO SUSPEND RULES, PREVAILED ⁵⁴/₄₁ WEST of Marshall
H-6219A LOST, H-6219B LOST A-38-52, B-43-50 (1757)
APRIL 8, 1976

H-6221

1 Amend H-6216 to Senate Amendment H-5955 to
2 House File 1011 as follows:

3 1. Line 25 by adding after the word
4 "commissioner." the following: "If the persons
5 selected by the petitioners and the County
6 Commissioner of elections cannot agree on a
7 third person, the Chief Judge of the Judicial
8 District in which the contest is filed shall
9 appoint a third person to serve."

H-6221 FILED - *Adopted 4/8* BY BITTLE of Polk
APRIL 8, 1976 (1759)

H-5955

1 Amend House File 1011 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 25 the following
 4 new section:

5 "Sec. _____. Section thirty-nine point three (39.3),
 6 Code 1975, is amended by adding the following new
 7 subsection:

8 NEW SUBSECTION. "Registrar" means the state
 9 registrar of voters designated by section _____
 10 of this Act."

11 2. Page 3, by striking lines 6 through 17 and
 12 inserting in lieu thereof the words "without other
 13 certificate, except that a candidate whose".

14 3. Page 4, by striking lines 10 and 11 and in-
 15 sserting in lieu thereof the following: "Each can-
 16 didate required to execute the foregoing affidavit".

17 4. Page 4, by striking from lines 17 and 18 the
 18 words "comply with the applicable requirement of this
 19 section" and inserting in lieu thereof the words
 20 "execute and deliver the affidavit".

21 5. Page 4, by inserting after line 22 the fol-
 22 lowing new section:

23 "Sec. _____. Section forty-three point seventy-three
 24 (43.73), Code 1975, is amended by adding the following
 25 new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. The state commissioner
 27 shall similarly certify to the appropriate commissioner
 28 or commissioners at the earliest practicable time
 29 the names of nominees for a special election, called
 30 under section sixty-nine point fourteen (69.14) of
 31 the Code, submitted to the state commissioner pursuant
 32 to Acts of the Sixty-sixth General Assembly, 1976
 33 Session, House File one thousand thirty-three (1033),
 34 section one (1)."

35 6. Page 9, by inserting after line 8 the follow-
 36 ing new sections:

37 "Sec. _____. Section forty-seven point three (47.3),
 38 unnumbered paragraph one (1), Code 1975, is amended
 39 to read as follows:

40 The costs of conducting a special election called
 41 by the governor to fill a vacancy in the United States
 42 house of representatives, general election, and the
 43 primary election held prior to the general election
 44 shall be paid by the county.

45 Sec. _____. Section forty-seven point three (47.3),
 46 Code 1975, is amended by adding the following new
 47 unnumbered paragraph:

48 NEW UNNUMBERED PARAGRAPH. After any special
 49 election called by the governor to fill a vacancy
 50 in the general assembly has been held, the commissioner

1 of each county in which voting occurred in that
2 election may submit to the state commissioner a
3 verified statement of the expense incurred by the
4 county in holding the special election. The expenses
5 reported may include the cost of preparing and printing
6 ballots, voting machine inserts, affidavits of
7 eligibility, election registers, and canvass materials,
8 publishing notice, mailing absentee ballots, preparing
9 and installing voting machines and compensating
10 precinct election boards. The cost of renting any
11 precinct polling place may also be included if the
12 county ordinarily pays rent in the same amount for
13 use of that polling place for other elections. The
14 state commissioner shall certify the total amount
15 of expense so reported by each county to the state
16 comptroller, who shall draw a warrant in that amount
17 upon any money in the general fund not otherwise
18 appropriated payable to the treasurer of that county.
19 The county treasurer shall place the proceeds in the
20 county election expense fund."

21 7. Page 9, by inserting after line 8 the following
22 new sections:

23 "Sec. ____ . Section forty-seven point one (47.1),
24 Code 1975, as amended by Acts of the Sixty-sixth
25 General Assembly, 1975 Session, chapter eighty-one
26 (81), section forty-two (42), is amended to read as
27 follows:

28 47.1 STATE COMMISSIONER OF ELECTIONS. The
29 secretary of state is designated as the state
30 commissioner of elections and shall supervise the
31 activities of the county commissioners of elections.
32 There is established within the office of the secretary
33 of state a division of elections which shall be under
34 the direction of the state commissioner of elections.
35 The state commissioner of elections may appoint a
36 person to be in charge of the division of elections
37 who shall perform such duties as may be assigned by
38 the state commissioner of elections. The state
39 commissioner of elections shall prescribe uniform
40 election practices and procedures, shall prescribe
41 the necessary forms required for voter-registration
42 and the conduct of elections, and shall adopt rules,
43 pursuant to chapter 17A, to carry out the provisions
44 of this section.

45 Sec. ____ . Section forty-seven point three (47.3),
46 Code 1975, is amended by adding the following new
47 unnumbered paragraph:

48 NEW UNNUMBERED PARAGRAPH. The cost of maintenance
49 of voter registration records and of preparation of
50 election registers and any other voter registration

1 lists required by the commissioner in the discharge
2 of the duties of that office shall be paid by the
3 county. The cost of acquisition of voter registration
4 data and of preparation and maintenance of data
5 processing programs, and administrative and clerical
6 costs, incurred by the registrar in discharging the
7 duties of that office shall be paid by the state.

8 Sec. _____. Section forty-seven point five (47.5),
9 Code 1975, is amended to read as follows:

10 47.5 PURCHASING BY COMPETITIVE BIDDING. The com-
11 missioner shall take bids for any goods and services,
12 other than data processing services, which will be
13 performed or provided by persons who are not employees
14 of the commissioner and where the costs of such ser-
15 vices exceed five thousand dollars per contract in
16 the case of contracts for the printing of ballots
17 or, in the case of other services, ~~two-thousand-five~~
18 ~~hundred one hundred~~ dollars per contract. No bids
19 shall be required for legal services. The commis-
20 sioner shall publish notice to bidders, including
21 specifications regarding the goods or services to
22 be purchased or a description of the nature and object
23 of the services to be retained, in a newspaper of
24 general circulation in the county not less than fifteen
25 days before the final date for submission of bids.
26 The commissioner shall also file a copy of the bid
27 specifications in the office of the state commissioner
28 for a period of not less than twenty days prior to
29 the date the bid is let. When competitive bidding
30 procedures are used, the purchase of goods or services
31 shall be made from the lowest responsible bidder which
32 meets the specifications or description of the services
33 needed or the commissioner may reject all bids and
34 readvertise. In determining the lowest responsible
35 bidder, various factors may be considered, including
36 but not limited to the past performance of the bidder
37 relative to quality of product or service, the past
38 experience of the purchaser in relation to the product
39 or service, the relative quality of products or
40 services, the proposed terms of delivery and the best
41 interest of the county.

42 ~~A county shall not enter into an intergovernmental~~
43 ~~agreement with any other political subdivision of~~
44 ~~the state for acquisition of goods or performance~~
45 ~~of services until an audit has been conducted by the~~
46 ~~auditor of state or an independent certified public~~
47 ~~accountant not in the regular employ of the counties~~
48 ~~executing an agreement which sets forth the costs~~
49 ~~of each county for providing goods and services.~~
50 A county may purchase data processing services in

1 connection with administration of elections from a
2 provider other than the state or an employee of the
3 county, after the effective date of this Act, only
4 until such time as the registrar certifies to the
5 state commissioner that the state comptroller's data
6 processing facilities are able to provide all services
7 which counties are required by this Act to obtain
8 from the registrar. During that period, the
9 commissioner shall give the registrar written notice
10 in advance on each occasion when it is proposed to
11 have data processing services, necessary in connection
12 with the administration of elections, performed by
13 any person other than the registrar or an employee
14 of the county. Data processing services so performed
15 shall be purchased by written contract of not more
16 than one year's duration. The registrar, in con-
17 sultation with the state voter registration commis-
18 sion, shall establish by rule the specifications for
19 such data processing contracts, and shall notify
20 prospective bidders on each occasion when a contract
21 for data processing services is to be let. The regis-
22 trar shall have authority to approve or disapprove
23 all bids received. Each contract for data proces-
24 sing services necessary in connection with the
25 administration of elections shall be executed with
26 the contractor jointly by the board of supervisors
27 of the county purchasing the service and the registrar.
28 Each county exercising the option to purchase data
29 processing services in connection with administration
30 of elections from a provider other than the state
31 or an employee of the county under this section shall
32 provide the registrar, at the county's expense,
33 original and updated voter registration lists in a
34 form and at times prescribed by the registrar.

35 Any election or registration data or records which
36 may be in the possession of a contractor shall remain
37 the property of the commissioner. Contracts with
38 a private person relating to the maintenance and use
39 of voter registration data, which were properly entered
40 into in compliance with this section and with all
41 other laws relating to bidding on such contracts,
42 shall remain in force only until the most recently
43 negotiated termination date of that contract, which
44 shall in no case be later than one year after the
45 effective date of this Act."

46 8. Page 9, by inserting after line 28 the following
47 new sections:

48 "Sec. ____ Chapter forty-seven (47), Code 1975,
49 is amended by adding the following new sections:

50 NEW SECTION. STATE REGISTRAR OF VOTERS.

1 1. The senior administrator of data processing
2 services in the office of the state comptroller is
3 designated the state registrar of voters, and shall
4 supervise the preparation, preservation and maintenance
5 of voter registration records, the preparation of
6 precinct election registers for all elections ad-
7 ministered by the commissioner of any county, and
8 the preparation of other data on voter registration
9 and participation in elections as shall be requested
10 and purchased at actual cost of preparation and
11 production by a political party or any resident of
12 this state. The registrar shall maintain a log, which
13 shall be a public record, showing all lists and re-
14 ports which have been requested or generated or which
15 are capable of being generated by existing programs
16 of the data processing services in the office of the
17 state comptroller.

18 2. All functions referred to in subsection one
19 (1) of this section shall be performed by the data
20 processing facilities of the state comptroller's
21 office commencing as soon as practicable, but not
22 later than January 1, 1977. The registrar, with
23 approval of the state voter registration commission,
24 shall prescribe the forms required for voter
25 registration by rules adopted pursuant to chapter
26 seventeen A (17A) of the Code.

27 3. Any county having a population of fifty thousand
28 or more may use its own data processing facilities
29 for voter registration record keeping and utilization
30 functions, in lieu of having this work performed by
31 the state comptroller's data processing facilities
32 as would otherwise be required by subsection two (2)
33 of this section, if the system design and the form
34 in which the registration records are kept conform
35 to specifications established by rules adopted by
36 the registrar. Each county exercising the option
37 to maintain its own voter registration records under
38 this subsection shall provide the registrar, at the
39 county's expense, original and updated voter
40 registration lists in a form and at times prescribed
41 by the registrar.

42 NEW SECTION. VOTER REGISTRATION COMMISSION--
43 COMPOSITION--DUTIES.

44 1. There is established a state voter registration
45 commission which shall meet at least once each month
46 to make and review policy, promulgate rules and
47 establish procedures to be followed by the registrar
48 in discharging the duties of that office. The
49 commission shall consist of the lieutenant governor,
50 the speaker of the house, the state commissioner,

1 and the state chairpersons of the two political parties
2 whose candidates for president of the United States
3 or governor, as the case may be, received the greatest
4 and next greatest number of votes in the most recent
5 general election, or their respective designees, who
6 shall serve without additional salary or reimbursement.

7 2. The registrar shall provide staff services
8 to the commission and shall make available to it all
9 information relative to registration of voters in
10 this state which may be requested by any two commission
11 members. The commission may authorize the registrar
12 to employ such additional staff personnel as it deems
13 necessary to permit the duties of the registrar's
14 office to be adequately and promptly discharged.
15 Such personnel shall be employed pursuant to chapter
16 nineteen A (19A) of the Code.

17 3. The commission shall annually adopt a set of
18 standard charges to be made for such utilization of
19 voter registration records as it authorized by law
20 by persons other than the registrar, the state
21 commissioner and the several county commissioners.
22 These charges shall be specified by unit wherever
23 possible. The standard charges shall be adopted by
24 the commission by January fifteenth of each calendar
25 year, and shall be in effect for one year thereafter.

26 Sec. _____. Section forty-eight point four (48.4),
27 Code 1975, as amended by Acts of the Sixty-sixth
28 General Assembly, 1975 Session, chapter eighty-one
29 (81), section forty-eight (48), is amended to read
30 as follows:

31 48.4 COMMISSIONER OF REGISTRATION--DUTIES. The
32 commissioner of registration shall ~~have complete~~
33 ~~charge of,~~ under the direction of the state
34 commissioner and the registrar, supervise the
35 registration of all eligible electors within the
36 county, and shall appoint such deputies and clerks
37 as may be necessary, from the two political parties
38 receiving the highest vote at the last general
39 election. The number of such deputies and clerks
40 for all precinct registration places, and at the
41 central registration office, shall be equally divided
42 between the members of the two said political parties.
43 These appointments shall be subject to the approval
44 of the county board of supervisors. The commissioner
45 of registration shall provide such printed forms and
46 blanks as may be necessary, together with such other
47 supplies and equipment as are necessary to properly
48 carry out the provisions of this chapter. Registration
49 places shall be established throughout the cities
50 and county."

1 9. Page 9, lines 29 and 30, by striking the words
2 and figure "subsection three (3),".

3 10. Page 9, by inserting after line 32 the
4 following:

5 "48.5 REGISTRATION RECORDS.

6 1. The county commissioner of registration shall
7 ~~safely maintain at his or her office or other~~
8 ~~designated locations~~ the original registration records
9 of all qualified electors in the county. ~~The original~~
10 ~~registration~~ in accordance with rules promulgated
11 by the registrar. Registration records shall not
12 be removed from that office or other designated
13 locations except upon court order. ~~Duplicate~~
14 ~~registration records,~~ and shall be open to inspection
15 by the public at reasonable times.

16 2. Any person may request of the ~~commissioner~~
17 registrar and shall receive, upon payment of the cost
18 of preparation, a list of ~~all~~ qualified electors ~~in~~
19 ~~the county~~ and other data on registration and
20 participation in elections, in accordance with the
21 following requirements and limitations:

22 a. ~~The commissioner shall draw up each~~ Each list
23 shall be produced in the order and form specified
24 by the requestor, ~~so long as that order and form are~~
25 ~~within the capability of the record maintenance system~~
26 ~~used by the commissioner.~~

27 b. Each list shall reflect all additions, changes
28 and deletions made prior to the fifth day before the
29 list was prepared.

30 c. The ~~commissioner~~ registrar shall not be required
31 to provide lists or data during the fifteen days prior
32 to the date of any the primary election, the general
33 election, the regular city election held pursuant
34 to section three hundred seventy-six point one (376.1)
35 of the Code, or the annual school election in any
36 order or form other than that utilized to conduct
37 the election, if the preparation of a list in any
38 other order or form requested would impede the prepara-
39 tion of the election registers for that election.

40 d. The county chairperson of each political party,
41 as defined in section forty-eight point four (48.4)
42 of the Code, and the chairperson of each state
43 political party central committee may each request
44 and shall receive without charge three lists or reports
45 during the two-year period prior to each general
46 election, in the order and form requested. The lists
47 or data requested by the county chairpersons shall
48 pertain only to qualified electors of that county.
49 The lists or reports requested under this paragraph
50 shall be delivered on or before the date specified

by the requestor, if the requestor gives the commissioner at least thirty days advance notice of that date and the timing of the request and the order and form specified do not conflict with the restrictions of paragraph a-c of this subsection.

