Reprinted

HOUSE FILE 700

By COMMITTEE ON STATE GOVERNMENT

Passed House, Date 4-24-75 (1341) Passed Senate, Date _____

Vote: Ayes 60 Nays 37 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

An Act relating to procedures for preparing for, giving notice of, conducting and canvassing elections, to the election of presidential electors, and to the registration of voters, and prescribing penalties.

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

S.F. _____ H.F. 700

Section 1. Section two point twenty-seven (2.27), Code 1975, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January ~~in each odd-numbered year, or~~ of 1979 and every four years thereafter as soon ~~thereafter~~ as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election; and when the canvass is completed, the oath of office shall be administered to the persons so declared elected and the governor shall deliver to the joint assembly any message he may deem expedient.

Sec. 2. Section thirty-nine point two (39.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

39.2 SPECIAL ELECTIONS. All special elections other than those held under section sixty-nine point fourteen (69.14) of the Code which are authorized or required by law, unless the applicable law otherwise requires, shall be held on one of the dates specified in this subsection. The dates available for holding special elections are:

1. The first Tuesday after the first Monday in February.
2. The first Tuesday after the first Monday in April.
3. The first Tuesday after the first Monday in June.
4. The first Tuesday in September.
5. The first Tuesday after the first Monday in November.
6. The first Tuesday after the second Monday in December.

Sec. 3. Section thirty-nine point three (39.3), subsections five (5), ten (10) and eleven (11), Code 1975, are amended to read as follows:

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

10. "Commissioner" means the county commissioner of elections as defined in section forty-seven point two (47.2)

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of the Code.

11. "State commissioner" means the state commissioner of elections as defined in section forty-seven point three (47.3) of the Code.

Sec. 4. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point ten (39.10) the following new section:

NEW SECTION. VACANCIES IN CERTAIN OFFICES. If a vacancy occurs in the office of senator in the congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general seventy-five or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point eighteen (39.18) the following new section:

NEW SECTION. VACANCIES IN COUNTY OFFICES. If a vacancy occurs in the office of county supervisor or in any of the offices listed in section thirty-nine point seventeen (39.17) of the Code sixty or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 6. Section forty-three point four (43.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Delegates to county conventions of political parties and

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party ~~committeemen~~ committee members shall be elected at precinct caucuses held not later than the second Monday in May of each even-numbered year. The state central committee of each political party shall set the date for said caucuses. In accordance therewith, the county ~~central committee~~ chairperson of each political party shall issue the call for said caucuses. The county ~~chairman~~ chairperson shall file with the ~~county~~ commissioner the meeting place of each precinct caucus at least seven days prior to the date of holding such caucus.

Sec. 7. Section forty-three point six (43.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.6 NOMINATION OF U.S. SENATORS, STATE AND COUNTY OFFICERS. Candidates for the office of senator in the congress of the United States, the offices listed in section thirty-nine point nine (39.9) of the Code, county supervisor and the offices listed in section thirty-nine point seventeen (39.17) of the Code shall be nominated in the year preceding the expiration of the term of office of the incumbent.

1. When a vacancy occurs in the office of senator in the congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general and section four (4) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs seventy-five or more days prior to the date of that primary election. If the vacancy occurs less than ninety days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the sixtieth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than seventy-five days before the date of that

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primary election, but not less than seventy-five days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code and section five (5) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty or more days prior to the date of that primary election. If the vacancy occurs less than seventy-five days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-nineth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than sixty days before the date of that ~~primary election~~, but not less than sixty days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 8. Section forty-three point thirteen (43.13), Code 1975, is amended to read as follows:

43.13 FAILURE TO FILE NOMINATION PAPERS. ~~No~~ The name of a candidate for any office named in section 43.11 shall ~~have his name~~ not be printed on the official primary ballot of ~~his~~ the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section ten (10) of this Act.

Sec. 9. Section forty-three point sixteen (43.16), Code 1975, is amended to read as follows:

43.16 WITHDRAWALS AND ADDITIONS NOT ALLOWED. A nomination

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paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. This section shall not be construed to prohibit the person on whose behalf the paper was filed from withdrawing as a candidate. However, the name of the candidate who has withdrawn must still be printed on the ballot, unless the withdrawal occurs at a time when the procedure prescribed by section ten (10) of this Act may be used.

Sec. 10. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point twenty-two (43.22) the following new section:

NEW SECTION. DEATH OR RESIGNATION OF PRIMARY CANDIDATE.

1. When any person who has filed with the state commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the seventy-fifth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth day prior to the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section forty-three point twenty-two (43.22) of the Code.

2. When any person who has filed with the commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the sixtieth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to the primary election. The name of any candidate so submitted shall be placed on the appropriate

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primary election, but not less than seventy-five days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code and section five (5) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty or more days prior to the date of that primary election. If the vacancy occurs less than seventy-five days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-nineth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than sixty days before the date of that primary election, but not less than sixty days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 8. Section forty-three point thirteen (43.13), Code 1975, is amended to read as follows:

43.13 FAILURE TO FILE NOMINATION PAPERS. ~~No~~ The name of a candidate for any office named in section 43.11 shall ~~have his name~~ not be printed on the official primary ballot of ~~his~~ the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section ten (10) of this Act.

Sec. 9. Section forty-three point sixteen (43.16), Code 1975, is amended to read as follows:

43.16 WITHDRAWALS AND ADDITIONS NOT ALLOWED. A nomination

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paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. This section shall not be construed to prohibit the person on whose behalf the paper was filed from withdrawing as a candidate. However, the name of the candidate who has withdrawn must still be printed on the ballot, unless the withdrawal occurs at a time when the procedure prescribed by section ten (10) of this Act may be used.

Sec. 10. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point twenty-two (43.22) the following new section:

NEW SECTION. DEATH OR RESIGNATION OF PRIMARY CANDIDATE.

1. When any person who has filed with the state commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the seventy-fifth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth day prior to the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section forty-three point twenty-two (43.22) of the Code.

2. When any person who has filed with the commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the sixtieth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to the primary election. The name of any candidate so submitted shall be placed on the appropriate

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ballot or ballots by the commissioner.

Sec. 11. Section forty-three point forty-one (43.41), Code 1975, is amended to read as follows:

43.41 CHANGE OR DECLARATION OF PARTY AFFILIATION BEFORE PRIMARY. Any qualified elector~~,~~ who~~,~~ ~~having declared his party affiliation,~~ desires to change ~~the same~~ or declare his or her political party affiliation, may, before the close of registration for the primary election, file a written declaration stating ~~his~~ the change of party affiliation with the county commissioner of registration who shall enter a notation of such change on the registration records.

Sec. 12. Section forty-three point forty-two (43.42), Code 1975, is amended to read as follows:

43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS. Any qualified elector may change or declare ~~his~~ a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each elector doing so shall sign an affidavit which shall be in substantially the following form:

CHANGE OR DECLARATION OF PARTY AFFILIATION

I do solemnly swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the ..... party.

.....
Signature of Elector

.....
Address

Approved:

.....
Precinct election official

Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct

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election officials to the commissioner of registration who shall enter a notation of the change on the registration records.

Sec. 13. Section forty-three point forty-six (43.46), Code 1975, is amended to read as follows:

43.46 DELIVERING RETURNS. ~~Said~~ The precinct election officials shall deliver the election register, tally sheets, certificates, envelopes containing ballots, and all unused supplies, within ~~two days~~ one day after the close of the polls, to the commissioner who shall carefully preserve the returns and envelopes in the condition in which received and deliver them to the county board of ~~canvassers~~ supervisors.

Sec. 14. Section forty-three point forty-nine (43.49), Code 1975, is amended to read as follows:

43.49 CANVASS BY COUNTY BOARD. On the Monday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

1. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

2. The name of each person voted for and the number of votes given to each person for each different office.

If the day designated by this section for the canvass is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22), of the Code shall apply.

Sec. 15. Section forty-three point fifty-two (43.52), Code 1975, is amended to read as follows:

43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each political party for any office to be filled by the voters of the entire county, or for the office of county supervisor elected from a district within the county, shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office, and that person shall appear as the party's candidate for the office

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on the general election ballot.

If no candidate receives thirty-five percent or more of the votes cast by voters of ~~his~~ the candidate's party for the office ~~he is seeking~~ sought, the primary is inconclusive and the nomination shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

When two or more nominees are required, as in the case of at-large elections, the nominees shall likewise be the required number of persons who receive the greatest number of votes cast in the primary election by the voters of the nominating party, but no candidate is nominated who fails to receive thirty-five percent of the number of votes found by dividing the number of votes cast by voters of the candidate's party for the office in question by the number of persons to be elected to that office. If the primary is inconclusive under this paragraph, the necessary number of nominations shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

Sec. 16. Section forty-three point fifty-three (43.53), Code 1975, is amended to read as follows:

43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES. The nominee of each political party for any office to be filled by the voters of any township or other political subdivision ~~of~~ within the county shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office and that person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless ~~he~~ that person receives the greater of at least five votes or a number of votes equal to at least five percent of the votes cast in the subdivision at the last preceding general

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election for the party's candidate for president of the United States or for governor, as the case may be. Nomination of a candidate whose name is not printed on the official primary ballot for the office of county supervisor elected from a district within the county shall be governed by section forty-three point sixty-six (43.66) of the Code, and not by this section.

Sec. 17. Section forty-three point fifty-five (43.55), Code 1975, is amended to read as follows:

43.55 NOMINEE CERTIFIED. The ~~said canvassing~~ board of supervisors shall separately prepare and certify a list of the candidates of each party so nominated. It shall deliver to the ~~chairman~~ chairperson of each party central committee for the county a copy of the list of candidates nominated by ~~the~~ that party ~~he represents~~; and shall also certify and deliver to ~~such chairman~~ the chairperson a list of the offices to be filled by the voters of ~~a~~ the county for which no candidate of ~~his~~ that party was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes,~~ together with the names of all of the candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of such candidates.

Sec. 18. Section forty-three point sixty (43.60), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county board of ~~canvassers~~ supervisors shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the state commissioner, viz:

Sec. 19. Section forty-three point sixty-two (43.62), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The published proceedings of the ~~canvassing~~ board of supervisors relative to the canvass shall be confined to a

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brief statement of:

Sec. 20. Section forty-three point sixty-five (43.65), Code 1975, is amended to read as follows:

43.65 WHO NOMINATED. The candidate of each political party for nomination for each office to be filled by the voters of the entire state, and for each seat in the United States house of representatives, the Iowa house of representatives and each seat in the Iowa senate which is to be filled, who receives the highest number of votes cast by the voters of that party for that nomination shall be the candidate of that party for that office in the general election. However, if there are more than two candidates for any nomination and none of the candidates receives thirty-five percent or more of the votes cast by voters of ~~his~~ that party for that nomination, the primary is inconclusive and the nomination shall be made as provided by section ~~43.101~~ forty-three point seventy-eight (43.78), subsection 1, ~~or section 43.109, subsection 1~~ paragraph a, b or c, whichever is appropriate.