~~e. The commissioner shall upon request provide to any person who has within the previous year obtained a list of all qualified electors in the county under this section, a~~ A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating ~~of the registration list. The updated list~~ shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requestor under this paragraph shall receive the updating data at ~~the same a time and in the same order and form, which shall be~~ determined by the commissioner registrar, but in an order and form specified by the requestor. Each requestor, except those who obtain the initial list of qualified electors under paragraph d of this subsection, shall pay the cost of duplicating the updating data before receiving a copy thereof."

11. Page 10, line 3, by inserting after the word "commissioner" the words "or registrar".

12. Page 10, by inserting after line 10 the following:

"4. Beginning not later than January 1, 1977, every voter registration record shall be maintained in computer readable form according to the specifications of the registrar."

13. Page 12, by inserting after line 18 the following new sections:

"Sec. ____ . Section forty-eight point twenty-seven (48.27), subsection four (4), Code 1975, is amended by striking paragraph f.

Sec. ____ . Section forty-eight point twenty-nine (48.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.29 REMOVAL OF REGISTRATION. Upon registration in any county of an individual who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, his or her name shall be struck from the record of voters currently registered in the former county of residence. If the registrar at any time discovers that the same individual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall follow the procedure prescribed by section forty-eight

1 point thirty-one (48.31), subsection eight (8) of
2 the Code."

3 14. Page 12, by inserting after line 18 the
4 following new section:

5 "Sec. _____. Section forty-eight point twenty-seven
6 (48.27), subsection five (5), Code 1975, is amended
7 to read as follows:

8 5. The Each mobile deputy registrar shall be
9 responsible to the county commissioner of registra-
10 tion for properly registering electors in accordance
11 with the requirements and the restrictions of this
12 section. The commissioner may terminate the appoint-
13 ment of a mobile deputy registrar who is not properly
14 registering electors, and shall immediately terminate
15 the appointment upon the written request of the county
16 chairman chairperson of the party from whose list
17 of nominees the mobile deputy registrar was selected.
18 When an appointment is terminated the county
19 commissioner of registration shall promptly notify
20 the county chairman chairperson of the political
21 party which nominated the mobile deputy registrar
22 whose appointment has been terminated, and shall
23 appoint another person within five days from a list
24 of substitute nominees provided by that county chairman
25 chairperson. A mobile deputy registrar whose
26 appointment is terminated shall immediately return
27 all his or her supplies to the county commissioner
28 of registration. If a mobile deputy registrar's
29 appointment is terminated within thirty days of an
30 election, other than by request of the county chair-
31 man chairperson of the party from whose list of
32 nominees the mobile deputy registrar was appointed,
33 a replacement shall be appointed within twenty-four
34 hours from a list of substitute nominees provided
35 by the appropriate county chairman chairperson."

36 15. Page 12, by inserting after line 20 the fol-
37 lowing new section:

38 "Sec. _____. Section forty-nine point four (49.4),
39 subsection two (2), Code 1975, is amended to read
40 as follows:

41 2. Counties using alternative supervisor repre-
42 sentation plans two or three, as described in sec-
43 tion 331.8, shall be apportioned into single-member
44 supervisor districts on the basis of population.
45 The In counties using representation plan three,
46 the boundaries of supervisor districts shall fol-
47 low the boundaries of election precincts."

48 16. Page 12, by inserting after line 20 the following new
49 section:

50 "Sec. _____. Section forty-eight point thirty-two (48.32),

Code 1975, is amended to read as follows:

48.32 ANNUAL REPORT. The county commissioner of elections shall make reports as required by the ~~state-commissioner-of-elections~~ registrar. On August 1 of each year the ~~state-commissioner-of-elections~~ registrar shall report the number of persons registered in each political party in each county."

17. Page 23, by inserting after line 5 the following new section:

"Sec. ____ . Section fifty-three point eleven (53.11), Code 1975, is amended to read as follows:

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

18. Page 27, by inserting after line 25 the following new section:

"Sec. ____ . Section sixty-two point eighteen, (62.18), Code 1975, is amended to read as follows:

62.18 JUDGMENT The court shall pronounce judgment whether the incumbent or any other person was duly elected, and adjudge that the person so declared elected will be entitled to his certificate. If the judgment be against the incumbent, and he has already received the certificate, the judgment shall annul it. If the court find-that-no-person-was elected finds that one or more of the causes of contest alleged pursuant to section 62.5 of the Code have been substantiated, and that the tainted votes cannot be identified and excluded, it shall exclude all votes cast for the contested office in the precinct or precincts in question. If by so doing the apparent outcome of the election is reversed, the judgment shall be that the election in that precinct or precincts be set aside, and a new election held in that precinct or precincts. No person who was

1 not qualified elector in that precinct at the time
2 of election which was set aside shall be allowed to
3 vote at the new election."

4 19. Page 27, by inserting after line 25 the fol-
5 lowing new section:

6 "Sec. __. Section sixty-nine point eight (69.8),
7 subsections one (1) and two (2), Code 1975, are amended
8 to read as follows:

9 1. United States senator. In the office of United
10 States senator, when the vacancy occurs when the sen-
11 ate of the United States is in session, or when such
12 senate will convene prior to the next general elec-
13 tion, by the governor. An appointment made under
14 this subsection shall be for the period until the
15 vacancy is filled by election pursuant to law.

16 2. State offices. In all state offices, judges
17 of courts of record, officers, trustees, inspectors,
18 and members of all boards or commissions, and all
19 persons filling any position of trust or profit in
20 the state, by the governor, except when some other
21 method is specially provided. An appointment made
22 under this subsection to a state office subject to
23 Acts of the Sixty-sixth General Assembly, 1975 Session,
24 chapter eighty-one (81), section four (4), shall be
25 for the period until the vacancy is filled by election
26 pursuant to law."

27 20. Page 28, line 16, by striking the word "its"
28 and inserting in lieu thereof the word "it".

29 21. Page 29, by inserting after line 31 the fol-
30 lowing new section:

31 "Sec. __. Section two hundred seventy-seven
32 point twenty (277.20), unnumbered paragraph one (1),
33 Code 1975, is amended to read as follows:

34 On the next Friday after the regular school elec-
35 tion, the county board of supervisors shall canvass
36 the returns made to the county commissioner of elec-
37 tions from the several precinct polling places and
38 the absentee ballot counting board, ascertain the re-
39 sult of the voting with regard to every matter voted
40 upon and cause a record to be made thereof as required
41 by section 50.24. Special elections held in
42 school districts shall be canvassed at the time
43 and in the manner required by that section. The
44 board shall declare the results of the voting
45 for members of boards of directors of school cor-
46 porations nominated pursuant to section 277.4, and
47 the commissioner shall at once issue a certificate
48 of election to each person declared elected. The
49 board shall also declare the results of the voting
50 on any public question submitted to the voters of

1 a single school district, and the commissioner shall
2 certify the result as required by section 50.27."

3 22. Page 30, by inserting after line 32 the fol-
4 lowing new section:

5 "Sec. ____ . Section three hundred thirty-one point
6 twenty-seven (331.27), Code 1975, is amended to read
7 as follows:

8 331.27 PLAN "THREE." If plan "three" is se-
9 lected pursuant to section 331.8 or 331.9, the
10 supervisor districts shall be drawn and members
11 of the county board shall be elected as provided
12 in section 331.26, except that boundaries of super-
13 visor districts shall follow voting precinct lines
14 and each member of the board, and candidates each
15 candidate for such office, shall, at the primary
16 and general elections, be elected or nominated only
17 by the electors of the district which he-or-they
18 seek that candidate seeks to represent."

19 23. Page 33, by inserting after line 19 the fol-
20 lowing new section:

21 "Sec. ____ . Section three hundred seventy-two
22 point thirteen (372.13), subsection two (2), as
23 amended by Acts of the Sixty-sixth General Assembly,
24 1975 Session, chapter eighty-one (81), section one
25 hundred fifty (150), is amended by striking the
26 subsection and inserting in lieu thereof the fol-
27 lowing:

28 2. A vacancy in an elective city office during a
29 term of office shall be filled by the council, with-
30 in thirty days after the vacancy occurs, for the
31 balance of the unexpired term unless a special elec-
32 tion is sooner held to fill the office for the re-
33 maining balance of the unexpired term. Such an elec-
34 tion shall be called if the council is presented with
35 a petition so requesting, signed by eligible electors
36 entitled to vote to fill the office in question. The
37 petition must bear signatures equal in number to two
38 percent of those who voted for candidates for the of-
39 fice at the last preceding election at which the of-
40 fice was on the ballot, but in no case fewer than
41 ten signatures. If the petition so requests and
42 is timely filed, the special election may be held
43 concurrently with any pending election as provided
44 by section sixty-nine point twelve (69.12) of the
45 Code. Otherwise, a special election to fill the
46 office shall be called at the earliest practica-
47 ble time after the petition is presented to the
48 council."

49 24. Page 35, by striking lines 9 through 30 and
50 inserting in lieu thereof the following:

"Sec. ____ . Section three hundred seventy-six point eight (376.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

376.8 PERSONS ELECTED IN CITY ELECTIONS.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection one (1) of this section, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multi-member body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter forty-four (44) or forty-five (45) of the Code, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open."

25 Page 37, by inserting after line 7 the following new section:

"Sec ____ . Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1), is amended to read as follows:

Section 1. Section forty-three point seventy-eight (43.78), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended by adding the following new subsection:

NEW SUBSECTION. Political party candidates for a vacant seat in the congress-ef-the United States house of representatives or the general assembly which is to be filled at a special election called pursuant to section sixty-nine point fourteen (69.14) of the Code shall be nominated in the manner provided by subsection one (1) of this section for filling a vacancy on the general election ballot for the same office. The name of any candidate so nominated shall be submitted in writing to the state commissioner, as required by section forty-three point eighty-eight

1 (43.88) of the Code, at the earliest practicable
2 time."

3 26. Page 37, by inserting after line 28 the fol-
4 lowing:

5 "The state commissioner of elections shall ob-
6 tain from the department of environmental quality
7 a list of every sanitary district established or in
8 the process of establishment under chapter three
9 hundred fifty-eight (358) of the Code, and shall send
10 to each such district written notice of the amendment
11 to section three hundred fifty-eight point nine (358.9)
12 of the Code made by section forty-seven (47) of this
13 Act, and of the requirements of this section."

14 27. Title, page 1, by striking lines 10, 11 and
15 12 and inserting in lieu thereof the words "quiring
16 that".

17 28. Title, page 1, line 14, by inserting after
18 the word "candidacy," the words "specifying how
19 nominations for certain special elections are to be
20 certified,".

21 29. Title, page 1, line 21, by inserting after
22 the word "filed," the words "providing for the state
23 to reimburse counties for the cost of holding certain
24 special elections,".

25 30. Title, page 1, line 21, by inserting after
26 the word "filed," the words "revising the manner in
27 which voter registration records are required to be
28 kept and designating a state registrar of voters,".

29 31. Title, page 1, line 24, by inserting after
30 the word "address," the words "clarifying the re-
31 lationship between county supervisor district bound-
32 aries and election precincts,".

33 32. Title, page 1a, line 11, by inserting after
34 the word "clarifying" the words "and revising certain
35 requirements relative to".

36 33. Title, page 1a, line 13, by inserting after
37 the word "measures," the words "clarifying when a
38 contested election may be set aside,".

39 34. Title, page 1a, line 16, by inserting after
40 the word "withdraw," the words "clarifying the re-
41 quirements relative to canvassing of school elec-
42 tions,".

43 35. Title, page 1a, line 23, by inserting after
44 the word "board," the words "correcting a reference
45 in Acts of the Sixty-sixth General Assembly, 1976
46 Session, House File 1033,".
47

H-5955 FILED
RECEIVED FROM THE SENATE
MARCH 23, 1976

*Have amended and concurred 4/8 53-41(17)
Reconsidered and concurred 4/9 (1845)*

HOUSE FILE 1011

H-5957

- 1 Amend the Senate amendment H-5955 to House File
- 2 1011 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, lines 17 and 18, by striking the words
- 5 "~~two-thousand-five-hundred one hundred~~" and inserting
- 6 in lieu thereof the words "two thousand five hundred".
- 7 2. Page 5, by striking lines 49 and 50 and insert-
- 8 ing in lieu thereof the words "commission shall con-
- 9 sist of the state commissioner".
- 10 3. Page 14, by inserting after line 13 the follow-
- 11 ing new section of the amendment:
- 12 . Page 37, by inserting in line 33 after the
- 13 word "Iowa." the words "However, sections two (2),
- 14 sixteen (16), nineteen (19), twenty (20), twenty-two
- 15 (22), twenty-three (23), twenty-four (24), twenty-
- 16 eight (28), twenty-nine (29) and thirty-two (32) of
- 17 this Act shall take effect on July 1, 1977."

H-5957 FILED BY SCHROEDER of Pottawattamie
MARCH 24, 1976 *Withdrawn 4/3/76*

H-5958

- 1 Amend the Senate amendment H-5955 to House File
- 2 1011 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 11 through 20.
- 5 2. Page 14, by striking lines 14, 15 and 16.

H-5958 FILED BY MILLER of Buchanan
MARCH 24, 1976 - *Adopted 5/1/76* *Section to be recommissioned 5/1/76*
5/1/76 *Lost 48-50 4/3 (1754)*

S-5392

1 Amend House File 1011, as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 24, by inserting after line 32 the fol-
4 lowing:

5 "Sec. _____. Chapter fifty-six (56), Code 1975,
6 as amended by Acts of the Sixty-sixth General As-
7 sembly, 1975 Session, chapter fifty-seven (57), sec-
8 tion sixteen (16), third unnumbered new section, is
9 amended to read as follows:

10 NEW SECTION. 1. It Except as provided in sub-
11 section three (3) of this section, it shall be unlaw-
12 ful for any insurance company, savings and loan
13 association, bank, and corporation organized pursuant
14 to the laws of this state or any other state,
15 territory, or foreign country, whether for profit
16 or not, or any officer, agent, representative thereof
17 acting for such insurance company, savings and loan
18 association, bank, or corporation, to contribute any
19 money, property, labor, or thing of value, directly
20 or indirectly, to any committee, or for the purpose
21 of influencing the vote of any elector.

22 2. It Except as provided in subsection three (3)
23 of this section, it shall be unlawful for any member
24 of any committee, or employee or representative
25 thereof, or candidate for any office or the
26 representative of such candidate, to solicit, request,
27 or knowingly receive from any insurance company, sav-
28 ings and loan association, bank, and corporation
29 organized pursuant to the laws of this state or any
30 other state, territory, or foreign country, whether
31 for profit or not, or any officer, agent, or
32 representative thereof, any money, property, or thing
33 of value belonging to such insurance company, savings
34 and loan association, bank, or corporation for campaign
35 expenses, or for the purpose of influencing the vote
36 of any elector. Nothing in this section shall be
37 construed to restrain or abridge the freedom of the
38 press or prohibit the consideration and discussion
39 therein of candidacies, nominations, public officers,
40 or public questions.

41 3. It shall be lawful for any insurance company,
42 savings and loan association, bank, and corporation
43 organized pursuant to the laws of this state or any
44 other state, territory, or foreign country, whether
45 or not for profit, and for the officers, agents and
46 representatives thereof, to use the funds of any such
47 entity for the purposes of soliciting its stockholders,
48 officers and employees for contributions to a committee
49 sponsored by that entity and of financing the
50 administration of a committee sponsored by that entity.

1 A committee member, committee employee, committee
2 representative, candidate or representative referred
3 to in subsection two (2) of this section lawfully
4 may solicit, request, and receive money, property
5 and other things of value from a committee sponsored
6 by an insurance company, savings and loan associa-
7 tion, bank, or corporation as permitted by this
8 subsection.

9 4. Any person convicted of a violation of any
10 of the provisions of this section shall be subject
11 to imprisonment in the county jail for not more than
12 one year and by a fine not to exceed one thousand
13 dollars."

14 2. Amend the title, page 1a, line 12, by inserting
15 after the word "voters," the words "stating the manner
16 of making certain contributions for the benefit of
17 political candidates,".

S-5392 FILED & RULED OUT OF ORDER (999)
MARCH 22, 1976

BY ELIZABETH SHAW

HOUSE FILE 1011

S-5391

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 25 the following
4 new section:

5 "Sec. _____. Section thirty-nine point three (39.3),
6 Code 1975, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. "Registrar" means the state
9 registrar of voters designated by section _____
10 of this Act."

11 2. Page 9, by inserting after line 8 the following
12 new sections:

13 "Sec. _____. Section forty-seven point one (47.1),
14 Code 1975, as amended by Acts of the Sixty-sixth
15 General Assembly, 1975 Session, chapter eighty-one
16 (81), section forty-two (42), is amended to read as
17 follows:

18 47.1 STATE COMMISSIONER OF ELECTIONS. The
19 secretary of state is designated as the state
20 commissioner of elections and shall supervise the
21 activities of the county commissioners of elections.
22 There is established within the office of the secretary
23 of state a division of elections which shall be under
24 the direction of the state commissioner of elections.
25 The state commissioner of elections may appoint a
26 person to be in charge of the division of elections
27 who shall perform such duties as may be assigned by
28 the state commissioner of elections. The state
29 commissioner of elections shall prescribe uniform
30 election practices and procedures, shall prescribe
31 the necessary forms required for voter-registration
32 and the conduct of elections, and shall adopt rules,
33 pursuant to chapter 17A, to carry out the provisions
34 of this section.

35 Sec. _____. Section forty-seven point three (47.3),
36 Code 1975, is amended by adding the following new
37 unnumbered paragraph:

38 NEW UNNUMBERED PARAGRAPH. The cost of maintenance
39 of voter registration records and of preparation of
40 election registers and any other voter registration
41 lists required by the commissioner in the discharge
42 of the duties of that office shall be paid by the
43 county. The cost of acquisition of voter registration
44 data and of preparation and maintenance of data
45 processing programs, and administrative and clerical
46 costs, incurred by the registrar in discharging the
47 duties of that office shall be paid by the state.

48 Sec. _____. Section forty-seven point five (47.5),
49 Code 1975, is amended to read as follows:

50 47.5 PURCHASING BY COMPETITIVE BIDDING. The com-

1 commissioner shall take bids for any goods and services,
2 other than data processing services, which will be
3 performed or provided by persons who are not employees
4 of the commissioner and where the costs of such ser-
5 vices exceed five thousand dollars per contract in
6 the case of contracts for the printing of ballots
7 or, in the case of other services, two-thousand-five
8 hundred one hundred dollars per contract. No bids
9 shall be required for legal services. The commis-
10 sioner shall publish notice to bidders, including
11 specifications regarding the goods or services to
12 be purchased or a description of the nature and object
13 of the services to be retained, in a newspaper of
14 general circulation in the county not less than fifteen
15 days before the final date for submission of bids.
16 The commissioner shall also file a copy of the bid
17 specifications in the office of the state commissioner
18 for a period of not less than twenty days prior to
19 the date the bid is let. When competitive bidding
20 procedures are used, the purchase of goods or services
21 shall be made from the lowest responsible bidder which
22 meets the specifications or description of the services
23 needed or the commissioner may reject all bids and
24 readvertise. In determining the lowest responsible
25 bidder, various factors may be considered, including
26 but not limited to the past performance of the bidder
27 relative to quality of product or service, the past
28 experience of the purchaser in relation to the product
29 or service, the relative quality of products or
30 services, the proposed terms of delivery and the best
31 interest of the county.

32 ~~A county shall not enter into an intergovernmental~~
33 ~~agreement with any other political subdivision of~~
34 ~~the state for acquisition of goods or performance~~
35 ~~of services until an audit has been conducted by the~~
36 ~~auditor of state or an independent certified public~~
37 ~~accountant not in the regular employ of the counties~~
38 ~~executing an agreement which sets forth the costs~~
39 ~~of each county for providing goods and services.~~
40 A county may purchase data processing services in
41 connection with administration of elections from a
42 provider other than the state or an employee of the
43 county, after the effective date of this Act, only
44 until such time as the registrar certifies to the
45 state commissioner that the state comptroller's data
46 processing facilities are able to provide all services
47 which counties are required by this Act to obtain
48 from the registrar. During that period, the
49 commissioner shall give the registrar written notice
50 in advance on each occasion when it is proposed to

1 have data processing services, necessary in connection
2 with the administration of elections, performed by
3 any person other than the registrar or an employee
4 of the county. Data processing services so performed
5 shall be purchased by written contract of not more
6 than one year's duration. The registrar, in con-
7 sultation with the state voter registration commis-
8 sion, shall establish by rule the specifications for
9 such data processing contracts, and shall notify
10 prospective bidders on each occasion when a contract
11 for data processing services is to be let. The regis-
12 trar shall have authority to approve or disapprove
13 all bids received. Each contract for data proces-
14 sing services necessary in connection with the
15 administration of elections shall be executed with
16 the contractor jointly by the board of supervisors
17 of the county purchasing the service and the registrar.
18 Each county exercising the option to purchase data
19 processing services in connection with administration
20 of elections from a provider other than the state
21 or an employee of the county under this section shall
22 provide the registrar, at the county's expense,
23 original and updated voter registration lists in a
24 form and at times prescribed by the registrar.

25 Any election or registration data or records which
26 may be in the possession of a contractor shall remain
27 the property of the commissioner. Contracts with
28 a private person relating to the maintenance and use
29 of voter registration data, which were properly entered
30 into in compliance with this section and with all
31 other laws relating to bidding on such contracts,
32 shall remain in force only until the most recently
33 negotiated termination date of that contract, which
34 shall in no case be later than one year after the
35 effective date of this Act."

36 3. Page 9, by inserting after line 28 the following
37 new sections:

38 "Sec. ____ Chapter forty-seven (47), Code 1975,
39 is amended by adding the following new sections:

40 NEW SECTION. STATE REGISTRAR OF VOTERS.

41 1. The senior administrator of data processing
42 services in the office of the state comptroller is
43 designated the state registrar of voters, and shall
44 supervise the preparation, preservation and maintenance
45 of voter registration records, the preparation of
46 precinct election registers for all elections ad-
47 ministered by the commissioner of any county, and
48 the preparation of other data on voter registration
49 and participation in elections as shall be requested
50 and purchased at actual cost of preparation and

1 production by a political party or any resident of
2 this state. The registrar shall maintain a log, which
3 shall be a public record, showing all lists and re-
4 ports which have been requested or generated or which
5 are capable of being generated by existing programs
6 of the data processing services in the office of the
7 state comptroller.

8 2. All functions referred to in subsection one
9 (1) of this section shall be performed by the data
10 processing facilities of the state comptroller's
11 office commencing as soon as practicable, but not
12 later than January 1, 1977. The registrar, with
13 approval of the state voter registration commission,
14 shall prescribe the forms required for voter
15 registration by rules adopted pursuant to chapter
16 seventeen A (17A) of the Code.

17 3. Any county having a population of fifty thousand
18 or more may use its own data processing facilities
19 for voter registration record keeping and utilization
20 functions, in lieu of having this work performed by
21 the state comptroller's data processing facilities
22 as would otherwise be required by subsection two (2)
23 of this section, if the system design and the form
24 in which the registration records are kept conform
25 to specifications established by rules adopted by
26 the registrar. Each county exercising the option
27 to maintain its own voter registration records under
28 this subsection shall provide the registrar, at the
29 county's expense, original and updated voter
30 registration lists in a form and at times prescribed
31 by the registrar.

32 NEW SECTION. VOTER REGISTRATION COMMISSION--
33 COMPOSITION--DUTIES.

34 1. There is established a state voter registration
35 commission which shall meet at least once each month
36 to make and review policy, promulgate rules and
37 establish procedures to be followed by the registrar
38 in discharging the duties of that office. The
39 commission shall consist of the lieutenant governor,
40 the speaker of the house, the state commissioner,
41 and the state chairpersons of the two political parties
42 whose candidates for president of the United States
43 or governor, as the case may be, received the greatest
44 and next greatest number of votes in the most recent
45 general election, or their respective designees, who
46 shall serve without additional salary or reimbursement.

47 2. The registrar shall provide staff services
48 to the commission and shall make available to it all
49 information relative to registration of voters in
50 this state which may be requested by any two commission

1 members. The commission may authorize the registrar
2 to employ such additional staff personnel as it deems
3 necessary to permit the duties of the registrar's
4 office to be adequately and promptly discharged.
5 Such personnel shall be employed pursuant to chapter
6 nineteen A (19A) of the Code.

7 3. The commission shall annually adopt a set of
8 standard charges to be made for such utilization of
9 voter registration records as it authorized by law
10 by persons other than the registrar the state
11 commissioner and the several county commissioners.
12 These charges shall be specified by unit wherever
13 possible. The standard charges shall be adopted by
14 the commission by January fifteenth of each calendar
15 year, and shall be in effect for one year thereafter.

16 Sec. _____. Section forty-eight point four (48.4),
17 Code 1975, as amended by Acts of the Sixty-sixth
18 General Assembly, 1975 Session, chapter eighty-one
19 (81), section forty-eight (48), is amended to read
20 as follows:

21 48.4 COMMISSIONER OF REGISTRATION--DUTIES. The
22 commissioner of registration shall ~~have-complete~~
23 ~~charge-of~~, under the direction of the state
24 commissioner and the registrar, supervise the
25 registration of all eligible electors within the
26 county, and shall appoint such deputies and clerks
27 as may be necessary, from the two political parties
28 receiving the highest vote at the last general
29 election. The number of such deputies and clerks
30 ~~for-all-precinct-registration-places, and at the~~
31 central registration office, shall be equally divided
32 between the members of the two said political parties.
33 These appointments shall be subject to the approval
34 of the county board of supervisors. The commissioner
35 of registration shall provide such printed forms and
36 blanks as may be necessary, together with such other
37 supplies and equipment as are necessary to properly
38 carry out the provisions of this chapter. Registration
39 places shall be established throughout the cities
40 and county."

41 4. Page 9, lines 29 and 30, by striking the words
42 and figure "subsection three (3),".

43 5. Page 9, by inserting after line 32 the
44 following:

45 "48.5 REGISTRATION RECORDS.

46 1. The county commissioner of registration shall
47 ~~safely maintain at-his-or-her-office-or-other~~
48 ~~designated-locations~~ the original registration records
49 of all qualified electors in the county. ~~The original~~
50 registration in accordance with rules promulgated

1 by the registrar. Registration records shall not
2 be removed from that office or other designated
3 locations except upon court order.--Duplicate
4 registration-records, and shall be open to inspection
5 by the public at reasonable times.

6 2. Any person may request of the commissioner
7 registrar and shall receive, upon payment of the cost
8 of preparation, a list of all qualified electors in
9 the county and other data on registration and
10 participation in elections, in accordance with the
11 following requirements and limitations:

12 a. ~~The commissioner shall draw up each~~ Each list
13 shall be produced in the order and form specified
14 by the requestor, so long as that order and form are
15 within the capability of the record maintenance system
16 used by the commissioner.

17 b. Each list shall reflect all additions, changes
18 and deletions made prior to the fifth day before the
19 list was prepared.

20 c. The commissioner registrar shall not be required
21 to provide lists or data during the fifteen days prior
22 to the date of any the primary election, the general
23 election, the regular city election held pursuant
24 to section three hundred seventy-six point one (376.1)
25 of the Code, or the annual school election in any
26 order or form other than that utilized to conduct
27 the election, if the preparation of a list in any
28 other order or form requested would impede the prepara-
29 tion of the election registers for that election.

30 d. The county chairperson of each political party,
31 as defined in section forty-eight point four (48.4)
32 of the Code, and the chairperson of each state
33 political party central committee may each request
34 and shall receive without charge three lists or reports
35 during the two-year period prior to each general
36 election, in the order and form requested. The lists
37 or data requested by the county chairpersons shall
38 pertain only to qualified electors of that county.

39 The lists or reports requested under this paragraph
40 shall be delivered on or before the date specified
41 by the requestor, if the requestor gives the
42 commissioner at least thirty days advance notice of
43 that date and the timing of the request and the order
44 and form specified do not conflict with the
45 restrictions of paragraph a-e c of this subsection.

46 e. ~~The commissioner shall upon request provide,~~
47 ~~to any person who has within the previous year obtained~~
48 ~~a list of all qualified electors in the county under~~
49 ~~this section, a~~ periodic updating of the registration
50 lists showing all additions, changes and deletions

1 since the previous updating ~~of-the-registration-list.~~
 2 ~~The-updated-list~~ shall be provided at least once each
 3 fourteen days except during the two weeks prior to
 4 the close of registration before any election, when
 5 it shall be provided daily if requested. Each
 6 requestor under this paragraph shall receive the
 7 updating data at ~~the-same a time and-in-the-same-order~~
 8 ~~and-form,which-shall-be~~ determined by the ~~commissioner~~
 9 registrar, but in an order and form specified by the
 10 requestor. Each requestor, except those who obtain
 11 the initial list of qualified electors under paragraph
 12 d of this subsection, shall pay the cost of duplicating
 13 the updating data before receiving a copy thereof."

14 6. Page 10, line 3, by inserting after the word
 15 "commissioner" the words "or registrar".

16 7. Page 10, by inserting after line 10 the
 17 following:

18 "4. Beginning not later than January 1, 1977,
 19 every voter registration record shall be maintained
 20 in computer readable form according to the
 21 specifications of the registrar."

22 8. Page 12, by inserting after line 18 the
 23 following new sections:

24 "Sec. _____. Section forty-eight point twenty-seven
 25 (48.27), subsection four (4), Code 1975, is amended
 26 by striking paragraph f.

27 Sec. _____. Section forty-eight point twenty-nine
 28 (48.29), Code 1975, is amended by striking the section
 29 and inserting in lieu thereof the following:

30 48.29 REMOVAL OF REGISTRATION. Upon registration
 31 in any county of an individual who was previously
 32 a resident of another county, if that individual was
 33 a qualified elector in the former county of residence,
 34 his or her name shall be struck from the record of
 35 voters currently registered in the former county of
 36 residence. If the registrar at any time discovers
 37 that the same individual is registered at more than
 38 one residence location, the commissioner or
 39 commissioners involved shall be informed and shall
 40 follow the procedure prescribed by section forty-eight
 41 point thirty-one (48.31), subsection eight (8) of
 42 the Code."

43 9. Page 12, by inserting after line 20 the
 44 following new section:

45 "Sec. _____. Section forty-eight point thirty-two
 46 (48.32), Code 1975, is amended to read as follows:

47 48.32 ANNUAL REPORT. The county commissioner
 48 of elections shall make reports as required by the
 49 ~~state-commissioner-of-elections~~ registrar. On August
 50 1 of each year the ~~state-commissioner-of-elections~~

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1 registrar shall report the number of persons registered
 2 in each political party in each county."

3 10. Title, page 1, line 21, by inserting after
 4 the word "filed," the words "revising the manner in
 5 which voter registration records are required to be
 6 kept and designating a state registrar of voters,".

BY CLIFTON LAMBORN
 GEORGE R. KINLEY
 WARREN CURTIS
 JOHN MURRAY
 MINNETTE DODERER

Burl Prude

*S-5391 Filed & adopted (996)
 March 22, 1976
 S-5391 FILED & ADOPTED (996)*

1 Amend House File 1011, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 24, by inserting after line 32 the
4 following:

5 "Sec. _____. Chapter fifty-six (56), Code 1975,
6 as amended by Acts of the Sixty-sixth General As-
7 sembly, 1975 Session, chapter fifty-seven (57), sec-
8 tion sixteen (16), third unnumbered new section, is
9 amended to read as follows:

10 NEW SECTION. It shall be unlawful for any insurance
11 company, savings and loan association, bank, and
12 corporation organized pursuant to the laws of this
13 state or any other state, territory, or foreign
14 country, whether for profit or not, or any trade
15 association, labor union, or other organized group
16 or association, or any officer, agent, or
17 representative thereof acting for such insurance
18 company, savings and loan association, bank, or
19 corporation, to contribute any money, property, labor,
20 or thing of value, directly or indirectly, to any
21 committee, or for the purpose of influencing the vote
22 of any elector.