Sec. 21. Section forty-three point sixty-six (43.66), Code 1975, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the

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ballot for that office. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section ~~43.97, 43.101, or 43.109, whichever is applicable~~ forty-three point seventy-eight (43.78), subsection one (1) of the Code.

Sec. 22. Section forty-three point sixty-nine (43.69), Code 1975, is amended to read as follows:

43.69 CERTIFICATES IN CASE OF FAILURE TO NOMINATE. Said state board shall, at once after completing its canvass, prepare separate certificates for each political party as to each office for which no candidate was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes cast~~ by such party ~~for such office~~. Such certificates shall show the names of the several candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

Sec. 23. Section forty-three point seventy-six (43.76), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fifth day prior to the date of the general election by so notifying the state commissioner in writing.

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that

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office on or before, but not later than, the sixtieth day prior to the date of the general election by so notifying the commissioner in writing.

Sec. 24. Section forty-three point seventy-seven (43.77), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.77 WHAT CONSTITUTES A BALLOT VACANCY. A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. No person filed under section forty-three point eleven (43.11) of the Code as a candidate for the party's nomination for that office in the primary election.

2. All persons who filed under section forty-three point eleven (43.11) of the Code as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office or died before the date of the primary election.

3. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section forty-three point fifty-two (43.52), forty-three point fifty-three (43.53) or forty-three point sixty-five (43.65) of the Code, whichever is applicable.

4. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section forty-three point seventy-six (43.76) of the Code, was found to lack the requisite qualifications for the office, or died, at a time not later than the seventy-fifth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the sixtieth day before the date of the general election in the case of an office for which nomination papers must be filed with the

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county commissioner.

5. A vacancy has occurred in the office of senator in the congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general, under the circumstances described in section four (4) of this Act, less than seventy-five days before the primary election and not less than seventy-five days before the general election, or in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code, under the circumstances described in section five (5) of this Act, less than sixty days before the primary election and not less than sixty days before the general election.

Sec. 25. Section forty-three point seventy-eight (43.78), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.78 FILLING BALLOT VACANCIES.

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:

a. For senator in the congress of the United States or any office listed in section thirty-nine point nine (39.9) of the Code, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

b. For representative in the congress of the United States, by the party's congressional district convention, which may be convened or reconvened as appropriate by the state party chairperson.

c. For senator or representative in the general assembly,

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by the party precinct committee members whose precincts lie within the senatorial or representative district involved, who shall be convened or reconvened as appropriate by the state party chairperson. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any partisan city office for which candidates are nominated under this chapter, by the party's city central committee 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.

g. 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.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraphs a, b or c of this section shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the sixty-seventh day prior to the date

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of the general election.

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. 26. Section forty-three point seventy-nine (43.79), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL. The death of a candidate nominated by a political party for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly during the period beginning on the seventy-fourth day and ending on the last day before the general election, or for the office of county supervisor during the period beginning on the fifty-ninth day and ending on the last day before the general election shall not operate to remove the candidate's name from the general election ballot, but in that circumstance section seventy-six (76) of this Act shall control.

Sec. 27. Section forty-three point eighty (43.80), Code 1975, is amended to read as follows:

43.80 VACANCIES IN NOMINATIONS OF PRESIDENTIAL ELECTORS. Vacancies in nominations of presidential electors shall be filled by the party central committee for the state. <u>The party central committee may at any time nominate alternate presidential electors.</u>

Sec. 28. Section forty-three point ninety-seven (43.97), Code 1975, is amended by striking subsections one (1), two (2), three (3) and five (5) and inserting in lieu thereof the following new subsections, and by renumbering the remaining subsection accordingly.

<u>NEW SUBSECTION</u>. Make nominations to fill vacancies on

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the general election ballot as provided by law.

NEW SUBSECTION. Transact such other business as required or permitted by the political party's state constitution or bylaws, or the rules of the convention.

Sec. 29. Section forty-three point ninety-nine (43.99), Code 1975, is amended to read as follows:

43.99 PARTY COMMITTEE PERSONS. Two members of the county central committee for each political party shall, at the precinct caucuses, be elected from each precinct. The term of office of a member shall begin immediately following the adjournment of the county convention and shall continue for two years and until his or her successor is elected and qualified, unless sooner removed by the county central committee for inattention to duty or incompetency. The party's state constitution or bylaws may permit the election of additional central committee members from each precinct in a number proportionate to the vote cast for the party's candidates for office in the respective precincts at preceding general elections.

Sec. 30. Section forty-three point one hundred (43.100), Code 1975, is amended to read as follows:

43.100 CENTRAL COMMITTEE--DUTIES. The county central committee shall organize ~~on~~ within ten days before or after the day of the county convention~~, immediately following the same~~. Each member elected to the county central committee shall receive written notice in advance of the time and place of the organizational meeting.

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

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Vacancies in such committee may be filled by majority vote of the committee, or at a precinct caucus called pursuant to the party's state constitution or bylaws.

Sec. 31. Section forty-three point one hundred one (43.101), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.101 DISTRICT CONVENTIONS. Each political party may hold a congressional district convention upon the call of the state party chairperson to:

1. Elect or nominate members of the party's state central committee.

2. Make nominations to fill vacancies on the general election ballot as provided by law.

3. Transact such other business as required or permitted by the party's state constitution or bylaws, or the rules of the convention.

Sec. 32. Section forty-three point one hundred eight (43.108), Code 1975, is amended to read as follows:

43.108 ORGANIZATION--PROXIES PROHIBITED. The convention shall be called to order by the ~~chairman~~ chairperson of the state central committee, or that individual's designee, who shall thereupon present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegates present from such county shall cast the full vote thereof if the rules of the convention, party bylaws or constitution so allow, and there shall be no proxies.

Sec. 33. Section forty-three point one hundred nine (43.109), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.109 NOMINATIONS AUTHORIZED. The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

Sec. 34. Section forty-three point one hundred twenty-one (43.121), Code 1975, is amended to read as follows:

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43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS. This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as ~~hereafter~~ provided in ~~this title~~ chapters forty-four (44) and forty-five (45) of the Code, but no person so nominated shall be permitted to use the name, or any part thereof, of any political party authorized or entitled under this chapter to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under this chapter. No person whose name appeared on the official primary election ballot as a candidate for nomination to any office shall in the same year have his or her name placed upon the general election ballot as a candidate for the same office by the procedure provided in chapter forty-four (44) or in chapter forty-five (45) of the Code.

Sec. 35. Section forty-four point three (44.3), Code 1975, is amended to read as follows:

44.3 CERTIFICATE. ~~Said~~ The certificate required by section forty-four point two (44.2) of the Code shall ~~state~~:

1. State the following information:

~~1~~ a. The name of each candidate nominated.

~~2~~ b. The office to which each candidate is nominated.

~~3~~ c. The name of the political organization making such nomination, expressed in not more than five words.

~~4~~ d. The place of residence of each nominee, with the street or number thereof, if any.

~~5~~ e. In case of presidential electors, the names of the candidates for president and vice president shall be added to the name of the organization.

~~6~~ f. The name and address of each member of the organization's executive or central committee.

~~7~~ g. The provision, if any, made for filling vacancies in nominations.

~~8~~ h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is

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made.

2. Be accompanied by an affidavit executed by the candidate nominated by the convention or caucus, 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 organization) 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.

(Signed) .....

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

.....

(Name)

.....

(Official title)"

Sec. 36. Section forty-four point nine (44.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any candidate named under this chapter ~~or chapter 43~~ may withdraw his or her nomination by a written request, signed and acknowledged by ~~him~~ that person before any officer empowered to take acknowledgment of deeds. Such withdrawal must be filed as follows:

Sec. 37. 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

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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 days prior to the election in the case of nominations required to be filed in the office of the city clerk or of the secretary of the board of directors of a local school district or of a merged area.

Sec. 38. Section forty-four point fourteen (44.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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. 39. Section forty-five point two (45.2), Code 1975, is amended to read as follows:

45.2 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition

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shall not be added by petition for the same office in the same year.

Sec. 40. Section forty-five point three (45.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

45.3 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature his or her residence address and the date of signing. The person whose nomination is proposed by the petition may not sign it. Before the petition is filed, there shall be endorsed upon or attached to it:

1. The affidavit of at least one of the signers of the petition, 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

2. An affidavit executed by that candidate, 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 ....., and hereby request that my name be 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.

(Signed) .....

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

.....

(Name)

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.....

(Official title)"

Sec. 41. Section forty-seven point one (47.1), Code 1975, 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 ~~to him~~ by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures ~~and~~, shall prescribe the necessary forms required for voter registration and the conduct of elections~~.---The state commissioner of elections may~~, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 42. Section forty-seven point two (47.2), Code 1975, is amended by striking unnumbered paragraphs three (3) and five (5).

Sec. 43. Chapter forty-seven (47), Code 1975, is amended by adding the following new section:

NEW SECTION. DATES FOR SPECIAL ELECTIONS.

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 notice shall be given at least thirty days in advance of that proposed date. 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

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or with another special election previously scheduled for that date.

2. For the purpose of this section, a conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the qualified electors of any precinct would be entitled to vote in one of the elections and all of the qualified electors of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 44. Section forty-eight point one (48.1), Code 1975, is amended to read as follows:

48.1 COMMISSIONER OF REGISTRATION. The commissioner of elections of each county is designated the commissioner of registration for that county. ~~He~~ , and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration. The commissioner of registration shall designate the principal of each high school in the county, or the principal's designee, as a special deputy commissioner of registration solely for the purpose of registering students of that high school who are eligible and wish to do so. Each deputy and special deputy designated under this section shall, when functioning in that capacity, be subject to the supervision of the county commissioner.

Sec. 45. Section forty-eight point two (48.2), Code 1975, is amended to read as follows:

48.2 WHO MAY REGISTER. Any person who is an eligible

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elector may register to vote ~~with~~ by personally submitting a completed voter registration card to the commissioner of registration or a deputy commissioner of registration in the elector's county of ~~his~~ residence. Any person who is an eligible elector in all respects except ~~that he has not attained the~~ age ~~of eighteen~~ may, at any time during the six months next preceding his or her eighteenth birthday, register to vote in the county of his or her residence. When a person less than eighteen years of age registers, the commissioner shall ~~affix to the receipt of~~ maintain a record of the registration, ~~issued as provided by section 48.6, a date which shall be~~ so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and ~~the receipt shall state on its face~~ that the person is registered and qualifies to vote in any election held on or after ~~the~~ that date ~~affixed to the registration receipt~~.

Sec. 46. Chapter forty-eight (48), Code 1975, is amended by inserting after section forty-eight point two (48.2) the following new section:

NEW SECTION. REGISTRATION BY MAIL. As an alternative to the method of registration prescribed by section forty-eight point two (48.2) of the Code, any person entitled to register under that section may submit a completed voter registration card to the commissioner of registration in the person's county of residence by United States mail, postage paid. A registration card must be received by the proper commissioner of registration before the close of registration prior to an election, as required by section forty-eight point eleven (48.11) of the Code, or the registration will not take effect for that election. An improperly addressed or delivered registration card shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 47. Section forty-eight point four (48.4), Code 1975, is amended to read as follows:

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48.4 COMMISSIONER OF REGISTRATION--DUTIES. The commissioner of registration shall have complete charge of the registration of all ~~qualified~~ voters within the county. ~~He~~, 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 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~~ blank voter registration cards 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 counties.