23 It shall be unlawful for any member of any
24 committee, or employee or representative thereof,
25 or candidate for any office or the representative
26 of such candidate, to solicit, request, or knowingly
27 receive from any insurance company, savings and loan
28 association, bank, and corporation organized pursuant
29 to the laws of this state or any other state,
30 territory, or foreign country, whether for profit
31 or not, or any officer, agent, or representative
32 thereof or any trade association, labor union, or
33 other organized group or association, any money,
34 property, or thing of value belonging to such insurance
35 company, savings and loan association, bank, or
36 corporation for campaign expenses, or for the purpose
37 of influencing the vote of any elector. However,
38 any insurance company, savings and loan association,
39 bank, or corporation organized pursuant to the laws
40 of this state or any other state, territory or foreign
41 country, whether for profit or not, or any trade
42 association, labor union, or other organized group
43 or association, may solicit its stockholders, officers,
44 employees and members for contributions to a political
45 committee. Nothing in this section shall be construed
46 to restrain or abridge the freedom of the press or
47 prohibit the consideration and discussion therein
48 of candidacies, nominations, public officers, or
49 public questions.

50 Any person convicted of a violation of any of the

PAGE 2

1 provisions of this section shall be subject to
2 imprisonment in the county jail for not more than
3 one year and by a fine not to exceed one thousand
4 dollars."

5 2. Amend the title, page 1a, line 12, by inserting
6 after the word "voters," the words "stating the manner
7 of making certain contributions for the benefit of
8 political candidates,".

S-5385 FILED & WITHDRAWN (996)
MARCH 22, 1976

BY ELIZABETH SHAW

S-5386

1 Amend House File 1011, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 37, by striking lines 29 through 33.

S-5386 FILED & WITHDRAWN (989)
MARCH 22, 1976

BY JAMES W. GRIFFIN, SR.

S-5387

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 20, by inserting after line 29 the
4 following new section:
5 "Sec. ____ Chapter forty-nine (49), Code 1975,
6 is amended by adding the following new section:
7 NEW SECTION. ELECTION PARTICIPATION INCENTIVE.
8 1. The precinct election officials shall distribute
9 to each person who votes in a general election a voting
10 certificate, printed on a paper or card not larger than
11 two inches by three and one-half inches, which shall
12 be signed and dated by one of the officials. Each
13 person who applies for an absentee ballot for the
14 general election shall be given or sent such a
15 certificate, signed and dated by the commissioner
16 or his or her designee, at the time the absentee
17 ballot is delivered or mailed.
18 2. The state commissioner and the several county
19 commissioners shall encourage, and may assist in any
20 appropriate manner, organized efforts to promote
21 voting in the general election. Such organized efforts
22 shall not incur expense to the state or to any county,
23 except as authorized in subsection one (1) of this
24 section. These efforts may include but need not be
25 limited to offers to redeem voting certificates as
26 a portion of the purchase price of any item of tangible
27 personal property or any service. The person making
28 the offer shall have complete discretion to assign
29 to each voting certificate such value in money as
30 he or she sees fit."
31 2. Title, page 1a, line 10, by inserting after
32 the word "elections," the words "authorizing efforts
33 to promote voting in the general election,".

S-5387 FILED & LOST 6-28 (985)
MARCH 22, 1976

BY JOAN ORR

S-5389

1 Amend House File 1011, as amended, passed and re-
2 printed by the House, page 28, line 16, by striking
3 the word "its" and inserting in lieu thereof the
4 word "it".

S-5389 FILED & ADOPTED (988)
MARCH 22, 1976

BY EUGENE M. HILL

1 Amend House File 1011 as amended, passed and re-
2 printed by the House as follows:

3 1. Page 24, by inserting after line 32 the fol-
4 lowing new sections:

5 "Sec. ____ . Section fifty-six point two (56.2),
6 subsection six (6), Code 1975, as amended by Acts
7 of the Sixty-sixth General Assembly, 1975 Session,
8 chapter fifty-seven (57), section five (5), is amended
9 to read as follows:

10 6. "Political committee" means a committee, but
11 not a candidate's committee, which shall consist of
12 persons organized for the purpose of accepting
13 contributions, making expenditures, or incurring
14 indebtedness in the aggregate of more than one hundred
15 dollars in any one calendar year for the purpose of
16 supporting or opposing a candidate for public office
17 ~~or ballot-issue.~~

18 Sec. ____ . Section fifty-six point thirteen (56.13),
19 Code 1975, as amended by Acts of the Sixty-sixth
20 General Assembly, 1975 Session, chapter fifty-seven
21 (57), section fifteen (15), is amended by adding the
22 following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. Nothing in this section
24 shall be construed to restrain or abridge the freedom
25 of the press, or to prohibit or restrain the considera-
26 tion and discussion in the news media or other public
27 forums of candidacies, nominations, public officers
28 or public questions."

29 2. Page 37, by inserting after line 28 the follow-
30 ing new section:

31 "Sec. ____ . Sections fifty-six point fourteen
32 (56.14) and fifty-six point fifteen (56.15), Code
33 1975, are repealed."

34 3. Title, page 1a, line 12, by inserting after
35 the word "voters," the words "revising the scope of
36 the campaign disclosure--income tax checkoff Act in
37 accord with the recent decision of the United States
38 Supreme court,".

S-5390

1 Amend House File 1011 as amended, passed and re-
2 printed by the House, as follows:

3 1. Page 24, by adding after line 32 the follow-
4 ing:

5 "Sec. _____. Acts of the Sixty-sixth General As-
6 sembly, 1975 Session, chapter _____ fifty-
7 seven (57), section sixteen (16), the third new
8 section, unnumbered paragraph two (2), is amended
9 to read as follows:

10 It shall be unlawful for any member of any com-
11 mittee, or employee or representative thereof, or
12 candidate for any office or the representative of
13 such candidate, to solicit, request, or knowingly
14 receive from any insurance company, savings and loan
15 association, bank, and corporation organized pursuant
16 to the laws of this state or any other state, ter-
17 ritory, or foreign country, whether for profit or
18 not, or any officer, agent, or representative thereof,
19 any money, property, or thing of value belonging to
20 such insurance company, savings and loan association,
21 bank, or corporation for campaign expenses, or for
22 the purpose of influencing the vote of any elector.
23 Nothing in this section shall be construed to re-
24 strain or abridge the freedom of the press or pro-
25 hibit the consideration and discussion therein of
26 candidacies, nominations, public officers, or pub-
27 lic questions. Nothing in this section shall pro-
28 hibit the persons enumerated in this section from
29 contributing money, property, labor, or things of
30 value to the league of women voters of Iowa or to
31 its local affiliates."

32 2. First title page, after line 21, by insert-
33 ing the words "clarifying the campaign contribution
34 provisions by providing an exemption,".

S-5390 FILED & RULED OUT OF ORDER (989)

MARCH 22, 1976

BY PHILIP B. HILL



S-5384

1 Amend House File 1011 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 20, by inserting after line 29 the
4 following new section:

5 "Sec. _____. Chapter forty-nine (49), Code 1975,
6 is amended by adding the following new section:
7 NEW SECTION. The precinct election officials shall
8 distribute to each person who votes in a general
9 election a certificate, in a postcard or other readily
10 mailable form, certifying that the named person voted
11 in a general election on that date, which certificate
12 shall be signed and validated by one of the officials.
13 The certificate shall clearly indicate that it may
14 be filed with the person's income tax return for the
15 tax year in which the general election was held, or
16 with the return of the person's spouse if married
17 persons file jointly, or with the return of another
18 taxpayer if the person is a dependent of that taxpayer,
19 and that if so filed it entitles the taxpayer to
20 receive a voter's incentive credit in the amount of
21 five dollars. It shall also indicate that, if the
22 person's net income for the tax year is less than
23 two thousand dollars and the person is not required
24 to file a federal income tax return for that tax year,
25 the person is entitled to direct payment of the five
26 dollars upon filing the certificate with the department
27 of revenue between January first and April thirtieth
28 of the year next following the election, and the
29 certificate shall include provision for the person
30 to sign a statement to this effect."

31 2. Page 37, by inserting after line 7 the following
32 new sections:

33 Sec. _____. Section four hundred twenty-two point
34 twelve (422.12), Code 1975, is amended by adding the
35 following new subsection:

36 NEW SUBSECTION. For each individual taxpayer,
37 spouse of the taxpayer if married persons file a joint
38 return, or dependent of the taxpayer, for whom a
39 certificate showing that the person voted in the
40 general election held during the tax year, as provided
41 for in section one (1) of this Act, is attached to
42 the return, a voter's incentive credit of five dollars.
43 To the extent that this credit exceeds the tax due,
44 the taxpayer is entitled to a refund.

45 Sec. _____. Chapter four hundred twenty-two (422),
46 division two (II), Code 1975, is amended by adding
47 the following new section:

48 NEW SECTION. The director shall pay the amount
49 of five dollars to each person who files with the
50 department a certificate showing that the person voted

1 in the general election held during a tax year, as
2 provided for in section one (1) of this Act, if the
3 certificate is filed between January first and April
4 thirtieth of the year next following the election,
5 and if the certificate includes the person's signed
6 statement that the person's net income for the tax
7 year in which the general election was held was less
8 than two thousand dollars, and that the person was
9 not required to file a federal income tax return for
10 that tax year.

11 An amount necessary to make the payments required
12 under this section is appropriated each biennium from
13 the general fund of the state to the department of
14 revenue."

15 3. Title, page 1a, line 10, by inserting after
16 the word "elections," the words "providing an income
17 tax credit or refund to each person who votes in a
18 general election,".

S-5384 FILED & WITHDRAWN (984)
MARCH 22, 1976

BY JOAN ORR

1 Amend House File 1011, as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 12, by inserting after line 18 the
 4 following new section:

5 "Sec. ____ . Section forty-eight point twenty-seven
 6 (48.27), subsection five (5), Code 1975, is amended
 7 to read as follows:

8 5. The Each mobile deputy registrar shall be
 9 responsible to the county commissioner of registra-
 10 tion for properly registering electors in accordance
 11 with the requirements and the restrictions of this
 12 section. The commissioner may terminate the appoint-
 13 ment of a mobile deputy registrar who is not properly
 14 registering electors, and shall immediately terminate
 15 the appointment upon the written request of the county
 16 chairman chairperson of the party from whose list
 17 of nominees the mobile deputy registrar was selected.
 18 When an appointment is terminated the county
 19 commissioner of registration shall promptly notify
 20 the county chairman chairperson of the political
 21 party which nominated the mobile deputy registrar
 22 whose appointment has been terminated, and shall
 23 appoint another person within five days from a list
 24 of substitute nominees provided by that county chairman
 25 chairperson. A mobile deputy registrar whose
 26 appointment is terminated shall immediately return
 27 all his or her supplies to the county commissioner
 28 of registration. If a mobile deputy registrar's
 29 appointment is terminated within thirty days of an
 30 election, other than by request of the county chair-
 31 man chairperson of the party from whose list of
 32 nominees the mobile deputy registrar was appointed,
 33 a replacement shall be appointed within twenty-four
 34 hours from a list of substitute nominees provided
 35 by the appropriate county chairman chairperson."

S-5163 FILED. *Adopted 2/22(983)*
 FEBRUARY 19, 1976

BY ELIZABETH SHAW

1 Amend House File 1011 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 23, by inserting after line 5 the following
 4 new section:
 5 "Sec. ____ . Section fifty-three point eleven (53.11),
 6 Code 1975, is amended to read as follows:
 7 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT. The
 8 commissioner shall deliver an absentee ballot to any
 9 qualified elector applying in person at his office
 10 not more than forty days before the date of the general
 11 election and the primary election, and for all other
 12 elections, as soon as the ballot is available. The
 13 qualified elector shall immediately mark the ballot,
 14 enclose it in a ballot envelope with proper affidavit,
 15 and return the absentee ballot to the commissioner.
 16 The commissioner shall record the numbers appearing
 17 on the application and ballot envelope along with
 18 the name of the qualified elector. The commissioner
 19 of any county in which there is located a city of
 20 ~~twenty-five~~ five thousand or more population, which
 21 is not the county seat, may permit qualified electors
 22 to appear in person at some designated place within
 23 each such city and there cast an absentee ballot in
 24 the manner prescribed by this section."
 25 2. Title, page 1a, line 11, by inserting after
 26 the word "clarifying" the words "and revising certain
 27 requirements relative to".

S-5374 FILED - *Adopted 3/22 (986)*
 MARCH 18, 1976

BY JOAN ORR
 JOHN N. NYSTROM
 MINNETTE DODERER
 KENNETH SCOTT
 JAMES GALLAGHER
 NORMAN RODGERS
 HILARIUS HEYING
 ELIZABETH SHAW
 RAY TAYLOR
 STEVE SOVERN
 WILLARD R. HANSEN

S-5164

1 Amend House File 1011, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 37, by inserting after line 7 the fol-
 4 lowing new section:
 5 "Sec. ____ . Acts of the Sixty-sixth General
 6 Assembly, 1975 Session, chapter eighty-one (81),
 7 section one hundred three (103), is amended by striking
 8 subsection seven (7)."
 9 2. Title, page 1a, line 23, by inserting after
 10 the word "board," the words "revising the require-
 11 ments relative to design of electronic voting systems
 12 which may be approved for use in Iowa,".

S-5164 FILED - *Last 20-24 3/22 (988)*
 FEBRUARY 19, 1976

BY EILZABETH SHAW

S-5321

1 Amend House File 1011 as amended, passed and re-
2 printed by the House as follows: A

3 1. Page 3, by striking lines 6 through 17 and
4 inserting in lieu thereof the words "without other
5 certificate-, except that a candidate whose".

6 2. Page 4, by striking lines 10 and 11 and in-
7 serting in lieu thereof the following: "Each can-
8 didate required to execute the foregoing affidavit".

9 3. Page 4, by striking from lines 17 and 18 the
10 words "comply with the applicable requirement of this
11 section" and inserting in lieu thereof the words
12 "execute and deliver the affidavit".

13 4. Page 4, by inserting after line 22 the fol-
14 lowing new section: B

15 "Sec __. Section forty-three point seventy-three
16 (43.73), Code 1975, is amended by adding the following
17 new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. The state commissioner
19 shall similarly certify to the appropriate commissioner
20 or commissioners at the earliest practicable time
21 the names of nominees for a special election, called
22 under section sixty-nine point fourteen (69.14) of
23 the Code, submitted to the state commissioner pursuant
24 to Acts of the Sixty-sixth General Assembly, 1976
25 Session, House File one thousand thirty-three (1033),
26 section one (1)."

27 5. Page 9, by inserting after line 8 the follow-
28 ing new sections:

29 "Sec. __. Section forty-seven point three (47.3),
30 unnumbered paragraph one (1), Code 1975, is amended
31 to read as follows:

32 The costs of conducting a special election called
33 by the governor to fill a vacancy in the United States
34 house of representatives, general election, and the
35 primary election held prior to the general election
36 shall be paid by the county.