Sec. 48. Section forty-eight point five (48.5), Code 1975, 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 ~~his~~ the county. The original registration records shall not be removed from ~~his~~ that office or other designated locations except upon court order. ~~One copy of the original registration records which includes the elector's name, address, precinct, and party affiliation shall be prepared before the primary election and on August 1 preceding the general election, upon request and without charge, for the county chairman of each political party. The county commissioner of registration shall, each week, upon demand and without charge, from August 1 until October 1, prior to the general election and each day thereafter until the close of registration, provide the county chairman of each political party a list of electors who have registered since the last~~

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~~such list was provided. Additional copies may be provided to political parties at cost.~~ Duplicate registration records shall be open to inspection by the public at reasonable times.

2. Any person may request of the commissioner and shall receive, upon payment of the cost of preparation, a list of all qualified electors in the county, in accordance with the following requirements and limitations:

a. The commissioner shall draw up each list in the order and form specified by the requestor, so long as that order and form are within the capability of the record maintenance system used by the commissioner.

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

c. The commissioner shall not be required to provide lists during the fifteen days prior to the date of any 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, may request and shall receive without charge one list during each odd-numbered year, one list before each primary election and one list before each general election. The lists 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 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 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. 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. Each requestor, except those who obtained 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. ~~Such lists shall not~~ 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 commercial purpose, advertising, or solicitation, of any kind or nature, other than to request ~~such persons~~ a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of the name, address, telephone number, and social security number of each person who copies or ~~duplicates such~~ 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.

Sec. 49. Section forty-eight point six (48.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.6 FORM OF CARD. The voter registration card shall be suitable for mailing, and shall be in substantially the following form:

VOTERS REGISTRATION CARD

(Please print or type.)

Date: _____

1. Name: _____

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Last First Middle

2. Address: _____

Street or Route No. (Use P.O. Box No. only if no street or route identification exists)

_____

City (or Township) County Zip

3. Male __ Female __ 4. Date of birth _____

5. Social Security Number, if available _____

6. Most Recent Prior Address (if you have lived at your present address 5 years or more, you need only write "same")

_____

Street or Route No. (Use P.O. Box No. only as above)

_____

City (or Township) County Zip

7. Most Recent Prior Registration (if you have not previously registered to vote, you need only write "none")

_____

Street or Route No. (Use P.O. Box No. only as above)

_____

City (or Township) County Zip

8. Party affiliation (optional) _____

9. I certify that the above facts are correct and I understand that giving false information to procure registration to vote is a felony punishable by not less than one year in prison. I authorize cancellation of any previous registration by me as a voter.

_____

Signature of Registrant

In addition to the information required by subsection two (2) of this section, the commissioner may request whatever additional information the registrant is able to provide, at the time of registration or later, to assist the commissioner in identifying the exact location of the registrant's place of residence.

Sec. 50. Section forty-eight point seven (48.7), Code

1975, is amended by striking the section and inserting in lieu thereof the following:

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, and the previous residence address of the elector, if a change of address has occurred. 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 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 name or address before the close of registration, or moves or legally changes his or her name after the close of registration, the elector may provide the required information at the polling place on election day, in the manner prescribed by section fifty-one (51) of this Act, and shall thereupon be entitled to vote at that election.

Sec. 51. Chapter forty-eight (48), Code 1975, is amended by inserting after section forty-eight point eight (48.8) the following new section:

NEW SECTION. REGISTRATION AT THE POLLS.

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1. An eligible elector who on election day appears at the polling place for the precinct in which the eligible elector resides and who is not registered in that precinct may nevertheless vote in the election being held that day upon registering, or providing notice of a change of name, or of address from that at which he or she was previously registered. The elector may register or give notice of a change of name or address at that time by completing a registration card or a change of name or address notice and providing proof of place of residence. Place of residence may be proven by:

a. Displaying a valid Iowa operator's or chauffeur's license issued to the elector who is applying for registration and listing as the elector's address the residence on the basis of which the elector claims the right to vote in that precinct; or

b. Displaying any other document approved by the state commissioner as constituting proper evidence of place of residence; or

c. Having a qualified elector of the precinct sign an affidavit, in the presence of one or more of the precinct election officials, that the qualified elector personally knows that the applicant for registration is a resident of the precinct and, to the best of the qualified elector's knowledge, is an eligible elector.

2. The county commissioner of registration shall provide to each precinct polling place a supply of blank registration cards and forms for the completion of an affidavit as prescribed by subsection one (1), paragraph c of this section, at the time and in the manner in which other election supplies are delivered to the polling places. Registration cards and affidavits completed pursuant to this section shall be forwarded to the commissioner who shall, unless the information furnished on the completed card is substantially deficient, add the registrant's name to the list of registered voters.

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If the commissioner finds that a registration made pursuant to this section or section forty-six (46) of this Act is substantially deficient, written notice to that effect shall be sent to the registrant.

Sec. 52. Section forty-eight point twelve (48.12), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.12 REGISTRATION RECEIPT. A receipt of registration shall be given or sent to each person who registers under this chapter. Before registering a person currently an eligible elector of any precinct, while registration is closed in that precinct, the commissioner of registration shall inform the elector that it is possible to register at the polls on the day of the forthcoming election and then vote in that election. If any person nevertheless registers to vote while registration is closed preceding any election, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the day after the election for which registration is closed and that the person is registered and qualified to vote in any election held on or after that date.

Sec. 53. Chapter forty-eight (48), Code 1975, is amended by inserting after section forty-eight point twelve (48.12) the following new sections:

NEW SECTION. REGISTRATION THROUGH DRIVER'S LICENSE APPLICATION.

1. Every person who applies for an operator's or chauffeur's license or temporary driver's permit in the manner prescribed by section three hundred twenty-one point one hundred eighty-two (321.182) of the Code shall be deemed to have thereby applied to be registered to vote, if eligible, unless the applicant signs a statement which shall be provided on the application form to the effect that he or she does not desire to be registered to vote in this manner, in which case the requirements of subsections two (2) through five

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(5) of this section shall not apply. The method of voter registration established by this section shall be an alternative to other methods of voter registration provided in this chapter.

2. The applicant shall, in addition to supplying the information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code, supply the information required by section forty-eight point six (48.6), subsections seven (7) through nine (9), inclusive, of the Code of persons registering to vote, and shall be given a receipt of registration stating that the applicant is registered to vote. The applicant shall also receive in writing a statement in substantially the following form: "If the date of registration occurs within the time registration is closed in your precinct, this registration will not be effective until registration opens again in your precinct. Your county commissioner of elections can provide further information about registration." The department of transportation may not retain or maintain after the close of any working day any of the information received during that working day under the provisions of this section, except information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code.

3. The voter registration form, including all information supplied thereon by the applicant which is needed to comply with section forty-eight point six (48.6) of the Code and a copy of the applicant's handwritten signature, shall at the close of each working day be sent by first class mail or delivered personally, whichever is most feasible, by a representative of the department of transportation to the commissioner of the county in which the applicant resides. However, on the tenth and eleventh days preceding any election in a county, registrations received in that county from persons who are residents of that county shall be delivered to the commissioner within two hours after the close of the working

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day. The commissioner shall process voter registrations received by the department of transportation under the provisions of this section in the same manner as registrations received by a mobile deputy registrar.

4. If the applicant is found to be an eligible elector in all respects except that he or she has not attained the age of eighteen, the commissioner of registration shall send the applicant notice that the registration will take effect upon the applicant's eighteenth birthday.

5. If the commissioner of registration is not satisfied that the applicant is an eligible elector of the precinct in which the residence listed on the application is located, or if for any reason the information supplied on the application is not sufficient to complete the applicant's registration to vote, the commissioner of registration shall, not more than fifteen days after he receives the copy of the application, so notify the applicant by restricted certified mail and advise the applicant in the notice how to present evidence of status as an eligible elector, or to complete registration to vote. If the applicant is found to be a currently registered voter, but at a residence other than that listed on the application, the commissioner shall treat the application as a change of address notice.

NEW SECTION. ASSIGNMENT OF CERTAIN HANDICAPPED ELECTORS. Any qualified elector who is confined to a wheel chair or is otherwise so physically handicapped as to experience significant difficulty in walking or using stairs and who, notwithstanding the provisions of section forty-nine point twenty-one (49.21) of the Code, believes that he or she will find it difficult or impossible to gain physical access to the polling place for the precinct in which he or she resides, shall upon request be assigned to the special voters precinct established by section one hundred three (103) of this Act. The request may be made at the time the elector registers to vote or at any time thereafter, but no such request shall

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take effect for any election if made after the close of registration for that election.

Sec. 54. Section forty-eight point fifteen (48.15), Code 1975, is amended to read as follows:

48.15 CHALLENGES. Any person may challenge a registration at any time by filing a written challenge with the commissioner of registration. The commissioner of registration shall immediately give five days' notice of a hearing by registered or certified mail to the challenger and the person challenged. If the person challenged fails to appear, his or her name shall be removed from the registration list. However, if the person challenged notifies the commissioner prior to the date set for the hearing ~~that he is unable~~ of inability to appear on the date specified, the commissioner may reschedule the hearing. At such hearing the commissioner shall hear such evidence as he or she deems to have probative value. The person challenged shall be required to sign an affidavit ~~as provided in section 48.6, subsection 10~~, in a form prescribed by the state commissioner, which states that the registrant is an eligible elector of the precinct in which he or she has registered, and may then be questioned concerning his or her voting residence and qualifications. In all cases the commissioner shall decide the right to the entry under the evidence. Either party may appeal to the district court of the county in which the challenge is made, and a date for the hearing shall be fixed and the decision of such court shall be final.

Sec. 55. Section forty-eight point twenty-seven (48.27), subsection one (1), paragraph b, Code 1975, is amended to read as follows:

b. Each political party shall submit a list of nominees and may request not more than one person for each ~~one thousand~~ six hundred residents or major fraction thereof in the county to be appointed as mobile deputy registrars.

Sec. 56. Section forty-eight point twenty-seven (48.27),

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subsection four (4), paragraph b, Code 1975, is amended to read as follows:

b. Mobile deputy registrars shall register electors on registration ~~forms~~ cards provided by the county commissioner of registration. These ~~forms~~ cards shall be in the form prescribed by section forty-eight point six (48.6) of the Code except that they shall be numbered and accounted for by the mobile deputy registrar to the county commissioner of registration. ~~There~~, and that there shall be provided on ~~said form~~ each card a space for the mobile deputy registrar's signature ~~of the~~ . The mobile deputy registrar ~~who~~ shall sign ~~same~~ the card and identify himself or herself in the presence of the voter with appropriate identity papers or badge provided by the county commissioner of registration. The mobile deputy registrar shall give the voter a receipt signed by the mobile deputy registrar stating that such person is duly registered.