37 Sec. __. Section forty-seven point three (47.3),
38 Code 1975, is amended by adding the following new
39 unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. After any special
41 election called by the governor to fill a vacancy
42 in the general assembly has been held, the commissioner
43 of each county in which voting occurred in that
44 election may submit to the state commissioner a
45 verified statement of the expense incurred by the
46 county in holding the special election. The expenses
47 reported may include the cost of preparing and printing
48 ballots, voting machine inserts, affidavits of
49 eligibility, election registers, and canvass materials,
50 publishing notice, mailing absentee ballots, preparing

1 and installing voting machines and compensating
2 precinct election boards. The cost of renting any
3 precinct polling place may also be included if the
4 county ordinarily pays rent in the same amount for
5 use of that polling place for other elections. The
6 state commissioner shall certify the total amount
7 of expense so reported by each county to the state
8 comptroller, who shall draw a warrant in that amount
9 upon any money in the general fund not otherwise
10 appropriated payable to the treasurer of that county.
11 The county treasurer shall place the proceeds in the
12 county election expense fund."

13 6. Page 12, by inserting after line 20 the fol-
14 lowing new section:

15 "Sec. __. Section forty-nine point four (49.4),
16 subsection two (2), Code 1975, is amended to read
17 as follows:

18 2. Counties using alternative supervisor repre-
19 sentation plans two or three, as described in sec-
20 tion 331.8, shall be apportioned into single-member
21 supervisor districts on the basis of population.
22 The In counties using representation plan three, the
23 boundaries of supervisor districts shall follow the
24 boundaries of election precincts."

25 7. Page 27, by inserting after line 25 the fol-
26 lowing new section:

27 "Sec. __. Section sixty-nine point eight (69.8),
28 subsections one (1) and two (2), Code 1975, are amended
29 to read as follows:

30 1. United States senator. In the office of United
31 States senator, when the vacancy occurs when the sen-
32 ate of the United States is in session, or when such
33 senate will convene prior to the next general elec-
34 tion, by the governor. An appointment made under
35 this subsection shall be for the period until the
36 vacancy is filled by election pursuant to law.

37 2. State offices. In all state offices, judges
38 of courts of record, officers, trustees, inspectors,
39 and members of all boards or commissions, and all
40 persons filling any position of trust or profit in
41 the state, by the governor, except when some other
42 method is specially provided. An appointment made
43 under this subsection to a state office subject to
44 Acts of the Sixty-sixth General Assembly, 1975 Session,
45 chapter eighty-one (81), section four (4), shall be
46 for the period until the vacancy is filled by election
47 pursuant to law."

48 8. Page 29, by inserting after line 31 the fol-
49 lowing new section:

50 "Sec. __. Section two hundred seventy-seven point

1 twenty (277.20), unnumbered paragraph one (1), Code
2 1975, is amended to read as follows:

3 On the next Friday after the regular school elec-
4 tion, the county board of supervisors shall canvass
5 the returns made to the county commissioner of elec-
6 tions from the several precinct polling places and
7 the absentee ballot counting board, ascertain the
8 result of the voting with regard to every matter voted
9 upon and cause a record to be made thereof as required
10 by section 50.24. Special elections held in school
11 districts shall be canvassed at the time and in the
12 manner required by that section. The board shall
13 declare the results of the voting for members of
14 boards of directors of school corporations nominated
15 pursuant to section 277.4, and the commissioner shall
16 at once issue a certificate of election to each person
17 declared elected. The board shall also declare the
18 results of the voting on any public question submitted
19 to the voters of a single school district, and the
20 commissioner shall certify the result as required
21 by section 50.27."

22 9. Page 30, by inserting after line 32 the fol-
23 lowing new section:

24 "Sec. __. Section three hundred thirty-one point
25 twenty-seven (331.27), Code 1975, is amended to read
26 as follows:

27 331.27 PLAN "THREE." If plan "three" is selected
28 pursuant to section 331.8 or 331.9, the supervisor
29 districts shall be drawn and members of the county
30 board shall be elected as provided in section 331.26,
31 except that boundaries of supervisor districts shall
32 follow voting precinct lines and each member of the
33 board, and ~~candidates~~ each candidate for such office,
34 shall, at the primary and general elections, be elected
35 or nominated only by the electors of the district
36 which ~~he-or-they-seek~~ that candidate seeks to
37 represent."

38 10. Page 33, by inserting after line 19 the fol-
39 lowing new section:

40 "Sec. __. Section three hundred seventy-two point
41 thirteen (372.13), subsection two (2), as amended
42 by Acts of the Sixty-sixth General Assembly, 1975
43 Session, chapter eighty-one (81), section one hundred
44 fifty (150), is amended by striking the subsection
45 and inserting in lieu thereof the following:

46 2. A vacancy in an elective city office during
47 a term of office shall be filled by the council, with-
48 in thirty days after the vacancy occurs, for the
49 balance of the unexpired term unless a special elec-
50 tion is sooner held to fill the office for the re-

1 maining balance of the unexpired term. Such an elec-
2 tion shall be called if the council is presented with
3 a petition so requesting, signed by eligible electors
4 entitled to vote to fill the office in question.
5 The petition must bear signatures equal in number
6 to two percent of those who voted for candidates for
7 the office at the last preceding election at which
8 the office was on the ballot, but in no case fewer
9 than ten signatures. If the petition so requests
10 and is timely filed, the special election may be held
11 concurrently with any pending election as provided
12 by section sixty-nine point twelve (69.12) of the
13 Code. Otherwise, a special election to fill the
14 office shall be called at the earliest practicable
15 time after the petition is presented to the council."

16 11. Page 35, by striking lines 9 through 30 and
17 inserting in lieu thereof the following:

18 "Sec. ____ . Section three hundred seventy-six point
19 eight (376.8), Code 1975, is amended by striking
20 the section and inserting in lieu thereof the
21 following:

22 376.8 PERSONS ELECTED IN CITY ELECTIONS.

23 1. In a regular city election following a city
24 primary, the candidates receiving the greatest num-
25 ber of votes cast for each office on the ballot are
26 elected, to the extent necessary to fill the positions
27 open.

28 2. In a regular city election held for a city
29 where the council has chosen a runoff election in
30 lieu of a primary, candidates are elected as pro-
31 vided by subsection one (1) of this section, except
32 that no candidate is elected who fails to receive
33 a majority of the votes cast for the office in
34 question. In the case of at-large elections to a
35 multi-member body, a majority is one vote more than
36 half the quotient found by dividing the total num-
37 ber of votes cast for all candidates for that body
38 by the number of positions to be filled.

39 3. In a regular city election held for a city
40 where the council has chosen to have nominations made
41 in the manner provided by chapter forty-four (44)
42 or forty-five (45) of the Code, the candidates who
43 receive the greatest number of votes for each office
44 on the ballot are elected, to the extent necessary
45 to fill the positions open."

46 12. Page 37, by inserting after line 7 the fol-
47 lowing new section:

48 "Sec. ____ . Acts of the Sixty-sixth General Assembly,
49 1976 Session, House File one thousand thirty-three
50 (1033), section one (1), is amended to read as follows:

1 Section 1. Section forty-three point seventy-
2 eight (43.78), Code 1975, as amended by Acts of the
3 Sixty-sixth General Assembly, 1975 Session, chapter
4 eighty-one (81), section twenty-five (25), is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. Political party candidates for
7 a vacant seat in the ~~congress-of-the~~ United States
8 house of representatives or the general assembly which
9 is to be filled at a special election called pursuant
10 to section sixty-nine point fourteen (69.14) of the
11 Code shall be nominated in the manner provided by
12 subsection one (1) of this section for filling a
13 vacancy on the general election ballot for the same
14 office. The name of any candidate so nominated shall
15 be submitted in writing to the state commissioner,
16 as required by section forty-three point eighty-eight
17 (43.88) of the Code, at the earliest practicable
18 time."

19 13. Page 37, by inserting after line 28 the fol-
20 lowing:

21 "The state commissioner of elections shall ob-
22 tain from the department of environmental quality
23 a list of every sanitary district established or in
24 the process of establishment under chapter three
25 hundred fifty-eight (358) of the Code, and shall send
26 to each such district written notice of the amendment
27 to section three hundred fifty-eight point nine (358.9)
28 of the Code made by section forty-seven (47) of this
29 Act, and of the requirements of this section."

30 14. Title, page 1, by striking lines 10, 11 and
31 12 and inserting in lieu thereof the words "quiring
32 that".

33 15. Title, page 1, line 14, by inserting after
34 the word "candidacy," the words "specifying how
35 nominations for certain special elections are to be
36 certified,".

37 16. Title, page 1, line 21, by inserting after
38 the word "filed," the words "providing for the state
39 to reimburse counties for the cost of holding certain
40 special elections,".

41 17. Title, page 1, line 24, by inserting after
42 the word "address," the words "clarifying the re-
43 lationship between county supervisor district bound-
44 aries and election precincts,".

45 18. Title, page 1a, line 16, by inserting after
46 the word "withdraw," the words "clarifying the re-
47 quirements relative to canvassing of school elec-
48 tions,".

49 19. Title, page 1a, line 23, by inserting after
50 the word "board," the words "correcting a reference

PAGE 6

1 in Acts of the Sixty-sixth General Assembly, 1976
2 Session, House File 1033,".

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Amend House File 1011, as amended, passed and reprinted by the House, as follows:

1. Page 27, by inserting after line 25 the following new section:

"Sec. __. Section sixty-two point eighteen, (62.18), Code 1975, is amended to read as follows:

62.18 JUDGMENT The court shall pronounce judgment whether the incumbent or any other person was duly elected, and adjudge that the person so declared elected will be entitled to his certificate. If the judgment be against the incumbent, and he has already received the certificate, the judgment shall annul it. If the court find-that-no-person-was elected finds that one or more of the causes of contest alleged pursuant to section 62.5 of the Code have been substantiated, and that the tainted votes cannot be identified and excluded, it shall exclude all votes cast for the contested office in the precinct or precincts in question. If by so doing the apparent outcome of the election is reversed, the judgment shall be that the election in that precinct or precincts be set aside, and a new election held in that precinct or precincts. No person, who was not qualified elector in that precinct at the time of election which was set aside shall be allowed to vote at the new election."

2. Title, page 1a, line 13, by inserting after the word "measures;" the words "clarifying when a contested election may be set aside,".

S-5247 FILED - *Adopted 3/22 (987)*
MARCH 1, 1976

BY JAMES M. REDMOND

HOUSE FILE 1011

AN ACT

TO AMEND THE ELECTION LAWS OF THE STATE OF IOWA BY SPECIFYING THE TIMES WHEN SPECIAL ELECTIONS MAY BE CALLED AND HELD, CLARIFYING THE REQUIREMENT THAT NOMINATING PETITIONS FOR CANDIDATES FOR PUBLIC OFFICE BE ACCOMPANIED BY AN ELIGIBLE ELECTOR'S AFFIDAVIT, CLARIFYING THE MANNER IN WHICH BALLOTS CAST BY CHALLENGED OR HANDICAPPED ELECTORS ARE TO BE RECEIVED, HANDLED AND CANVASSED, REQUIRING THAT COUNTY ELECTION COMMISSIONERS NOTIFY THE STATE COMMISSIONER WHEN A RECOUNT OF PRIMARY ELECTION BALLOTS IS GRANTED, REQUIRING THAT CANDIDATES NOMINATED BY WRITE-IN VOTES IN CERTAIN ELECTIONS AFFIRM THEIR CANDIDACY, SPECIFYING HOW NOMINATIONS FOR CERTAIN SPECIAL ELECTIONS ARE TO BE CERTIFIED, CHANGING THE MANNER OF FILLING VACANCIES ON CITY PRIMARY ELECTION BALLOTS IN SPECIAL CHARTER CITIES, CHANGING THE TIME WHEN THE NUMBER OF DELEGATES TO BE ELECTED TO COUNTY POLITICAL PARTY CONVENTIONS BY EACH PRECINCT CAUCUS MUST BE DESIGNATED, STATING THE FUNCTIONS OF STATE POLITICAL PARTY CONVENTIONS, CHANGING THE TIME WHEN PETITIONS FOR CERTAIN CANDIDATES NOMINATED UNDER CHAPTER FORTY-FOUR (44) OF THE CODE MUST BE FILED, REVISING THE MANNER IN WHICH VOTER REGISTRATION RECORDS ARE REQUIRED TO BE KEPT AND DESIGNATING A STATE REGISTRAR OF VOTERS, CLARIFYING THE PERMISSIBLE USES OF VOTER REGISTRATION RECORDS, ALTERING THE PROCEDURES FOR CERTAIN REGISTERED VOTERS TO RECORD A CHANGE OF NAME OR ADDRESS, CLARIFYING THE RELATIONSHIP BETWEEN COUNTY SUPERVISOR DISTRICT BOUNDARIES AND ELECTION PRECINCTS, SPECIFYING CERTAIN HOURS WHEN THE OFFICE OF THE COUNTY COMMISSIONER OF ELECTIONS MUST BE OPEN OR MAKE ALTERNATIVE ARRANGEMENTS TO RECEIVE REGISTRATION MATERIAL FROM MOBILE DEPUTY REGISTRARS, CLARIFYING THE TIME AND METHOD OF HOLDING AND CANVASSING AND THE FORMULA FOR DETERMINING WHO IS NOMINATED OR ELECTED IN CERTAIN CITY ELECTIONS, CLARIFYING THE NUMBER OF VOTING MACHINES OR

BOOTHS TO BE FURNISHED EACH PRECINCT POLLING PLACE, CLARIFYING THE REQUIREMENTS FOR PUBLISHING NOTICE OF ELECTIONS, CLARIFYING THE MANNER IN WHICH PRINTED BALLOTS ARE TO BE IDENTIFIED, CLARIFYING THE HOURS WHEN THE POLLS MUST BE OPEN FOR CERTAIN ELECTIONS, REVISING THE LAW RELATIVE TO TALLYING VOTES CAST IN CERTAIN PRECINCTS, CLARIFYING AND REVISING CERTAIN REQUIREMENTS RELATIVE TO THE MANNER OF DELIVERY OF ABSENTEE BALLOTS TO CERTAIN VOTERS, PROVIDING FOR CONTESTING ELECTIONS ON PUBLIC MEASURES, CLARIFYING WHEN A CONTESTED ELECTION MAY BE SET ASIDE, CLARIFYING WHEN VACANCIES IN CERTAIN ELECTIVE OFFICES MUST BE FILLED BY ELECTION, CHANGING THE TIME WHEN CANDIDATES IN SCHOOL ELECTIONS MAY WITHDRAW, CLARIFYING THE REQUIREMENTS RELATIVE TO CANVASSING OF SCHOOL ELECTIONS, DELETING AN OBSOLETE REFERENCE TO ELECTED SCHOOL DISTRICT TREASURERS, CLARIFYING THE MANNER OF ADMINISTERING MERGED AREA ELECTIONS, CHANGING THE MANNER OF ELECTING SANITARY DISTRICT TRUSTEES, ENDING THE REQUIREMENT THAT THE TOWNSHIP CLERK'S ANNUAL FINANCIAL STATEMENT BE POSTED AT EACH POLLING PLACE IN THE TOWNSHIP, CLARIFYING THE LAW RELATIVE TO CERTAIN ELECTIONS CONDUCTED FOR THE CITY DEVELOPMENT BOARD, CORRECTING A REFERENCE IN ACTS OF THE SIXTY-SIXTH GENERAL ASSEMBLY, 1976 SESSION, HOUSE FILE 1033, AND PROVIDING THAT THIS ACT SHALL TAKE EFFECT UPON PUBLICATION.

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

Section 1. Section thirty-nine point two (39.2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section two (2), is amended to read as follows:

39.2 SPECIAL ELECTIONS.

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall

be held on Tuesday. No special election may be held on the first or second Tuesday preceding and following the primary and the general elections.

2. A special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-four (44), subsection two (2). A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

3. When voting is to occur on the same day in any one precinct for two or more elections, they shall be considered one election for purposes of administration including but not limited to publishing notice of the election, preparation of the precinct election register and completion of tally sheets after the polling place has closed.