Sec. 57. Section forty-eight point twenty-seven (48.27), subsection four (4), Code 1975, is amended by striking paragraph c.

Sec. 58. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph d, Code 1975, 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's office shall remain open until at least six o'clock p.m. on that day, unless it is a Sunday or a legal holiday. Failure to ~~comply with this provision~~ return registration materials as required by this paragraph shall be a misdemeanor.

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Sec. 59. Section forty-eight point twenty-nine (48.29), Code 1975, is amended to read as follows:

48.29 REMOVAL OF REGISTRATION. The county commissioner of registration who registers an elector who has changed ~~his~~ residence shall notify the county commissioner of registration of the registrant's former residence that the registrant has become a qualified elector at ~~his~~ that person's present residence. The submission of a completed voter registration card to the county commissioner of registration by the registrant shall ~~execute~~ constitute an authorization to the county commissioner of registration of ~~his~~ the registrant's former residence to remove the registrant's registration there. The county commissioner of registration of the former residence shall cause the registrant's record to be removed from ~~his~~ the file of valid registrations in that county.

Sec. 60. Section forty-nine point twelve (49.12), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one hundred votes were cast in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each such additional machine. The commissioner may appoint additional precinct election officials for any precinct in which it appears likely that an unusually high number of voters will register at the polls under section fifty-one (51) of this Act. Double election boards may be appointed for any precinct as provided by chapter fifty-one (51) of the Code. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double

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election board is appointed, shall be members of the same political party or organization if one or more qualified electors of another party or organization are qualified and willing to serve on the board. ~~Double-election-boards-may be-appointed-for-any-precinct-as-provided-by-chapter-51.~~

Sec. 61. Section forty-nine point thirteen (49.13), Code 1975, is amended to read as follows:

49.13 COMMISSIONER TO APPOINT MEMBERS, ~~CHAIRMAN~~ CHAIRPERSON.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. It is not necessary that precinct election officials be residents of the precinct in which they are appointed to serve.

2. Each election board member shall be a member of one of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the precinct at the last general election, except that persons not members of either of these parties may be appointed to serve for any election in which no candidates appear on the ballot under the heading of either of these political parties.

3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county ~~chairmen~~ chairpersons of these political parties for placement on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified and allowed two working days to designate a replacement.

4. The commissioner shall designate one member of each precinct election board as ~~chairman~~ chairperson of that board,

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and also of the counting board authorized by chapter 51 if one is appointed, with authority over the mechanics of the work of both boards.

Sec. 62. Section forty-nine point fifteen (49.15), Code 1975, is amended to read as follows:

49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years. Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county ~~chairmen~~ chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known ~~to him~~ by the commissioner to be members of these political parties, if the respective county ~~chairmen~~ chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised ~~him~~ the commissioner they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either of these political parties, or whom either ~~a school board or~~ the city council of a city of three thousand five hundred or less population or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

Sec. 63. Section forty-nine point sixteen (49.16), subsection four (4), Code 1975, is amended to read as follows:

4. In appointing the election board for any election conducted for ~~any school district or~~ a city of three thou-

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sand five hundred or less population or any school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

Sec. 64. Section forty-nine point twenty-four (49.24), Code 1975, is amended to read as follows:

49.24 SCHOOLHOUSES AS POLLING PLACES. In precincts outside of cities the election shall, if practicable, be held in ~~the~~ a public school building. ~~All~~ Any damage to the building or furniture resulting from the election shall be paid by the county.

Sec. 65. Section forty-nine point twenty-five (49.25), Code 1975, is amended to read as follows:

49.25 EQUIPMENT REQUIRED AT POLLING PLACES.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct where voting machines are to be used for any election, in advance of that election, one voting machine meeting the requirements of chapter fifty-two (52) of the Code for every three hundred voters or major fraction thereof who voted in the last preceding similar election held in the precinct.

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:

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

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

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

~~4~~ d. The numbering of voting booths shall not be less than one to every three hundred voters or major fraction thereof who voted at the last preceding similar election in the precinct.

~~5~~ e. The booths shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the commissioner or his or her designee for safekeeping and for future use.

Sec. 66. Section forty-nine point twenty-six (49.26), Code 1975, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

Sec. 67. Section forty-nine point twenty-eight (49.28), Code 1975, is amended to read as follows:

49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES. The commissioner shall prepare and furnish to each precinct an election register, and all other books, blanks, materials,

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and supplies necessary to carry out the provisions of this chapter. Voter registration records shall be kept so that the election register for each precinct contains the names of no electors except those eligible to vote in that precinct. When a precinct lies in more than one political subdivision or district from which any officer is elected, the election register must clearly indicate who are the eligible electors of each political subdivision or district in which the precinct lies. ~~The election register does not need to indicate the eligible electors of~~, including school director districts.

Sec. 68. Section forty-nine point thirty-one (49.31), Code 1975, is amended to read as follows:

49.31 ARRANGEMENT OF NAMES ON BALLOT.

1. All nominations of any political party or group of petitioners, except as provided in section 49.30, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in section 49.32.

2. The commissioner shall prepare a list of the election precincts of ~~his~~ the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township. ~~He~~ The commissioner shall then arrange the surnames of each political party's candidates for ~~such offices~~ each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially

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followed in elections in political subdivisions of less than a county.

3. The ballots for any city elections or school elections, or any special election at which any office is to be filled on a nonpartisan basis shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election or special election to fill an office is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by ~~the preceeding paragraph~~ subsection two (2) of this section.

4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the heading for that office on the precinct ballot shall be immediately followed by a notation of the number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom he or she desires to vote for any office or nomination on the ballot.

Sec. 69. Section forty-nine point thirty-five (49.35), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.35 ORDER OF ARRANGING TICKETS ON BALLOT. Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section forty-nine point thirty-seven (49.37) of the Code by the authorities charged with the printing of the ballots. However, if a total of more than seven political parties and groups of petitioners are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns.

Sec. 70. Section forty-nine point thirty-seven (49.37),

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Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.37 COLUMNS OR ROWS TO BE SEPARATED AND ROTATED.

1. Each column or row containing a ticket or tickets, each preceded by the name of a political party or a group of petitioners, shall be separated by a distinct line appearing on the ballot. The names of candidates for nonpartisan offices shall be placed on a separate column or row on the ballot.

2. The commissioner shall arrange the political party columns or rows alphabetically at the left or top of the ballot, as the case may be, for the first precinct on the list prepared pursuant to section forty-nine point thirty-one (49.31), subsection two (2) of the Code. Thereafter, for each succeeding precinct on the list, the party name appearing first on the ballot for the last preceding precinct shall be placed last, so that the name that was second before the change shall be first after the change. The columns or rows of nonparty political organizations shall be placed alphabetically to the right or below the columns or rows of the political parties, followed by the column or row in which the names of candidates for nonpartisan offices appear.

Sec. 71. Section forty-nine point forty-two (49.42), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

Sec. 72. Section forty-nine point forty-nine (49.49), Code 1975, is amended to read as follows:

49.49 PRINTING OF BALLOTS ON PUBLIC MEASURES. All ~~of such~~ ballots for use in voting on a particular public measure at the same polling place shall be of the same size, similarly printed, upon ~~yellow-colored~~ paper of the same color, which shall be other than white. If voting is to be

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by machine the public measures shall all be printed upon yellow colored paper. If more than one public measure is placed before the voters of any precinct at the same time by means of paper ballots, the ballots for each public measure shall be printed upon paper of a different color, employing in each case ink of a suitably contrasting color. A list of permissible ink and paper color combinations shall be established by rules of the state commissioner, adopted in accordance with chapter seventeen A (17A) of the Code. On the back of each such ballot shall be printed appropriate words, showing that such ballot relates to a constitutional or other question to be submitted to the electors, so as to distinguish the said ballots from the official ballot for candidates for office, 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. 73. Section forty-nine point fifty-one (49.51), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.51 COMMISSIONER TO CONTROL PRINTING. The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section forty-seven point two (47.2) of the Code for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the qualified electors of that political subdivision. Only the facsimile of the signature of the commissioner under whose direction the ballot is printed shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under his or her

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direction conforms to all applicable requirements of this chapter.

Sec. 74. Section forty-nine point fifty-three (49.53), Code 1975, 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 ballot of the first rotation as prescribed by section 49.31, ~~second paragraph~~ 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 be reduced in size to the extent permitted by the rules of the state commissioner. 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. 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. 75. Section forty-nine point fifty-seven (49.57),

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subsection five (5), Code 1975, 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, 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. 76. Section forty-nine point fifty-eight (49.58), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES. If any candidate nominated by a political party, as defined in section forty-three point two (43.2) of the Code, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the seventy-fourth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the fifty-ninth day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter fifty (50) of the Code. Instead, a special election shall be held on the fifth Tuesday following the date of the general election, for the purpose of electing a person to fill that office. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section forty-three point seventy-eight (43.78) of the Code for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for

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the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 77. Section forty-nine point fifty-nine (49.59), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.59 STATEMENT OF DISABILITY OF CERTAIN CANDIDATES. A written statement that a candidate for any of the offices to which section forty-nine point fifty-eight (49.58) of the Code is applicable has become so disabled as to permanently preclude the candidate from discharging the duties of the office sought may be submitted at any time during the period specified in that section to the state commissioner, or to the commissioner in the case of a candidate for county supervisor. The statement shall be of no effect unless signed by a majority of the members of the state central committee of the candidate's political party, except that in the case of a candidate for the general assembly the statement must be signed by at least ten of the persons empowered by section forty-three point seventy-eight (43.78), subsection one (1), paragraph c of the Code to fill a general election ballot vacancy for that office, and in the case of a candidate for county supervisor the statement shall be signed by a majority or at least ten members, whichever is fewer, of the county central committee of the candidate's political party.

Sec. 78. Section forty-nine point sixty (49.60), Code

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1975, is amended by striking the section and inserting in lieu thereof the following:

49.60 VERIFICATION OF CANDIDATE'S DISABILITY. Upon the filing of a statement under section forty-nine point fifty-nine (49.59) of the Code asserting the disability of a candidate, the state commissioner shall at once request examination of the candidate by a panel of at least two physicians designated for this purpose by the state board of medical examiners, on a stand-by basis, not later than July first of each even-numbered year. In the case of a candidate for county supervisor, the commissioner shall request examination of the candidate by the county medical examiner and at least one other physician whose participation the medical examiner requests. The examining physicians shall at the earliest practicable time report their findings in writing to the state commissioner or the commissioner, as the case may be. If the examining physicians are not afforded the opportunity to examine the candidate after reasonable efforts to make the necessary arrangements, they shall so report and the report to that effect shall be treated as a verification of the asserted disability of the candidate.