Sec. 2. Section thirty-nine point three (39.3), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. "Registrar" means the state registrar of voters designated by section twenty-two (22) of this Act.

NEW SUBSECTION. "Registration commission" means the state voter registration commission established by section twenty-two (22) of this Act.

Sec. 3. Section forty-three point seventeen (43.17), Code 1975, is amended to read as follows:

43.17 AFFIDAVIT TO NOMINATION PAPERS. The affidavit of an eligible elector, ~~other than the candidate,~~ shall be appended to each such nomination paper, or papers, if more than one for any candidate, stating that to the best of his or her knowledge and belief all the persons who have signed the paper or papers are electors of that county or legislative district; that they signed the same with full knowledge of the contents thereof; that their respective residences are truly stated therein; and that each signer signed the same

on the date stated opposite his or her name. The candidate being nominated by the paper or papers may sign the affidavit only if he or she personally circulated the paper or papers. If the affiant also signed the nomination paper, that signature shall not be counted toward the total required by section forty-three point twenty (43.20) of the Code.

Sec. 4. Section forty-three point forty-six (43.46), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section thirteen (13), is amended to read as follows:

43.46 DELIVERING RETURNS. The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns and envelopes containing ballots, in the condition in which received except as is otherwise required by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty-seven (87), to the county board of supervisors.

Sec. 5. Section forty-three point fifty-eight (43.58), Code 1975, is amended to read as follows:

43.58 RECOUNT GRANTED. If such showing is made to the satisfaction of the board, it shall thereupon recount the ballots cast in any such precinct for the office for which the contestant was a candidate, and if the result reached by the board on the recount of the ballots as to such office be different from that returned by the judges of election, it shall be substituted therefor as the true and correct return and so regarded in all subsequent proceedings. The action of the board shall be final and no other contest of any kind shall be permitted. The commissioner shall promptly notify the state commissioner of any recount the board decides to make and shall subsequently, at the earliest practicable time, inform the state commissioner whether any change in the outcome of the election resulted from the recount.

Sec. 6. Section forty-three point sixty-seven (43.67), Code 1975, is amended to read as follows:

43.67 NOMINEE'S RIGHT TO PLACE ON BALLOT. Each candidate so nominated shall be entitled to have his or her name printed on the official ballot to be voted at the general election without other certificate, except that a candidate whose name was not printed on the official primary election ballot must execute and deliver to the commissioner or the state commissioner, as the case may be, an affidavit in substantially the following form:

"I,, being duly sworn, say that I reside at street, city of, county of, in the state of Iowa; that I am a candidate for election to the office of at the election to be held on, as the candidate of the (name of political party) and hereby request that my name be so printed upon the official ballot for that election as provided by law. I furthermore declare that I am eligible to the office for which I am a candidate and that if I am elected I will qualify as such officer.

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of one hundred dollars for the purpose of supporting my candidacy for public office.

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of, 19...

(Name)

(Official title)"

Each candidate required to execute the foregoing affidavit shall be so notified by the commissioner immediately upon completion of the canvass held under section forty-three point forty-nine (43.49) of the Code, or by the state commissioner immediately upon completion of the canvass held under section

forty-three point sixty-three (43.63) of the Code, as the case may be. If the candidate does not execute and deliver the affidavit by five o'clock p.m. on the seventh day following completion of such canvass, the commissioner or state commissioner shall not cause that candidate's name to be placed upon the official general election ballot.

Sec. 7. Section forty-three point seventy-three (43.73), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The state commissioner shall similarly certify to the appropriate commissioner or commissioners at the earliest practicable time the names of nominees for a special election, called under section sixty-nine point fourteen (69.14) of the Code, submitted to the state commissioner pursuant to Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1).

Sec. 8. Section forty-three point seventy-eight (43.78), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended by striking from subsection one (1) all of paragraphs f and g and inserting in lieu thereof the following:

f. For any other partisan office filled by the voters of a subdivision of a county, by those members of the party's county central committee who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson. However this paragraph shall not apply to partisan city offices in special charter cities for which candidates are nominated under this chapter, but such ballot vacancies shall be filled as provided by section twelve (12) of this Act.

Sec. 9. Section forty-three point seventy-eight (43.78), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended to read as follows:

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraphs d, e, f or g of this section shall be submitted in writing to the commissioner not later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election.

Sec. 10. Section forty-three point ninety (43.90), Code 1975, is amended to read as follows:

43.90 DELEGATES. The county convention shall be composed of delegates elected at the last preceding precinct caucus. Delegates shall be persons who are or will by the date of the next general election become eligible electors and who are residents of the precinct. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective party county central committees, and a statement designating the number from each voting precinct in the county shall be filed by such committee at least fifty-five days before the primary election not later than the time the list of precinct caucus meeting places required by section forty-three point four (43.4) of the Code is filed in the office of the commissioner. If the required statement is not filed, the commissioner shall fix the number of delegates from each voting precinct.

Sec. 11. Section forty-three point one hundred seven (43.107), Code 1975, is amended to read as follows:

43.107 STATE CONVENTION. Each political party shall hold a state convention either preceding or following the primary election. The state central committee of each political party shall designate the time and place of the state convention, which shall transact such business as is required or permitted by the party's state constitution or bylaws or by the rules of the convention.

Sec. 12. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point one hundred fifteen (43.115) the following new section:

NEW SECTION. BALLOT VACANCIES IN SPECIAL CHARTER CITY ELECTIONS.

1. A vacancy on the ballot for an election at which city officers are to be chosen, and for which candidates have been nominated under this chapter, exists when any political party lacks a candidate for an office to be filled at that election because:

a. No person filed at the time required by section forty-three point one hundred fifteen (43.115) as a candidate for the party's nomination for that office in the city primary election held under section forty-three point one hundred twelve (43.112) of the Code, or all persons who did so subsequently withdrew as candidates, were found to lack the requisite requirements for the office or died before the date of the city primary election, and no candidate received a number of write-in votes sufficient for nomination under section forty-three point fifty-three (43.53) of the Code; or

b. The person nominated in the city primary election as the party's candidate for that office withdrew by giving written notice to that effect to the city clerk not later than five o'clock p.m. on the day of the canvass of that city primary election.

2. A ballot vacancy as defined by this section may be filled by the city central committee of the party on whose ticket the vacancy exists or, in the case of an officer elected by the voters of a district within the city, by those members of the committee who represent the precincts lying within that district. The name of a candidate so designated to fill such a ballot vacancy shall be submitted in writing to the city clerk not later than five o'clock p.m. on the seventh day following the city primary election.

Sec. 13. Section forty-four point nine (44.9), subsections three (3), four (4) and five (5), Code 1975, are amended to read as follows:

3. In the office of the proper school board secretary or city clerk, at least thirty thirty-five days before the day of ~~the~~ a regularly scheduled school or city election.

4. In the office of the state commissioner, in case of a special election to fill vacancies, ~~at least sixteen days before the day of election~~ in congress or the general assembly, not more than:

a. Twenty days after the date on which the governor issues the call for a special election to be held on at least forty days' notice.

b. Five days after the date on which the governor issues the call for a special election to be held on at least ten but less than forty days' notice.

5. In the office of the proper commissioner, school board secretary or city clerk, in case of a special election to fill vacancies, at least thirty twenty-five days before the day of election.

Sec. 14. Section forty-four point eleven (44.11), Code 1975, is amended to read as follows:

44.11 VACANCIES FILLED. If a candidate named under this chapter declines a nomination, or dies before election day, or should any certificate of nomination be held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to any certificate of nomination, or to the eligibility of any candidate therein named, is sustained by the board appointed to determine such questions, the vacancy or vacancies thus occasioned may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than sixty days prior to the election in the case of nominations required to be filed with the state commissioner, not less than fifty days prior to the election in the case of nominations required to be filed with the commissioner, and not less than thirty thirty-five days prior to the election in the case of nominations required to be filed in the office of the school board secretary or city clerk.

Sec. 15. Section forty-four point fourteen (44.14), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section thirty-nine (39), is amended to read as follows:

44.14 FILING OF CERTIFICATES. Certificates of nominations made to fill vacancies, as required by section forty-four point thirteen (44.13) of the Code, shall be filed with the officer designated and at the time required by section forty-four point eleven (44.11) of the Code. ~~In the case of a special election to fill a vacancy in an office for which nomination papers must be filed with the state commissioner, such certificates must be filed with the state commissioner not less than fifteen days before the date of the special election. In the case of a special election to fill a vacancy in an office for which nomination papers must be filed with an officer other than the state commissioner, such certificates must be filed with the appropriate officer not less than twelve days before the date of the special election.~~

Sec. 16. Section forty-five point three (45.3), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-one (41), is amended to read as follows:

1. The affidavit of at least one ~~of the signers of the~~ petition eligible elector, stating that each of the persons who signed the petition did so voluntarily and is an eligible elector of the state, as defined by section thirty-nine point three (39.3) of the Code, who is (or would be, if registered) entitled to vote for the candidate nominated by the petition, ~~and. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nominating petition, that signature shall not be counted toward the total required by section forty-five point one (45.1) of the Code.~~

Sec. 17. Section forty-seven point one (47.1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-two (42), is amended to read as follows:

47.1 STATE COMMISSIONER OF ELECTIONS. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform such duties as may be assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for ~~voter registration~~ and the conduct of elections, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 18. Section forty-seven point three (47.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The costs of conducting a special election called by the governor to fill a vacancy in the United States house of representatives, general election, and the primary election held prior to the general election shall be paid by the county.

Sec. 19. Section forty-seven point three (47.3), Code 1975, is amended by adding the following new unnumbered paragraph:

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

Sec. 20. Section forty-seven point five (47.5), Code 1975, is amended to read as follows:

47.5 PURCHASING BY COMPETITIVE BIDDING.

1. The commissioner shall take bids for ~~any~~ goods and services which are needed in connection with registration of voters or preparation for or administration of elections

and which will be performed or provided by persons who are not employees of the commissioner ~~and where the costs of such services exceed five thousand dollars per contract in the case of contracts for the printing of ballots or, in the case of other services, two thousand five hundred dollars per contract,~~ under the following circumstances:

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In the case of arrangements for printing of ballots, where the cost of the printing will exceed five thousand dollars.

c. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

d. No bids shall be required for legal services. The

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, 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 such final 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.

~~A county shall not enter into an intergovernmental agreement with any other political subdivision of the state for acquisition of goods or performance of services until an audit has been conducted by the auditor of state or an independent certified public accountant not in the regular employ of the counties executing an agreement which sets forth the costs of each county for providing goods and services.~~

3. The procedure for purchasing data processing services in connection with administration of elections shall be the same as prescribed in subsection two (2) of this section, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications for data processing contracts relative to voter registration records shall be specified by the registration commission. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the state comptroller's data processing facilities are currently capable of furnishing the services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges therefor adopted by the registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. The commissioner may recommend and the board of supervisors may approve purchasing the needed services from the lowest responsible bidder, however if the needed services could be obtained through the registrar at a lower cost, the board shall publish notice twice in a newspaper of general circulation in the county of its intent to accept

such bid and of the difference in the amount of the bid and the cost of purchasing the needed services from the state comptroller's data processing facilities through the registrar. Each contract for the furnishing of data processing services, necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. Such contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules promulgated by the registration commission.

4. Any election or registration data or records which may be in the possession of a contractor shall remain the property of the commissioner. Contracts with a private person relating to the maintenance and use of voter registration data, which were properly entered into in compliance with this section and with all other laws relating to bidding on such contracts, shall remain in force only until the most recently negotiated termination date of that contract. A new contract with the same provider may be entered into in accordance with subsection three (3) of this section.

Sec. 21. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-four (44), subsection one (1), is amended to read as follows:

1. The governing body of any political subdivision which has authorized a special election to which section thirty-nine point two (39.2) of the Code is applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. The If the proposed date of the special election coincides with the date of a regularly scheduled election,

the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least thirty days in advance of that the date of the proposed date special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 22. Chapter forty-seven (47), Code 1975, is amended by adding the following new sections:

NEW SECTION. STATE REGISTRAR OF VOTERS.

1. The senior administrator of data processing services in the office of the state comptroller is designated the state registrar of voters, and shall regulate the preparation, preservation and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections as shall be requested and purchased at actual cost of preparation and production by a political party or any resident of this state, except as otherwise provided by section forty-eight point five (48.5), subsection two (2), paragraph d of the Code. The registrar shall maintain a log, which shall be a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services in the office of the state comptroller.

2. The registrar shall offer to each county in the state the opportunity to arrange for performance of all functions referred to in subsection one (1) of this section by the data processing facilities of the state comptroller's office, commencing at the earliest practicable time, at a cost to the county determined in accordance with the standard charges for those services adopted by the registration commission.

A county may accept this offer without taking bids under section forty-seven point five (47.5) of the Code.

3. Any county may use its own data processing facilities for voter registration record keeping and utilization functions, if the system design and the form in which the registration records are kept conform to specifications established by rules promulgated by the registration commission. Each county exercising the option to maintain its own voter registration records under this subsection shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by the registrar.

NEW SECTION. VOTER REGISTRATION COMMISSION--COMPOSITION--DUTIES.

1. There is established a state voter registration commission which shall meet at least once each month to make and review policy, promulgate rules and establish procedures to be followed by the registrar in discharging the duties of that office. The commission shall consist of the state commissioner of elections or his or her designee and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who shall serve without additional salary or reimbursement.

2. The registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter seventeen A (17A) of the Code.

3. The registrar shall provide staff services to the commission and shall make available to it all information relative to the activities of the registrar's office in connection with the registration of voters in this state which may be requested by any commission member. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the

registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter nineteen A (19A) of the Code.

4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section forty-eight point five (48.5), subsection two (2) of the Code. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January fifteenth of each calendar year.

Sec. 23. Section forty-eight point four (48.4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-eight (48), is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION--DUTIES. The commissioner of registration shall ~~have complete charge of,~~ under the direction of the registration commission and the registrar, supervise the registration of all eligible electors within the county, and shall appoint such deputies and clerks as may be necessary, from the two political parties receiving the highest vote at the last general election. The number of such deputies and clerks ~~for all precinct registration places, and~~ at the central registration office, shall be equally divided between the members of the two said political parties. These appointments shall be subject to the approval of the county board of supervisors. The commissioner of registration shall provide such printed forms and blanks as may be necessary, together with such other supplies and equipment as are necessary to properly carry out the provisions of this chapter. Registration places shall be established throughout the cities and county.

Sec. 24. Section forty-eight point five (48.5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-nine (49), is amended to read as follows:

48.5 REGISTRATION RECORDS.

1. The county commissioner of registration shall safely maintain at his or her office or other designated locations the original registration records of all qualified electors in the county--The original registration in accordance with rules promulgated by the registration commission. Registration records shall not be removed from that office or other designated locations except upon court order--~~Duplicate registration records,~~ and shall be open to inspection by the public at reasonable times.