Sec. 79. Section forty-nine point sixty-one (49.61), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.61 EFFECT OF CANDIDATE'S VERIFIED DISABILITY. If the examining physicians verify the asserted disability of the candidate, the effect with respect to the general election shall be the same as if the candidate had died. If the statement that a candidate has become disabled is filed so late that the medical examination of the candidate cannot be completed before the date of the general election, the vote cast for the office in question shall be tallied upon the closing of the polls as prescribed by law, but if the asserted disability of the candidate is subsequently verified the canvasses prescribed by sections fifty point twenty-four

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(50.24) and fifty point thirty-eight (50.38) of the Code shall not be held as to the office in question, and a special election to fill that office shall be held as provided by section forty-nine point fifty-eight (49.58) of the Code. In that case, a period of seven days shall be allowed from the date the examining physicians file their written report verifying the asserted disability of the candidate to designate a replacement candidate and any additional candidate in the manner prescribed by that section.

Sec. 80. Section forty-nine point seventy-three (49.73), Code 1975, is amended to read as follows:

49.73 TIME OF OPENING AND CLOSING POLLS. 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 ~~any school district or~~ a city of three thousand five hundred or less population or any school district at which ~~he~~ the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to 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 shall not do so for any election if there is filed in the commissioner's office, at least ~~twenty~~ 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 not be opened 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

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publication of the notice required by section 49.53. In all cases the polling places shall be closed at ~~eight~~ nine o'clock p.m.

Sec. 81. Section forty-nine point seventy-seven (49.77), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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 ~~he~~ that person claims ~~his~~ 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, or the person registers or executes a notice of change of name, or of address within the county, at the polling place as authorized by section six (6) of this Act. The elector shall sign a voter's declaration provided by the officials, in substantially the following form:

Sec. 82. Chapter forty-nine (49), Code 1975, is amended by inserting after section forty-nine point seventy-seven (49.77) the following new section:

NEW SECTION. The precinct election officials may instruct eligible electors awaiting an opportunity to register at the polling place as permitted by section fifty-one (51) of this Act to stand in a separate line from qualified electors who are awaiting an opportunity to vote. One or more precinct election officials, as circumstances permit, may be assigned to register eligible electors at the polling place. Any eligible elector awaiting an opportunity to register and then to vote at the time the polling place is to be closed shall

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be entitled to the same rights as qualified electors under section forty-nine point seventy-four (49.74) of the Code.

Sec. 83. Section forty-nine point seventy-nine (49.79), Code 1975, is amended to read as follows:

49.79 CHALLENGES. Any person offering to vote may be challenged as unqualified by any precinct election official or elector; and it is the duty of each ~~of the officials~~ official to challenge any person offering to vote whom ~~he~~ the official knows or suspects is not ~~to be~~ duly qualified. ~~At primary elections challenges may be made on the grounds stated in section 43.44.~~ No official shall receive a ballot from a voter who is challenged, until ~~such voter shall have established his~~ the voter's right to vote has been duly established.

Sec. 84. Section forty-nine point eighty (49.80), Code 1975, is amended by striking subsection three (3).

Sec. 85. Section forty-nine point one hundred four (49.104), subsection three (3), Code 1975, is amended to read as follows:

3. Any number of persons not exceeding three from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section fifty-one point eleven (51.11), the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

Sec. 86. Section forty-nine point one hundred twenty-five (49.125), Code 1975, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section seventy-nine point nine (79.9) of the Code if the distance involved

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is more than five miles. The wages shall be two dollars per hour and payment of wages and expenses for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 87. 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. 88. Section fifty point seventeen (50.17), Code 1975, is amended to read as follows:

50.17 RETURN OF ELECTION REGISTER. The precinct election register prepared for each election, together with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the commissioner by one of the precinct election officials within ~~two days~~ one day after the day of the election.

Sec. 89. Section fifty point nineteen (50.19), Code 1975, is amended to read as follows:

50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The commissioner ~~shall file~~ may destroy precinct election registers ~~and other papers pertaining to registration, together with~~ the declarations of eligibility signed by voters ~~at the~~

and other material pertaining to an election, ~~in his office and preserve the same for four years and until the determination of any contest then pending, after which they shall be destroyed~~ except the tally lists, six months after the election if no contest is pending. If a contest is pending all election materials shall be preserved until final determination of the contest.

Sec. 90. Section fifty point twenty-four (50.24), Code 1975, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS. The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass~~, and~~ . If that Monday is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22) of the Code shall control. Upon convening, the board shall open and canvass the tally lists~~. The board~~ and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office or on each question on the ballot for the election. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 91. Section fifty-one point eleven (51.11), Code 1975, is amended to read as follows:

51.11 PRESENCE OF PERSONS. No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board and the witnesses appointed and accredited under section forty-nine point one hundred four (49.104), subsection three (3) of the Code. It shall be unlawful for any witness to

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communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 92. Section fifty-two point four (52.4), Code 1975, is amended to read as follows:

52.4 COMMISSIONERS--TERM--REMOVAL. The governor shall appoint three ~~commissioners~~ members to a board of examiners for voting machines, not more than two of whom shall be from the same political party. The ~~said commissioners~~ examiners shall hold office for the term of five years, subject to removal at the pleasure of the governor.

Sec. 93. Section fifty-two point five (52.5), Code 1975, is amended to read as follows:

52.5 EXAMINATION OF MACHINE. Any person or corporation owning or being interested in any voting machine may call upon the said ~~commissioners~~ examiners to examine the said machine, and make report to the state commissioner upon the capacity of the said machine to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections under the conditions prescribed in this chapter. If the report states that the machine can be so used, it shall be deemed approved by the ~~commissioners~~ examiners, and machines of its kind may be adopted for use at elections as herein provided. Any form of voting machine not so approved cannot be used at any election.

Sec. 94. Section fifty-two point six (52.6), Code 1975, is amended to read as follows:

52.6 COMPENSATION. Each ~~commissioner~~ examiner is entitled to one hundred fifty dollars for his or her compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such

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examination. No ~~commissioner~~ examiner shall have any interest whatever in any machine reported upon. Provided that ~~said commissioner~~ each examiner shall ~~not~~ receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned into the state treasury.

Sec. 95. Section fifty-two point seven (52.7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

A voting machine approved by the state board of examiners for voting ~~machine commissioners~~ machines must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy.

Sec. 96. Section fifty-two point nine (52.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

It shall be the duty of the commissioner or ~~his~~ the commissioner's duly authorized agent ~~when so requested by the county chairman of one of the political parties referred to in section 49.13,~~ to examine and test the voting machines to be used at any election after the machines have been prepared for the election and not less than twelve hours before the opening of the polls on the morning of the election. ~~If voting machines are to be so examined and tested, the chairman~~ The county chairperson of each political party referred to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time said machines shall be examined and tested so that they may be present, or have a representative present. Those present for the examination and testing shall sign a certificate which shall read substantially as follows:

Sec. 97. Section fifty-two point eighteen (52.18), Code

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1975, is amended to read as follows:

52.18 METHOD OF VOTING. After the opening of the polls, the precinct election officials shall not allow any voter to enter the voting machine booth until they ascertain that he is duly entitled to vote. Only one voter at a time shall be permitted to enter the voting machine booth to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons, except as provided by ~~this chapter~~ sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall be removed by the officials.

Sec. 98. Section fifty-two point twenty-two (52.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The precinct election officials shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain until thirty days after the proclamation of the results of said election, except that it shall remain locked only ten days after a primary election, ~~including~~ and only two days after a city primary election, if such election is not contested. However, if the machines in any precinct are so constructed as to deliver, immediately upon conclusion of the voting at any election, 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 machines may be unlocked immedately following the canvass of votes by the county board of supervisors unless the precinct election board informs the commissioner that the printed record produced by the machine is smeared, torn or otherwise unreadable. In the latter case, the machines shall be kept locked for the period

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of time prescribed for machines which do not print such a record.

Sec. 99. Section fifty-two point twenty-five (52.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least two places within the voting precinct and on the left-hand side inside the curtain of each voting machine, said printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the inserts used in said voting machines, except that: (1) in the case of the question of a constitutional convention, or of an amendment or measure to be voted on in ~~more than one county~~ the entire state, the summary to be placed in the voting machine inserts shall be worded by the state commissioner of elections as required by section 49.44; and (2) in the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section forty-seven point two (47.2) of the Code for conducting that election.

Sec. 100. Section fifty-three point one (53.1), subsection two (2), Code 1975, is amended to read as follows:

2. When, through illness or physical disability, ~~he~~ the elector expects to be prevented from going to the ~~polls~~ polling place in the elector's precinct of residence and voting on election day.

Sec. 101. Section fifty-three point eight (53.8), Code 1975, is amended to read as follows:

53.8 BALLOT MAILED.

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, it shall be the duty of the commissioner to mail an absentee ballot to the applicant within twenty-four hours. The ab-

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sentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the qualified elector, except as otherwise provided in subsection three (3) of this section.

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

3. 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 eleven (111) 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 four (104) of this Act.

Sec. 102. Section fifty-three point seventeen (53.17), Code 1975, is amended by striking unnumbered paragraphs two (2) and three (3).

Sec. 103. Chapter fifty-three (53), Code 1975, is amended by inserting after section fifty-three point nineteen (53.19) the following new section:

NEW SECTION. SPECIAL PRECINCT ESTABLISHED. There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be coterminous with the borders of the

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county, for the purposes specified by sections one hundred four (104), one hundred five (105) and one hundred six (106) of this Act, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section forty-nine point fifteen (49.15) of the Code, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel.

Sec. 104. Chapter fifty-three (53), Code 1975, is amended by inserting before section fifty-three point twenty-two (53.22) the following new section:

NEW SECTION. BALLOTING BY CONFINED PERSONS.

1. An applicant 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 (103) 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 five working days preceding the election and on election day if necessary. The special precinct election officers shall notarize each absentee ballot delivered by them as required by this chapter; 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 ballots so delivered

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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. They may assist the applicant in filling out the ballot as permitted by section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day.

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility within three days prior to the date of any election may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section fifty-three point two (53.2) of the Code, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. These officers shall transmit the request to the commissioner and, if the requestor is found to be a qualified elector of that county, deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 105. Section fifty-three point twenty-two (53.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

53.22 VOTING IN SPECIAL PRECINCT BY HANDICAPPED VOTERS. Any qualified elector who properly so requests under section fifty-three (53) of this Act shall be assigned to vote in person on election day in the absentee ballot and special voters precinct, regardless of the elector's place of residence within the county. The polling place of that precinct shall be centrally located in the county, relative to the places of residence of the greatest proportion of the county's population, and shall be accessible without use of stairs or, if this is not feasible, shall be furnished with temporary or permanent ramps and otherwise so equipped that it is readily accessible to persons handicapped to the extent described

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in section fifty-three (53) of this Act. There shall be no absentee ballot voting by qualified electors who have at their own request been assigned to vote in person on election day in the special precinct, except as provided by section one hundred four (104) of this Act. Any other provision of the law to the contrary notwithstanding, there shall be no registration at the polling place on election day in the special precinct.

Sec. 106. Section fifty-three point twenty-three (53.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

53.23 SPECIAL PRECINCT ELECTION BOARD.

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code, except that:

a. The commissioner shall appoint both a receiving board to serve qualified electors voting in person in the special precinct on election day and a counting board to begin counting absentee ballots during the hours the polling place is open; and

b. The number of precinct election officials appointed to the counting board shall be sufficient to complete the counting of absentee ballots by ten o'clock p.m. on election day.

2. The receiving board shall have the duties prescribed by section fifty-one point four (51.4) of the Code for receiving boards in precincts where double election boards are appointed, except that the state commissioner shall prescribe by rule procedures by which the receiving board may assist the counting board in counting absentee ballots during the hours the polling place is open if the number of qualified electors assigned to vote in person there is so low or the turnout for any election is so small as to make it feasible

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for the receiving board to do so.

3. The counting board's powers and duties shall be the same as those provided in chapter fifty (50) of the Code for precinct election officials in regular precinct polling places. However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

4. The commissioner shall set the convening time for the counting board, allowing a reasonable amount of time to complete counting all absentee ballots by ten o'clock p.m. on election day. The commissioner may direct the counting board or the entire election board of the special precinct, as the commissioner deems appropriate, to meet on the day prior to the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes if in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, but under no circumstances shall a sealed ballot envelope be opened before the counting board convenes on election day.

5. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the counting board, those members of the receiving board assisting with counting of absentee ballots as authorized by subsection two (2) of this section, one challenger representing each political party, one observer representing any nonparty political organiza-

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tion or any candidate nominated by petition pursuant to chapter forty-five (45) of the Code or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

6. Votes cast in person in the special precinct, as authorized by section one hundred five (105) of this Act, shall be counted by the special precinct election board after the polling place has been closed. The election board shall not release the results of its tabulation until all of the ballots to be counted by it have been counted.

Sec. 107. Section fifty-three point thirty-eight (53.38), Code 1975, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION. Whenever ~~registration is required in order to vote at either the primary election or general election, in the case of voters~~ a ballot is requested pursuant to section fifty-three point thirty-nine (53.39) of the Code on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, ~~otherwise qualified~~ if he or she is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration~~, if registration is required~~ under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if it does not already appear there.

Sec. 108. Section fifty-four point two (54.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

54.2 HOW ELECTED. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively

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deemed to be a vote for:

1. Each of the two candidates who shall be nominated for presidential electors at large in the state by the political party or group of petitioners; and

2. The candidate nominated by the political party or group of petitioners for presidential elector from the congressional district in which the vote is cast.

The state commissioner of elections shall not place upon the general election ballot the names of any candidates for president and vice president of the United States unless the political party or group of petitioners supporting those candidates in this state have furnished the state commissioner a list of the persons nominated by that party or group as state and congressional district presidential electors, and sworn statements signed by each nominee pledging that, if elected, the nominee will vote for the candidates for president and vice president of the United States supported by that political party or group of petitioners.

Sec. 109. Section sixty-nine point twelve (69.12), subsection one (1), Code 1975, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the next pending election is the general election, the time period referred to in paragraphs a and b of this subsection shall be fifty days, rather than forty days.

Sec. 110. Section sixty-nine point fourteen (69.14), Code 1975, is amended to read as follows:

69.14 SPECIAL ELECTION TO FILL VACANCIES. A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event

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the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten days' notice thereof. Any special election called under this section must be held on a Tuesday.

Sec. 111. Chapter one hundred thirty-five C (135C), Code 1975, is amended by adding the following new section:

NEW SECTION. LICENSE LIST TO COUNTY COMMISSIONER OF ELECTIONS. To facilitate the implementation of section fifty-three point eight (53.8), subsection three (3) of the Code and section one hundred four (104) of this Act, the commissioner shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility.

Sec. 112. Section one hundred forty-five A point eleven (145A.11), Code 1975, is amended to read as follows:

145A.11 TERMS OF MEMBERS. The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five ~~qualified~~ eligible electors from the area district~~,-and-shall-be-filed-with-the-board. When-nominations are-complete,-the-board-shall-certify-the-names-of-the-nominees to-each-county-auditor-of-the-respective-area-districts.~~

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Sec. 113. Section two hundred seventy-five point twenty-five (275.25), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Provided, however, in cases involving two districts only, where the population of the new district does not exceed the population of the more populous of said districts by more than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms. Section forty-nine point eight (49.8), subsection four (4) of the Code shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board ~~caused by change in boundaries~~ shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 114. Section two hundred seventy-five point thirty-five (275.35), Code 1975, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS. Any existing or hereafter created or enlarged school district may change the number of directors from five to seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election and describing the boundaries of the proposed director districts if any, by the school board of such district to the electors at any regular or special school election. The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 to 53 by the county commissioner of elections. Such proposal shall be adopted:

~~1. If, in a district where the existing method of election of school directors is by election at large, it is approved~~

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~~by a majority of the votes cast on the proposition;~~

~~2. If, in a district which is subdivided into director districts for the election of all or part of the school directors,~~ if it is approved by a majority of the votes cast on the proposition.

Sec. 115. Section two hundred seventy-seven point six (277.6), Code 1975, is amended to read as follows:

277.6 TERRITORY OUTSIDE CITY OR COUNTY. If there is within a school corporation any territory not within the limits of the ~~city or~~ county whose county commissioner of elections is responsible under section forty-seven point two (47.2) of the Code for conducting that school corporation's elections, the ~~county~~ commissioner ~~of elections~~ may divide the territory which lies outside the ~~city or~~ county but within the school district into additional precincts, or may attach the various parts thereof to ~~such~~ contiguous ~~city or county~~ precincts within the same county in accordance with section forty-nine point three (49.3) of the Code, and as will best serve the convenience of the electors of said territory in voting on school matters.

Sec. 116. Section two hundred seventy-seven point twenty-six (277.26), Code 1975, is amended to read as follows:

277.26 TREASURER. In ~~districts composed in whole or in part of cities~~ each school district a treasurer shall be chosen at the regular election. He shall serve without pay and his term shall begin on the first secular day of July following his election and continue for two years and until his successor is elected or appointed and qualified.

Sec. 117. Section two hundred seventy-seven point twenty-nine (277.29), Code 1975, is amended to read as follows:

277.29 VACANCIES. Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing his or her

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residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, his office, or the decision of a competent tribunal declaring his office vacant; the conviction of incumbent of an infamous crime or of any public offense involving the violation of his oath of office, shall constitute a vacancy.

Sec. 118. Section two hundred seventy-seven point thirty (277.30), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

277.30 VACANCIES FILLED BY ELECTION. When vacancies are to be filled by election, the provisions of section sixty-nine point twelve (69.12) of the Code shall control.

Sec. 119. Section two hundred seventy-eight point one (278.1), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

9. Authorize a change from five to seven directors. The proposition for the change shall specify which of the four methods of election authorized by section two hundred seventy-five point twelve (275.12), subsection two (2) of the Code is to be used if the change is approved by the voters.

10. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection within the next six years.

Sec. 120 Section two hundred seventy-eight point two (278.2), Code 1975, is amended to read as follows:

278.2 SUBMISSION OF PROPOSITION. The board may, and upon the written request of twenty-five ~~voters~~ elibible electors of any district having a population of five thousand or less, or of fifty ~~voters~~ eligible electors of any other district,

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shall direct the county commissioner of elections to provide in the notice of the regular election for submitting any proposition authorized by law to the voters. However, when the board has directed the commissioner to submit to the voters a proposition authorized by section two hundred seventy-eight point one (278.1), subsections nine (9) or ten (10), it shall not thereafter direct him to submit at the same election any other proposition under either of these subsections.

Sec. 121. Section two hundred seventy-nine point three (279.3), Code 1975, is amended to read as follows:

279.3 APPOINTMENT OF SECRETARY ~~AND TREASURER~~. At the meeting of the board the first secular day after the seventh day in July the board shall appoint a secretary who shall not be a teacher or other employee of the board. ~~It shall also, except in districts composed in whole or in part of a city, appoint a treasurer. Such officers~~ The secretary shall be appointed from outside the membership of the board for terms of one year beginning with the first secular day after the seventh day in July which appointment and qualification shall be entered of record in the minutes of the secretary. ~~They~~ The secretary shall qualify within ten days following ~~their~~ appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until ~~their successors are~~ a successor is appointed and qualified.

Sec. 122. Section two hundred seventy-nine point six (279.6), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until ~~the organization of the board the third Monday in September immediately following the next regular election and until his~~ a successor is elected and

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qualified pursuant to section sixty-nine point twelve (69.12) of the Code. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until his successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

Sec. 123. Section two hundred eighty A point twelve (280A.12), Code 1975, is amended to read as follows:

280A.12 GOVERNING BOARD. The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Terms of members of the board of directors shall be three years except that members of the initial board of directors elected at the special election shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year. Vacancies on the board which occur more than ninety days prior to the next ~~annual~~ regular school election ~~shall~~ may be filled at the next regular meeting of the board by appointment by the remaining members of the board. ~~The~~ A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until ~~the next annual school election, at which election~~ a member shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29. No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 124. Section two hundred ninety-six point four

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(296.4), Code 1975, is amended to read as follows:

296.4 NOTICE--BALLOTS. Notice of the election shall be given by the county commissioner of elections by publication ~~once each week for four weeks in some newspaper of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted, and shall be in lieu of any other notice, any other statute to the contrary notwithstanding~~ in accordance with section forty-nine point fifty-three (49.53) of the Code. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors.

Sec. 125. Section three hundred three B point two (303B.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The regional library system shall consist of seven regional boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees ~~elected~~ appointed to the boards in the following numbers and from the following districts:

Sec. 126. Section three hundred three B point three (303B.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

303B.3 APPOINTMENT. Regional library trustees shall be appointed by the governor from lists of nominees submitted for each appointment by the state library commission and the Iowa library association. At least two nominees shall be submitted for each appointment to a regional library board.

Sec. 127. Section three hundred three B point four (303B.4), Code 1975, is amended to read as follows:

303A.4 TERMS. Regional library trustees shall take office on the first day of January following ~~the general election~~

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their appointment and shall serve terms of four years, except that trustees elected to the initial board in the year 1974 shall determine their respective terms by lot so that three members shall serve terms of two years and four members shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the ~~next general election~~ expiration of the term in which the vacancy occurs by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during his or her term of office as a regional library trustee.

Sec. 128. Section three hundred six C point ten (306C.10), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Political sign" means an outdoor sign of a temporary nature, not larger than nine square feet in surface area, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nominaton or election or any public question on the ballot in an election held under the laws of this state.

Sec. 129. Chapter three hundred six C (306C), Code 1975, is amended by adding the following new section:

NEW SECTION. It shall be lawful to place political signs on private property with permission of the owner or person in charge of the property at any time during the period beginning forty-five days before the date of the election to which the signs pertain and ending on the day of the election, even if such placement would otherwise be a violation of this chapter. This section shall not be construed to authorize placement of any political sign at any location where it may, because of its size, location, content or coloring constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by detracting from the visibility of any traffic control device or by being confused with an authorized traffic control device. The

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exemption from provisions of this chapter granted by this section for political signs shall expire on the seventh day following the date of the election to which the signs pertain. A municipal corporation shall adopt no ordinance which prohibits the placement of political signs on private property as permitted by this section during the period beginning twenty-one days before the date of the election to which the signs pertain, nor requires removal of the political signs so placed less than seven days after the date of that election.