2. Any person may request of the commissioner registrar and shall receive, upon payment of the cost of preparation, a list of all qualified electors ~~in the county~~ and other data on registration and participation in elections, in accordance with the following requirements and limitations:

a. ~~The commissioner shall draw up each~~ Each list shall be produced in the order and form specified by the requestor, so long as that order and form are within the ~~capability~~ capacity of the system used by the commissioner registrar.

b. Each list shall reflect all additions, changes and deletions made prior to the fifth day before the list was prepared.

c. The commissioner registrar shall not be required to provide lists or data during the fifteen days prior to the date of any the primary election, the general election, the regular city election held pursuant to section three hundred seventy-six point one (376.1) of the Code, or the annual school election in any order or form other than that utilized to conduct the election, if the preparation of a list in any other order or form requested would impede the preparation of the election registers for that election.

d. The county chairperson of each political party, as defined in section forty-eight point four (48.4) of the Code, and the chairperson of each state political party central committee may each request and shall receive without charge three lists or reports during the two-year period prior to each general election, in the order and form requested. The lists or data requested by the county chairpersons shall pertain only to qualified electors of that county. The lists or reports requested under this paragraph shall be delivered on or before the date specified by the requestor, if the requestor gives ~~the commissioner~~ at least thirty days advance notice of that date and the timing of the request and the order and form specified do not conflict with the restrictions of paragraph ~~a or c~~ of this subsection.

e. ~~The commissioner shall upon request provide to any person who has within the previous year obtained a list of all qualified electors in the county under this section, a~~ A periodic updating of the registration lists showing all additions, changes and deletions since the previous updating ~~of the registration list,--The updated list~~ shall be provided at least once each fourteen days except during the two weeks prior to the close of registration before any election, when it shall be provided daily if requested. Each requestor under this paragraph shall receive the updating data at the same time ~~and in the same order and form~~, which shall be determined by the commissioner registrar, but in an order and form specified by the requestor. Each requestor, except those who obtain the initial list of qualified electors under paragraph d of this subsection, shall pay the cost of duplicating the updating data before receiving a copy thereof.

3. Neither the duplicate registration records open to public inspection nor any list obtained under subsection two (2) of this section shall be used for any purpose of any kind or nature, other than to request a registrant's vote ~~at a primary or general election~~, or any other bona fide political purpose. The commissioner or registrar shall keep a list

of the name, address, telephone number, and social security number of each person who copies or obtains copies of the registration lists. Any person that uses such lists in violation of this section shall, upon conviction, be imprisoned in the county jail, not to exceed one year, or be fined not to exceed one thousand dollars, or by both such fine and imprisonment, for each violation.

4. Beginning not later than January 1, 1977, every voter registration record shall be maintained in computer readable form according to the specifications of the registrar.

Sec. 25. Section forty-eight point seven (48.7), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section fifty-one (51), is amended to read as follows:

48.7 NOTICE OF CHANGE OF NAME OR ADDRESS. The commissioner of registration shall make available forms for use by qualified electors in giving notice of a legal change of name or a change of address within the county, or both. The notice shall provide space for the qualified elector's current name in full and the address of the exact location where he or she currently resides, the full name under which the elector was previously registered, if a legal change of name has occurred, the previous residence address of the elector, if a change of address has occurred, and the elector's signature. If the commissioner of registration receives written notification of a change of name or address from any qualified elector in the county and the notice does not contain the required information, the commissioner shall immediately send by forwardable mail to the elector at his or her last known address notice that the elector's registration is defective. Upon receipt of any valid change of name or address notice, on or before the last day of registration before any election, the commissioner of registration shall make entry of the change, as necessary, on the original and duplicate registration lists and the elector shall be qualified to vote under the new name or in the new election precinct, or both,

as the case may be. If a qualified elector fails to notify the commissioner of registration of a change of legal name or of residence address before the close of registration for any election the elector shall not be qualified to vote at that election, except that if a change of residence address or change of name does not require printing the qualified elector's name in a different election register for that election, the qualified elector shall be allowed to vote. A precinct election official shall have such an elector complete a change-of-address-card registration form of the type prescribed for use by electors registering under Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47), at the polls and shall return the card to the commissioner with the election supplies. Upon receipt of the registration form, if the election was conducted for a political subdivision located in more than one county and the elector has listed a new address which is outside the commissioner's own county, the commissioner shall forward the form to the commissioner of the elector's county of residence.

Sec. 26. Section forty-eight point eleven (48.11), unnumbered paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section fifty-two (52), is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before an election, except as provided in Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section forty-seven (47) ~~of this Act~~. The commissioner's office shall be open from eight o'clock a.m. until at least six o'clock p.m. on the day registration closes prior to each regularly scheduled election.

Sec. 27. Section forty-eight point sixteen (48.16), Code 1975, is amended to read as follows:

48.16 PENALTIES. Any officer or employee, or any person who has contracted with a commissioner to perform services

in the implementation of this chapter, who shall willfully fail to perform or enforce any of the provisions of this chapter, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall willfully destroy any record provided by this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but his or her true name, or votes or attempts to vote by impersonating another who is registered, or who willfully or fraudulently registers in any election precinct where he or she is not a resident at the time of registering, or who adds a name or names to a page or pages, or who violates any of the provisions of this chapter, shall be guilty of felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year.

For the purposes of this section, the alteration or destruction of any machine readable compilation of voter registration records which has not been replaced by a more recent revision of the same record shall constitute destruction of a record provided by this chapter.

Sec. 28. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph d, Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section fifty-seven (57), is amended to read as follows:

d. Mobile deputy registrars shall return all completed registration records at least weekly to the county commissioner of registration except that completed registration records shall be turned in at least every two working days during the last ten days of registration. All completed and unused material must be turned in no later than six o'clock on the day registration closes for the election. The commissioner shall make suitable arrangements for registration material to be received from mobile deputy registrars until that hour on the day registration closes for each election which is not a regularly scheduled election unless the

commissioner's office ~~shall remain~~ remains open until at least six o'clock p.m. on that day, ~~unless it is a Sunday or a legal holiday~~. Failure to return registration materials as required by this paragraph shall be a misdemeanor.

Sec. 29. Section forty-eight point twenty-seven (48.27), subsection four (4), Code 1975, is amended by striking paragraph f.

Sec. 30. Section forty-eight point twenty-seven (48.27), subsection five (5), Code 1975, is amended to read as follows:

5. The Each mobile deputy registrar shall be responsible to the county commissioner of registration for properly registering electors in accordance with the requirements and the restrictions of this chapter. The commissioner may terminate the appointment of a mobile deputy registrar who is not properly registering electors, and shall immediately terminate the appointment upon the written request of the county chairman chairperson of the party from whose list of nominees the mobile deputy registrar was selected. When an appointment is terminated the county commissioner of registration shall promptly notify the county chairman chairperson of the political party which nominated the mobile deputy registrar whose appointment has been terminated, and shall appoint another person within five days from a list of substitute nominees provided by that county chairman chairperson. A mobile deputy registrar whose appointment is terminated shall immediately return all his or her supplies to the county commissioner of registration. If a mobile deputy registrar's appointment is terminated within thirty days of an election, other than by request of the county chairman chairperson of the party from whose list of nominees the mobile deputy registrar was appointed, a replacement shall be appointed within twenty-four hours from a list of substitute nominees provided by the appropriate county chairman chairperson.

Sec. 31. Section forty-eight point twenty-nine (48.29), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.29 REMOVAL OF REGISTRATION. Upon registration in any county of an eligible elector who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, his or her name shall be struck from the record of voters currently registered in the former county of residence. If the registrar at any time discovers that the same individual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall follow the procedure prescribed by section forty-eight point thirty-one (48.31), subsection eight (8) of the Code.

Sec. 32. Section forty-eight point thirty-one (48.31), Code 1975, is amended by striking subsection seven (7).

Sec. 33. Section forty-eight point thirty-two (48.32), Code 1975, is amended to read as follows:

48.32 ANNUAL REPORT. The county commissioner of elections shall make reports as required by the ~~state commissioner of elections~~ registrar. On August 1 of each year the ~~state commissioner of elections~~ registrar shall report the number of persons registered in each political party in each county.

Sec. 34. Section forty-nine point four (49.4), subsection two (2), Code 1975, is amended to read as follows:

2. Counties using alternative supervisor representation plans two or three, as described in section 331.8, shall be apportioned into single-member supervisor districts on the basis of population. ~~The In counties using representation plan three, the~~ boundaries of supervisor districts shall follow the boundaries of election precincts.

Sec. 35. Section forty-nine point nineteen (49.19), Code 1975, is amended to read as follows:

49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL AUTHORITY FOR CERTAIN CITY ELECTIONS. The commissioner may appoint unpaid election precinct officials to election boards, as provided by sections 49.15, 49.16 and 49.20, or elect not to use voting machines even though they are available, as permitted by section 49.26, ~~and direct that the polls be~~

~~opened at twelve o'clock noon, as permitted by section 49.73 or both, for any election held for a city, regardless of the city's population even if the city has a population of more than three thousand five hundred, if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.~~

Sec. 36. Section forty-nine point twenty-five (49.25), subsection two (2) and subsection three (3), unnumbered paragraph one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section sixty-four (64), are amended to read as follows:

2. The commissioner shall furnish to each precinct ~~where voting machines are to be used for any election,~~ in advance of ~~that each~~ election, ~~one voting machine machines~~ meeting the requirements of chapter fifty-two (52) of the Code ~~or voting booths, as the case may be, in the following number:~~

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

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

3. The commissioner shall furnish to each precinct where paper ballots are to be used for any election, in advance of that election, the necessary ballot boxes, suitably equipped with locks and keys, and shall insure that the ~~number,~~ arrangement, and construction of voting booths at the polling place in each precinct are as follows:

Sec. 37. Section forty-nine point twenty-five (49.25), subsection three (3), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section sixty-four (64), is amended by striking paragraph d.

Sec. 38. Section forty-nine point fifty-three (49.53), Code 1975, as amended by Acts of the Sixty-sixth General

Assembly, 1975 Session, chapter eighty-one (81), section seventy-three (73), is amended to read as follows:

49.53 PUBLICATION OF BALLOT AND NOTICE. The commissioner shall not less than four nor more than twenty days prior to the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a ~~sample facsimile of the portion of the ballot of containing~~ the first rotation as prescribed by section 49.31, subsection two (2), and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may ~~at the discretion of the commissioner be reduced in size relative to the extent permitted by the rules of the state commissioner~~ actual ballot but such reduction shall ~~not cause upper case letters appearing on the published sample ballot to be less than five-thirty-sixth of an inch high in candidates' names or in summaries of public measures.~~ The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, ~~but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice.~~ The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county representing, if possible, the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last preceding

general election. However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

Sec. 39. Section forty-nine point fifty-seven (49.57), subsection five (5), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section seventy-four (74), is amended to read as follows:

5. On the outside of the ballot, so as to appear when folded, shall be printed the words "Official ballot", ~~followed by the name and location of the polling place for which the ballot is prepared~~ a designation of the ballot rotation, if any, the date of the election, and a facsimile of the signature of the commissioner who has caused the ballot to be printed pursuant to section forty-nine point fifty-one (49.51) of the Code.

Sec. 40. Section forty-nine point seventy-three (49.73), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section seventy-six (76), is amended to read as follows:

49.73 TIME OF OPENING AND CLOSING POLLS.

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at seven o'clock a.m., or as soon thereafter as vacancies on the precinct election board have been filled. ~~The commissioner may direct that the polls be opened at twelve o'clock noon for any election conducted for a city of three thousand five hundred or less population or any school district at which the commissioner concludes, on~~ On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election, ~~that voting will probably be so light as to justify shortened voting hours for that election, except that the commissioner may direct that the polls be opened at twelve o'clock noon for:~~

a. Any school district election.

b. Any election conducted for a city of three thousand five hundred or less population.

c. Any election conducted for a city of more than three thousand five hundred population if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.

2. The commissioner shall not shorten voting hours for any election if there is filed in the commissioner's office, at least twenty-five days before the election, a petition signed by at least fifty eligible electors of the school district or city, as the case may be, requesting that the polls be opened not later than seven o'clock a.m. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour, except that this requirement shall not apply to merged areas established under chapter two hundred eighty A (280A) of the Code. The hours at which the respective precinct polling places are to open shall not be changed after publication of the notice required by section 49.53. In all cases the The polling places shall be closed at nine o'clock p.m. for state primary and general elections and other partisan elections and at eight o'clock p.m. for all other elections.

Sec. 41. Section forty-nine point seventy-seven (49.77), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section seventy-seven (77), is amended to read as follows:

49.77 BALLOT FURNISHED TO VOTER.

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall ~~give his or her name and address to the precinct election officials, 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 that person claims the right to vote shall be permitted to vote unless the county commissioner of elections informs the precinct election officials 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 officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

Signature of Voter

Address

Approved:

Board Member

2. One of the precinct election officials shall announce the elector's name aloud for the benefit of any persons present pursuant to section forty-nine point one hundred four (49.104), subsections two (2), three (3) or five (5) of the Code. Any of those persons may upon request view the signed declarations of eligibility.

3. A precinct election official may require of an elector unknown to the official, identification upon which the elector's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.

~~All voters' declarations may be seen by the challengers of each political party, at the request of such challengers.~~

4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote unless the commissioner

informs the precinct election officials that an error has occurred and that the person is a qualified elector of that precinct. If the commissioner finds no record of the person's registration but the person insists that he or she is a qualified elector of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section forty-nine point eighty-one (49.81) of the Code.

Sec. 42. Section forty-nine point eighty-one (49.81), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section sixty-three (63), is amended to read as follows:

1. A prospective voter who is prohibited under section sections forty-nine point seventy-seven (49.77), subsection four (4), or forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot. If a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section forty-nine point eighty-four (49.84) of the Code, shall be delivered to a precinct election official who shall immediately seal it in an ~~unmarked envelope which shall be placed in an affidavit~~ envelope of the type prescribed by section ~~fifty-three point thirteen (53.13) of the Code.--The voter shall not be required to execute the oath contained in the affidavit.--Space shall be left on the affidavit envelope for the precinct election official to indicate the name of the challenged elector and the reason for the challenge~~ forty-three (43) of this Act. The sealed affidavit envelope shall be deposited ~~as required by section forty-nine point eighty-five (49.85) of the Code~~ in a special container envelope marked "challenged ballots for special precinct" and shall be considered as having been cast in the

special precinct established by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred eighteen (118) ~~of this Act~~ for purposes of the post-election canvass.

Sec. 43. Section forty-nine point eighty-one (49.81), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty (80), is amended by adding the following new subsection:

NEW SUBSECTION. The individual envelopes used for each paper ballot cast pursuant to subsection one (1) of this section shall have printed upon them:

"Challenged Elector's Ballot

I believe I am a qualified elector of this precinct. I registered to vote in this county on or about _____ at _____. I have not moved to a different precinct since that time without recording the new address with the commissioner. I am a United States citizen, at least eighteen years of age.

(signature of elector)

(address of elector)

(signature of precinct election official)

(date)

Reason for challenge:

Sec. 44. Section forty-nine point ninety (49.90), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty-one (81), is amended to read as follows:

49.90 ASSISTING VOTER. Any voter who may declare upon oath that he or she cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by said two officers, or ~~alternately~~ alternatively by any other person the voter may select if the voter is

blind, in casting the vote. Said officers, or person selected by the blind voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the same. If any elector because of a handicap cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector and allow the elector to cast the ballot in the vehicle. If a handicapped elector cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot. ~~Paper ballots cast by handicapped electors, which shall be cast according to section forty-nine point eighty-one (49.81) of the Code, except they shall be marked "handicapped voter's ballot", and shall be counted~~ opened immediately after the closing of the polling place by the two precinct election officials designated under section forty-nine point eighty-nine (49.89) of the Code, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section fifty-two point twenty-one (52.21) of the Code. To preserve so far as possible the confidentiality of each handicapped elector's ballot, the two officers shall proceed substantially in the same manner as ~~challenged ballots accepted under provided in section ~~fifty-point-twenty-two (50.22)~~ fifty-three point twenty-four (53.24) of the Code. In precincts where all voters use paper ballots, those cast by handicapped voters shall be deposited in the regular ballot box and counted in the usual manner.~~

Sec. 45. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty-four (84), is amended to read as follows:

SEC. 84. Chapter fifty (50), Code 1975, is amended by inserting after section fifty point one (50.1) the following new section:

NEW SECTION. ONE TALLY LIST IN CERTAIN MACHINE PRECINCTS. In any precinct where an election is held by means of voting

machines which deliver, immediately upon conclusion of the voting, multiple copies of a printed record of the votes cast and the totals for each candidate or question appearing on the face of the machine, the requirement of section fifty point one (50.1), subsection four (4) of the Code that two election board members keep separate tally lists of the vote count shall not apply ~~unless the election board finds upon opening the machine that the printed record produced by the machine is smeared, torn or otherwise unreadable. If the printed record is intact and legible, the election board need appoint only one of its members to keep a tally list of the count.~~

Sec. 46. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section eighty-seven (87), third "new section", is amended to read as follows:

NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES. Upon being reconvened, the special precinct election board shall review the affidavits information upon the envelopes bearing the challenged ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section forty-nine point twelve (49.12) of the Code as regards political party affiliation of the members of each panel. The decision to count or reject each ballot shall be made upon the basis of the information given on the affidavit envelope containing the challenged ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If a challenged ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section fifty-three point twenty-five (53.25) of the Code, and the affidavit envelope containing the

challenged ballot shall be preserved unsealed unopened and disposed of in the same manner as spoiled ballots. The challenged ballots which are accepted shall be counted in the manner prescribed by section fifty-three point twenty-four (53.24) of the Code. The commissioner shall make public the number of challenged ballots rejected and not counted, at the time of the canvass of the election.