Sec. 130. Section three hundred twenty-one point one hundred eighty-two (321.182), Code 1975, is amended to read as follows:

321.182 APPLICATION FOR LICENSE OR PERMIT. Every application for an instruction permit or for an operator's or chauffeur's license or temporary drivers permit shall be made upon a form furnished by the department ~~and~~, which shall, except in the case of an application for an instruction permit, provide space for the applicant to supply both the information specified by section fifty-three (53), subsection two (2) of this Act, and the information required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code. The form shall include only one copy upon which may be entered the information specified by section fifty-three (53), subsection two (2) of this Act but not required by section three hundred twenty-one point one hundred eighty-three (321.183) of the Code. That copy of the form shall be so arranged that a portion thereof may serve as the registrant's receipt of his registration to vote. The remainder of that copy of the form, or the entire copy if the applicant signs the statement provided on the form to the effect that he or she does not desire to be registered to vote in this manner, shall be mailed or delivered to the county commissioner of registration as required by section fifty-three (53), subsection three (3) of this Act. The application shall be verified by the applicant before a person

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authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge. The applicant shall write his or her usual signature with pen and ink upon the application in the space provided for signature.

Sec. 131. Section three hundred forty-seven point ten (347.10), Code 1975, is amended to read as follows:

347.10 VACANCIES. Vacancies in the board of trustees ~~shall~~ may be filled by an appointment to fill the vacancy by the remaining members of the board of trustees.~~---In-the event-that~~ or, if fewer than four trustees remain on the board, ~~the-vacancies-shall-be-filled~~ by the board of supervisors, for the period until the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code. Should any board member be absent for four consecutive regular board meetings, without prior excuse, his position shall be declared vacant and filled as set out above.

Sec. 132. Section three hundred forty-seven point twenty-five (347.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The election of hospital trustees whose offices are established by this chapter or chapter one hundred forty-five A (145A) or three hundred forty-seven A (347A) of the Code shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by qualified electors of the county equal in number to one percent of the vote cast for president of the United States or governor, as the case may be, by both political parties in the last previous general election, and shall be filed with the county commissioner of elections at least fifty-five days prior to the date of said general election. A plurality shall be sufficient to elect hospital trustees, it being the intent that there be no primary elec-

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tion.

Sec. 133. Section three hundred forty-seven A point one (347A.1), Code 1975, is amended as follows:

1. By striking from line thirty-two (32) the word "shall" and inserting in lieu thereof the word "may".

2. By striking from line thirty-four (34) the words "next succeeding general election" and inserting in lieu thereof the words "the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code".

Sec. 134. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Vacancies in the office of trustee of a sanitary district ~~shall~~ may be filled by the remaining members of the board for the period ~~extending to the second secular day of January following the next biennial election, when~~ until a trustee shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill such vacancy for the unexpired term.

Sec. 135. Section three hundred sixty-four point two (364.2), subsection four (4), paragraph c, Code 1975, is amended to read as follows:

c. Notice of the election shall be given by publication ~~once each week for four consecutive weeks~~ as prescribed in section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The election shall be held on a day not less than five nor more than twenty days after the last publication of notice.~~

Sec. 136. Section three hundred seventy-two point thirteen (372.13), subsection two (2), Code 1975, is amended to read as follows:

2. A vacancy in an elective city office during a term of office ~~must~~ may be filled by the council for the period of time until ~~the next regular city election~~ it is filled pursuant to section sixty-nine point twelve (69.12) of the

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Code.

Sec. 137. Section three hundred seventy-six point four (376.4), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

The city clerk 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 day before the election~~ as prescribed in section forty-four point nine (44.9) of the Code.

Sec. 138. Section three hundred eighty-four point twenty-six (384.26), subsection three (3), Code 1975, is amended to read as follows:

3. Notice of the election must be given by publication ~~once each week for at least three consecutive weeks~~ as required by section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The notice must state the date of the election, the hours of opening and closing the polls and the location thereof, and the question to be submitted. The election must be held on a date not less than four nor more than twenty days after the last publication of the notice. Such notice is sufficient and is in lieu of any other notice required by any other statute.~~ At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

Sec. 139. Section three hundred ninety-four point two (394.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall

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submit to the voters of the city at a general election or a regular municipal election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published ~~once each week for at least four consecutive weeks in a newspaper published in the county, which notice shall state the date of the election, the hours of opening and closing the polls and the location thereof, the question to be submitted, and~~ as required by section forty-nine point fifty-three (49.53) of the Code. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens. ~~The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice.~~

Sec. 140. Sections forty-three point forty-four (43.44), forty-three point fifty-nine (43.59), forty-three point seventy (43.70), forty-three point seventy-four (43.74), forty-three point eighty-one (43.81), forty-three point eighty-two (43.82), forty-three point eighty-four (43.84), forty-three point eighty-six (43.86), forty-three point eighty-seven (43.87), forty-three point one hundred two (43.102), forty-three point one hundred five (43.105), forty-three point one hundred ten (43.110), forty-three point one hundred thirteen (43.113), forty-nine point thirty-four (49.34), forty-nine point sixty-two (49.62), and two hundred ninety-six point five (296.5), Code 1975, are repealed.

Sec. 141. The operation of this Act, insofar as it requires that persons applying for an operator's or chauffeur's license or a temporary drivers permit under section three hundred twenty-one point one hundred eighty-two (321.182) of the Code be offered an opportunity to register to vote, may be deferred in its implementation to a date not later than October 1, 1975 if necessary in order to permit completion of necessary administrative preparations.

EXPLANATION

This bill revises and updates a number of Iowa statutes

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relating to elections. Its major features are:

1. A requirement that most special elections be held only on one of six specified Tuesdays during each year.

2. A uniform and orderly procedure for filling vacancies which occur on the primary or general election ballot, as late as this can be done without interfering with preparation of ballots and mailing of absentee ballots.

3. Delay and rescheduling of an election to fill any of certain major elective offices, when a political party candidate dies or becomes permanently disabled too late to be replaced on the general election ballot.

4. Provisions for filling, at the intervening general election, the unexpired portion of the terms of most partisan political offices in which vacancies occur during the first 20 months (approximately) of a four-year term.

5. A shift from the present "winner-take-all" system of electing Iowa's presidential electors to one in which six of the electors are chosen by congressional district and two from the state at large.

6. Expansion of citizens' access to opportunities to register to vote, by:

-Authorizing registration by mail.

-Offering every qualified person who applies for a drivers license a chance to register at that time.

-Enabling eligible electors who have not previously done so to register at the polls on election day and then vote.

-Increasing the number of mobile deputy registrars who may be appointed in each county.

-Permitting eligible high school students to be registered by their high school principals.

7. Requirements that independent candidates file affidavits promising to serve if elected, as is now required of political party candidates, and a ban against any candidate for an office who is defeated in a party primary seeking the same office in the same year by the procedures of chapter

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44 or 45.

8. Extension of the hour for closing the polls at any election from 8:00 to 9:00 p.m.

9. Opportunity for physically handicapped voters who find it difficult to vote at their own precinct polling places to vote in person on election day at a county central polling place equipped for their use.

10. Clarification that all school districts are entitled to use the optional procedures authorized in 1974 for the purpose of reducing the cost of local elections.

11. Removal of regional library trustees from the ballot, making this an appointive office instead.

A number of other lesser substantive changes in law and technical amendments are also included.

H-3647

Amend the Miller of Buchanan amendment H-3604 to House File 700 by striking lines 31 through 42 inclusive, and inserting in lieu thereof the following:

"Sec. ___. Section fifty-six point eighteen (56.18), Code 1975, is amended to read as follows:

56.18 CHECKOFF INCOME TAX. Any person whose state income tax liability for any taxable year is one dollar or more may designate one dollar of such liability to be paid over to the Iowa election campaign fund for the account of any specified political party, as defined by section 43.2 or as an undesignated payment to the fund when submitting his or her state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of two dollars or more, each spouse may designate that one dollar be paid to any such account in, or as an undesignated payment to, the fund. The director of revenue shall revise the income tax form to allow the designation of political contributions to ~~a political party~~ the Iowa election campaign fund on the face of the tax return and immediately above the signature lines.

Sec. ___. Section fifty-six point twenty-one (56.21), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.21 FUNDS DISTRIBUTED BY COMPTROLLER. The state comptroller shall on August first of each even-numbered year distribute all moneys available in the Iowa election campaign fund in accordance with section fifty-six point twenty-two (56.22) of the Code. The comptroller shall remit the funds by check drawn upon the Iowa election campaign fund to the respective recipients thereof.

Sec. ___. Section fifty-six point twenty-two (56.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.22 FUNDS--DISTRIBUTION.

1. Each political party as defined by section forty-three point two (43.2) of the Code shall be entitled to receive the amount in that party's account in the Iowa election campaign fund. The undesignated payments to the fund shall be divided equally among the political parties in the state.

2. In each even-numbered year in which the offices referred to in section thirty-nine point nine (39.9) of the Code appear on the ballot, the distribution of the total funds allocated to each political party shall be as follows:

a. Fifty percent shall be divided among the county statutory political committees of the several counties in proportion to the population of each county. The

county statutory committee shall allocate all of the funds so received by it among the political committees of the candidates for federal, state and local offices who will appear on the ballot in that county or any portion thereof.

b. The remaining fifty percent shall be allocated to the state statutory political committee of the party, which shall distribute at least seventy-five percent of the money so received as follows:

(1) At least one-quarter of such seventy-five percent shall be contributed to the political committees of candidates for the offices mentioned in section thirty-nine point nine (39.9) of the Code.

(2) At least one-quarter of such seventy-five percent shall be contributed to the political committees of candidates for federal office.

(3) At least one-quarter of such seventy-five percent shall be contributed to the political committees of candidates for the offices of state representative and state senator, and shall be distributed on a strictly equal basis to all the party's candidates for those respective offices.

3. In each even-numbered year in which candidates for the offices mentioned in section thirty-nine point nine (39.9) of the Code do not appear on the ballot, the distribution of the total funds allocated to each political party shall be as follows:

a. Sixty percent to the county statutory political committees, in the manner and for the purposes prescribed by subsection two (2), paragraph a of this section.

b. Forty percent to the state statutory political committee of the party, which shall distribute at least seventy-five percent of the money so received as follows:

(1) At least one-third of such seventy-five percent shall be contributed to the political committees of candidates for federal office.

(2) At least one-third of such seventy-five percent shall be contributed to the political committees of candidates for the offices of state representative and state senator, and shall be distributed on a strictly equal basis to all the party's candidates for those respective offices.

4. Should any amount allocated under this section to a candidate for federal office exceed the statutory limit applicable to that office, the amount which exceeds such statutory limit shall not be contributed to that candidate's committee, but shall instead be used at the discretion of the statutory committee by which the funds were to have been allocated to that

candidate."