Sec. 47. Section fifty-three point eight (53.8), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred sixteen (116), is amended so that subsection three (3), unnumbered paragraph one (1), reads as follows:

When an application for an absentee ballot is received by the commissioner of any county from a qualified elector who is a patient in a hospital in that county or a resident of any facility in that county shown to be a health care facility by the list of licenses provided the commissioner under section one hundred twenty-four (124) of this Act, the absentee ballot shall be delivered to the elector and returned to the commissioner in the manner prescribed by section one hundred nineteen (119) of this Act. However, if the application is received more than ten calendar days before the election, the commissioner shall mail to the applicant within twenty-four hours a letter ~~acknowledging receipt of the application and describing the procedure prescribed by section one hundred nineteen (119) of this Act~~ in substantially the following form:

"Your application for an absentee ballot for the election to be held on _____ has been received. This ballot will be personally delivered to you by a bi-partisan team sometime during the ten days preceding the election. If you will not be at the address from which your application was sent during any or all of the ten-day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address."

Sec. 48. Section fifty-three point eleven (53.11), 1975, is amended to read as follows:

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

Sec. 49. Section fifty-three point twenty-two (53.22), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter sixty-seven (67), section sixty-four (64), is amended so that subsection one (1) reads as follows:

1. a. A qualified elector who has applied for an absentee ballot, in a manner other than that prescribed by section fifty-three point eleven (53.11) of the Code, and who is a resident or patient in a health care facility or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct election officers, one of whom shall be a member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, who shall be appointed by the commissioner from the election board panel for the special precinct established by section ~~one hundred-three-(403)~~ one hundred eighteen (118) of this Act. The special precinct election officers shall be sworn in the

manner provided by section forty-nine point seventy-five (49.75) of the Code for election board members, shall receive compensation as provided in section forty-nine point twenty (49.20) of the Code, and shall perform their duties during the ten calendar days preceding the election and on election day if all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned.

b. If an applicant under this subsection notifies the commissioner that he or she will not be available at the health care facility or hospital address at any time during the ten-day period immediately prior to the election, but will be available there at some earlier time, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time prior to the ten-day period immediately preceding the election. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, the special precinct election officers may take the ballot to the elector if he or she is currently residing in the county.

c. The special precinct election officers shall both notarize each absent voters affidavit as required by section fifty-three point sixteen (53.16) of the Code; any such officer who is not a notary public shall be provided with a stamp containing that person's name and the words "special precinct election officer" and may notarize the absentee affidavits so delivered by signing them and applying the stamp. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot. If either or both of the special election officers fails to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section forty-nine point thirteen (49.13) of

vacancy shall be filled pursuant to this section. As used in this section, "pending election" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision.

Sec. 59. Section sixty-nine point twelve (69.12), subsection one (1), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred twenty-two (122), is amended by striking the subsection and inserting in lieu thereof the following:

1. If the unexpired term in which the vacancy occurs has more than seventy days to run after the date of the next pending election, the vacancy shall be filled in accordance with this subsection. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

a. A vacancy shall be filled at the next pending election if it occurs:

- (1) Sixty or more days prior to the election, if it is a general or primary election.
- (2) Forty-five or more days prior to the election, if it is a regularly scheduled school or city election.
- (3) Forty or more days prior to the election, if it is a special election.

b. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to paragraph a of this subsection shall be filed, in the form and manner prescribed by applicable law, by five o'clock p.m. on:

- (1) The fifty-fifth day prior to a general or primary election.
- (2) The fortieth day prior to a regularly scheduled school or city election.
- (3) The twenty-fifth day prior to a special election.

c. A vacancy which occurs at a time when paragraph a of this subsection does not permit it to be filled at the next

pending election shall be filled by appointment as provided by law until the succeeding pending election.

Sec. 60. Section two hundred seventy-seven point four (277.4), Code 1975, is amended to read as follows:

277.4 NOMINATIONS REQUIRED. Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. To each such petition shall be attached the affidavit of an eligible elector of the district, ~~other than the candidate being nominated,~~ that all of the signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section. The petition shall include the affidavit of the candidate being nominated, stating his name, his residence, that he is a candidate and is eligible for the office he seeks, and that if elected he will qualify for the office.

The secretary of the school board shall deliver all nomination petitions to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the commissioner at any time prior to five o'clock p.m. on the ~~twenty-first~~ thirty-fifth day before the election.

Sec. 61. Section two hundred seventy-seven point twenty (277.20), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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

Sec. 62. Section two hundred seventy-seven point twenty-eight (277.28), Code 1975, is amended by striking unnumbered paragraph six (6).

Sec. 63. Section two hundred eighty A point fifteen (280A.15), subsections one (1) and three (3), Code 1975, are amended to read as follows:

1. Regular elections held annually by the merged area for the election of members of the board of directors as required by section 280A.12, for the renewal of the three-fourths mill levy authorized in section 280A.22, or for any other matter authorized by law and designated for election by the board of directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election, and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 to 53 and section 277.20.

3. Nomination papers in behalf of candidates for member of the board of directors of a merged area shall be filed with the secretary of the board not earlier than sixty-five days nor later than five o'clock p.m. on the fortieth day prior to the election at which members of the board are to be elected. The secretary shall deliver all nomination petitions so filed, together with the text of any public measure being submitted by the board of directors to the electorate, to the county commissioner of elections who is responsible under section 47.2 for conducting elections held for the merged area, not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed. That commissioner shall certify the names of candidates, and the text and summary of any public measure being submitted to the electorate, to all county commissioners of elections in the merged area by the thirty-fifth day prior to the election.

Sec. 64. Section three hundred thirty-one point twenty-seven (331.27), Code 1975, is amended to read as follows:

331.27 PLAN "THREE." If plan "three" is selected pursuant to section 331.8 or 331.9, the supervisor districts shall be drawn and members of the county board shall be elected as provided in section 331.26, except that boundaries of supervisor districts shall follow voting precinct lines and each member of the board, and candidates each candidate for such office, shall, at the primary and general elections, be elected or nominated only by the electors of the district which ~~he or they seek~~ that candidate seeks to represent.

Sec. 65. Section three hundred forty-five point six (345.6), Code 1975, is amended to read as follows:

345.6 MANNER OF SUBMITTING QUESTIONS. The mode of submitting questions to the people shall be the following: The whole question, including the sum desired to be raised, or the amount of tax desired to be levied, or the rate per annum, and the whole regulation, including the time of its taking effect or having operation, if it be of a nature to

be set forth, and the penalty for its violation if there be one, shall be embraced in a notice of the election. The notice shall, to the extent consistent with this section, be drawn up in accordance with and shall be published once each week for at least four weeks in some newspaper published in the county. ~~Such notice shall name the time when such question will be voted upon, and the form in which the question shall be submitted, and as required by section forty-nine point fifty-three (49.53) of the Code.~~ A copy of the question to be submitted shall be posted at each polling place during the day of election.

Sec. 66. Section three hundred fifty-eight point nine (358.9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred forty-eight (148), is amended by striking unnumbered paragraphs one (1) and two (2) and inserting in lieu thereof the following:

At the election provided for in section three hundred fifty-eight point seven (358.7) of the Code, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring one year from the next succeeding June thirtieth, one to serve a term of two years from that date, and one to serve a term of three years from that date. Their successors shall each serve terms of three years commencing July first of the year in which they are chosen. Successors to the initial trustees may be chosen by appointment by the same board or boards of supervisors which made the initial appointments or by election, at the option of the remaining trustees.

Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section sixty-nine point twelve (69.12) of the Code, whichever is applicable.

Sec. 67. Section three hundred fifty-nine point twenty-three (359.23), Code 1975, is amended to read as follows:

359.23 RECEIPTS AND EXPENDITURES. Each township clerk, ~~on the morning of the day of the general election and before the hour for opening the polls, shall post, at the place where such election is to be held in his township shall prepare,~~ on or before September thirtieth of each year, a statement in writing, showing all receipts of money and disbursements in his or her office for the preceding two years fiscal year, which shall be certified as correct by the trustees of the township. Each township clerk shall ~~also~~ send a copy of this written statement to the county auditor no later than seven days after the posting statement is certified by the trustees.

Sec. 68. Section three hundred sixty-eight point nineteen (368.19), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section nine (9), is amended by striking the section and inserting in lieu thereof the following:

368.19 TIME LIMIT--ELECTION. The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and the county commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, qualified electors of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, qualified electors of the territory and of the city may vote, and the proposal is authorized if a majority of the total

number of persons voting approves it. In a case of consolidation, qualified electors of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section forty-nine point fifty-three (49.53) of the Code and shall conduct the election in the same manner as other special city elections.

The costs of an incorporation election shall be borne by the initiating petitioners if the election fails, but if the proposition is approved the cost shall become a charge of the new city.

Sec. 69. Section three hundred seventy-two point thirteen (372.13), subsection two (2), as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred fifty (150), is amended by striking the subsection and inserting in lieu thereof the following:

2. A vacancy in an elective city office during a term of office shall be filled by the council, within thirty days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting, signed by eligible electors entitled to vote to fill the office in question. The petition must bear signatures equal in number to two percent of those who voted for candidates for the office at the last preceding election at which the office was on the ballot, but in no case fewer than ten signatures. If the petition so requests and is timely filed, the special election may be held concurrently with any pending election as provided by section sixty-nine point twelve (69.12) of the Code. Otherwise, a special election to fill the office shall be called at the earliest practicable time after the petition is presented to the council.

Sec. 70. Section three hundred seventy-six point two (376.2), unnumbered paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section eighteen (18), is amended to read as follows:

Except as otherwise provided by state law or the city charter, terms for elective offices are two years. However, the term of an elective office may be changed to two or four years by petition and election. Upon receipt of a valid petition as defined in section 362.4, requesting that the term of an elective office be changed, the council shall submit the question at a special city election to be held within ~~thirty~~ sixty days. If a majority of the persons voting at the special election approves the changed term, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed term, the council shall not submit the same proposal to the voters within the next four years.

Sec. 71. Section three hundred seventy-six point four (376.4), unnumbered paragraphs one (1) and four (4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred three (203), section twenty-five (25), are amended to read as follows:

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid petition requesting that his or her name be placed on the ballot for that office. The petition must be filed not more than sixty-five days nor less than forty days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

The petition must include the affidavit of at least one eligible elector other than the petitioners ~~and the individual for whom the petition is being filed~~, stating the affiant's

knowledge, information, and belief as to the residence of the petitioners. The candidate for whom the petition is filed may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section.

Sec. 72. Section three hundred seventy-six point seven (376.7), Code 1975, is amended to read as follows:

376.7 DATE OF PRIMARY. If a primary election is necessary, it must shall be held on the Tuesday ~~two~~ three weeks before the date of the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section fifty point twenty-four (50.24) of the Code, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the primary election.

The names of those candidates who receive the highest number of votes ~~in~~ for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular city election as candidates for ~~the~~ that office ~~for-which-they~~ have-filed.

Sec. 73. Section three hundred seventy-six point eight (376.8), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

376.8 PERSONS ELECTED IN CITY ELECTIONS.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection one (1) of this section, except that no candidate is elected who fails to receive a majority of the votes cast for the office in

question. In the case of at-large elections to a multimember body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter forty-four (44) or forty-five (45) of the Code, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

Sec. 74. Section three hundred seventy-six point nine (376.9), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section twenty (20), is amended to read as follows:

376.9 RUNOFF ELECTION. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the regular city election. Candidates who do not receive a majority of the votes cast for ~~the an~~ office ~~for-which-they-have~~ filed, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

Runoff elections ~~must shall~~ be held ~~two three~~ weeks after the date of the regular city election and ~~must shall~~ be conducted in the same manner as regular city elections ~~except that-only-persons-who-were-qualified-electors-in-the-last-preceding-regular-city-election-are-qualified-to-vote-in-the-runoff.~~

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

Sec. 75. Chapter three hundred seventy-six (376), Code 1975, is amended by adding the following new section:

NEW SECTION. CANDIDATES NOMINATED BY WRITE-IN VOTE. Any person nominated by a write-in vote in a city primary election, or in a regular city election in a city where the council has chosen a runoff election in lieu of a primary, shall execute an affidavit in substantially the form required by section forty-five point three (45.3) of the Code and file it with the county commissioner of elections or the city clerk not later than five o'clock p.m. of the day after the canvass of the primary or regular city election, as the case may be. If the person so nominated fails to complete and file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person and proceed in accordance with the requirements of this chapter on the basis of the canvass of all other votes cast at the primary or regular city election.

Sec. 76. Acts of the Sixty-sixth General Assembly, 1976 Session, House File one thousand thirty-three (1033), section one (1), is amended to read as follows:

Section 1. Section forty-three point seventy-eight (43.78), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section twenty-five (25), is amended by adding the following new subsection:

NEW SUBSECTION. Political party candidates for a vacant seat in the ~~congress-of-the~~ United States house of representatives or the general assembly which is to be filled at a special election called pursuant to section sixty-nine point fourteen (69.14) of the Code shall be nominated in the manner provided by subsection one (1) of this section for filling a vacancy on the general election ballot for the same of-

vice. The name of any candidate so nominated shall be submitted in writing to the state commissioner, as required by section forty-three point eighty-eight (43.88) of the Code, at the earliest practicable time.

Sec. 77. For the purpose of transition from the provisions of section three hundred fifty-eight point nine (358.9), Code 1975, to the replacement provisions enacted as section sixty-six (66) of this Act, in those sanitary districts in existence under chapter three hundred fifty-eight (358) of the Code prior to the effective date of this Act, the terms of trustees elected in those districts shall be adjusted as follows:

1. The terms of trustees elected in 1970 for a six-year term beginning in January, 1971, or their successors, shall be extended until June 30, 1977.

2. The terms of trustees elected in 1972 for a six-year term beginning in January, 1973, or their successors, shall be terminated June 30, 1978.

3. The terms of trustees elected in 1974 for a six-year term beginning in January, 1975, or their successors, shall be terminated June 30, 1979.

The successors to the trustees whose terms are adjusted under this section shall be chosen in accord with section three hundred fifty-eight point nine (358.9) of the Code as amended by section sixty-six (66) of this Act.

The state commissioner of elections shall obtain from the department of environmental quality a list of every sanitary district established or in the process of establishment under chapter three hundred fifty-eight (358) of the Code, and shall send to each such district written notice of the amendment to section three hundred fifty-eight point nine (358.9) of the Code made by section sixty-six (66) of this Act, and of the requirements of this section.

Sec. 78. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Hawk Eye, a newspaper published in Burlington,

Iowa, and in the Muscatine Journal, a newspaper published in Muscatine, Iowa.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1011, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1976

ROBERT D. RAY
Governor