H-3647 FILED, LOST (1336)
APRIL 24, 1975

BY SCHROEDER of Pottawattamie
TAUKE of Dubuque
MILLER of Buchanan

2. After the record required by subsection one (1) of this section has been made, the ballot container shall be opened. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made in the presence of witnesses and substituted for the damaged or defective ballot, or the valid votes on a defective ballot may be manually counted at the counting center by at least two employees of the commissioner, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.

3. The record printed by the automatic tabulating equipment, with the addition of a record of any write-in or other votes manually counted pursuant to this chapter, shall constitute the official return of the precinct. Upon completion of the tabulation of the votes from each individual precinct, the result shall be announced and reported in substantially the manner required by section fifty point eleven (50.11) of the Code.

4. If for any reason it become impracticable to count all or any part of the ballots with the automatic tabulation equipment, the commissioner may direct that they be counted manually, in accordance with chapter fifty (50) of the Code so far as applicable."

14. By renumbering succeeding sections of the bill accordingly, and correcting cross-references as necessary.

H-3625 FILED, ADOPTED (1287)
APRIL 22, 1975

BY HARVEY of Scott
HIGGINS of Scott

H-3626

Amend House File 700, page 18, by striking lines 10 through 15 inclusive.

H-3626 FILED, ADOPTED (1274)
APRIL 22, 1975

BY ANDERSON of Jasper

H-3618

Amend House File 700 as follows:

1. Page 1, line 28, by inserting after the word "subsections" the words and numerals "one (1), two (2),".

2. Page 1, by inserting after line 30 the following:

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

~~2. "Qualified elector means a person who is registered to vote pursuant to chapter 48~~ "Election register" means the record maintained by the election officials of each precinct, indicating the number of ballots delivered, the name of the person to whom each ballot is delivered, and the number and character of the ballots returned."

3. Page 6, by inserting after line 1 the following:

"Sec. __. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point thirty (43.30) the following new sections:

NEW SECTION. 43.31 RECORDS OF PARTY AFFILIATION. Prior to all primary elections, the commissioner shall prepare for each precinct two alphabetically arranged lists of all voters, with their party affiliation, as shown by the election registers of the last preceding primary election.

NEW SECTION. 43.32 FORM OF ELECTION REGISTERS. Such election registers shall contain blank spaces for the names of the voters of the several parties to be written in and shall provide for each voter's party affiliation to be recorded.

Sec. __. Section forty-three point thirty-eight (43.38), Code 1975, is amended to read as follows:

43.38 VOTER CONFINED TO PARTY TICKET. The elector shall be allowed to vote for candidates for nomination on the ballot of the party with which he or she is ~~registered as~~ affiliated, and shall receive no other ballot. The voter shall return the ballot, folded, to one of the precinct election officials who shall deposit it in the ballot box."

4. Page 6, line 7 and 8, by striking the words "before the close of registration for" and inserting in lieu thereof the words "~~before the close of registration for~~ at any time prior to the fifth day before".

5. Page 6, line 10 by striking the words "county commissioner of registration" and inserting in lieu thereof the words "~~county~~ commissioner ~~of registration~~".

6. Page 6, line 11 by striking the words "registration records" and inserting in lieu thereof the words "~~registration records~~ primary election registers".

7. Page 7, lines 2 and 3 by striking the words "registration records" and inserting in lieu thereof the words "~~registration records~~ primary election registers".

8. Page 22, lines 16 and 17 by striking the words "voter registration and" and inserting in lieu thereof the words "~~voter registration and~~".

9. Page 22, by inserting after line 19 the following:

"Sec. __. Section forty-seven point two (47.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct ~~voter registration pursuant to chapter 48 and conduct~~ all elections within the county.

Sec. __. Section forty-seven point five (47.5), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

Any election ~~or registration~~ data or records which may be in the possession of a contractor shall remain the property of the commissioner."

10. Page 22, by inserting after line 22 the following:

"Sec. __. Section forty-seven point three (47.3), unnumbered paragraph three (3), Code 1975, is amended to read as follows:

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

Sec. __. Section forty-seven point four (47.4), Code 1975, is amended by striking subsection five (5).

Sec. __. Section forty-seven point four (47.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

If a person who meets the above requirements moves to a new residence, within or without the state, and does not meet the voter requirements at his new residence, he may vote at his former precinct in Iowa until he meets the voter requirements of his new residence. However, a person who has moved to a new residence and fails ~~to register to vote~~ through negligence to meet the voter requirements at his new residence after becoming eligible to do so shall not

thereafter be entitled to vote at his former precinct in Iowa."

11. Page 23, by striking lines 16 through 35, inclusive.

12. By striking all of pages 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

13. Page 36, by striking lines 1 through 15, inclusive.

14. Page 26, by striking lines 28 through 31 and inserting in lieu thereof the words "Double election".

15. Page 41, by striking lines 2 through 10, inclusive, and inserting in lieu thereof the following:

"chapter. ~~Voter-registration-records-shall-be kept-so-that-the-election-register-for-each-precinct contains-the-names-of-no-electors-except-those-eligible to-vote-in-that-precinct.--When-a-precinct-lies-in more-than-one-political-subdivision-or-district-from which-any-officer-is-elected,-the-election-register must-clearly-indicate-who-are-the-eligible-electors of-each-political-subdivision-or-district-in-which the-precinct-lies.--The-election-register-does-not need-to-indicate-the-eligible-electors-of-school director-districts.~~".

16. Page 50, by striking from line 12 the word "No", all of lines 13 through 20, and the words "section six (6) of this Act" on line 21 and inserting in lieu thereof the following:

"~~No-person-whose-name-does-not-appear-on-the election-register-of-the-precinct-in-which-he-claims his-vote-shall-be-permitted-to-vote-unless-the-county commissioner-of-elections-informs-the-precinct-election officials-that-an-error-has-been-made-and-that-the person-is-a-qualified-elector-of-that-precinct.~~".

17. Page 50, by striking lines 24 through 35, inclusive.

18. Page 51, by striking lines 1 and 2.

19. Page 58, by inserting after line 28 the following:

Sec. __. Section fifty-three point nineteen (53.19), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

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

20. Page 60, by striking lines 24 through 35,

inclusive.

21. Page 61, by striking lines 1 through 8, inclusive.

22. Page 63, by striking lines 15 through 29, inclusive.

23. Page 77, by striking line 22 and inserting in lieu thereof the words and figures "(43.110) and forty-three point one hundred thirteen (43.113), chapter forty-eight (48), and sections".

24. Page 77, line 24, by inserting after the first comma the words and figures "forty-nine point eighty-three (49.83)".

H-3618 FILED, LOST (1269)
APRIL 22, 1975

BY BRANSTAD of Winnebago
HANSEN of O'Brien
HALVORSON of Clayton
MENKE of O'Brien
LAGESCHULTE of Bremer
STEPHENS of Plymouth

H-3644

Amend House File 700 as follows:

1. Page 64, by inserting after line 18 the following:

"Sec. __. Section fifty-six point eighteen (56.18), Code 1975, is amended to read as follows:

56.18 CHECKOFF INCOME TAX. Any person whose state income tax liability for any taxable year is one dollar or more may designate one dollar of such liability to be paid over to the Iowa election campaign fund ~~for the account of any specified political party, as defined by section 43.2~~ when submitting his or her state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of two dollars or more, each spouse may designate that one dollar be paid to ~~any such account in~~ the fund. The director of revenue shall revise the income tax form to allow the designation of political contributions to ~~a political party~~ the Iowa election campaign fund on the face of the tax return and immediately above the signature lines. A

Sec. __. Section fifty-six point twenty-one (56.21), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any candidate for public office, except president or vice president of the United States, may receive campaign funds through the state statutory political committee under this chapter from the Iowa election campaign fund. However, the chairman of the state statutory political committee shall apply to the state comptroller for these funds not later than sixty-five days before a general election. The monies in the Iowa election campaign fund shall be divided among the political parties as defined by section forty-three point two (43.2) of the Code, in the same proportion to the total amount to be distributed as the vote received by the respective political party candidates for president of the United States or governor, as the case may be, at the most recent general election bears to the total vote cast in this state for that office." B

2. Title page, line 3, by inserting after the word "electors," the words "to the campaign disclosure-income tax checkoff act,".

H-3644 FILED - Ruled not germane 4/24 (1337) BY BRANSTAD of Winnebago
APRIL 23, 1975 HALVORSON of Clayton

Motion to suspend rules lost 4/24 (1338)

H-3629

Amend House File 700 as follows:

1. Page 31, by striking lines 22, 23 and 24.

2. Page 33, by striking lines 24 through 35, inclusive, and page 34, by striking lines 1 and 2.

3. Page 51, by inserting after line 16 the following:

"Sec. ___. Section forty-nine point ninety (49.90), Code 1975, 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 that, by reason of any physical disability other than intoxication, ~~he~~ is unable to cast ~~his~~ a vote without assistance, shall, upon request, be assisted by said two officers, or by any person the blind voter may select, in casting ~~his~~ 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 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 in the same manner as challenged ballots accepted under section fifty point twenty-two (50.22) of the Code."

4. Page 59, line 2, by striking the words and figures ", one hundred five (105)".

5. Page 59, by striking lines 11, 12 and 13 and inserting in lieu thereof the following:

"Sec. ___. Section fifty-three point twenty-two (53.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:"

6. Page 60, by striking lines 21 through 35, and page 61, by striking lines 1 through 8, inclusive.

7. Page 61, by striking lines 17 through 23, inclusive, and inserting in lieu thereof the words "except that the number of precinct election officials appointed".

8. Page 61, line 24, by striking the word "counting".

9. Page 61, by striking lines 27 through 35, inclusive, and page 62, by striking line 1, and by

renumbering succeeding subsections of section 106 accordingly.

10. Page 62, line 2, by striking the word "counting".

11. Page 62, line 14, by striking the word "counting".

12. Page 62, by striking lines 16, 17 and 18, and inserting in lieu thereof the words "election day. The commissioner may direct the board to meet on the day prior to".

13. Page 62, line 24, by striking the word "counting".

14. Page 62, by striking from line 31 the words "counting board, those", all of lines 32 and 33, and from line 34 the word "section," and inserting in lieu thereof the word "board,".

H-3629 FILED, ADOPTED (1288)
APRIL 22, 1975

BY MONROE of Des Moines
DRAKE of Muscatine

H-3628

Amend House File 700, page 60, line 4, by striking the word "They" and inserting in lieu thereof the following:

"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, pursuant to section forty-nine point eighteen (49.18) of the Code, to carry out the requirements of this section. The persons authorized by this sub-section to deliver an absentee ballot to an applicant".

H-3628 FILED, ADOPTED (as 1288)
APRIL 22, 1975

BY SCHROEDER of Pottawattamie
CRAWFORD of Story
TAUKE of Dubuque
MONROE of Des Moines

House File 700

H-3627

Amend House File 700 as follows:

1. Page 20, by striking lines 32 through 35.

2. Page 21, by striking lines 1 and 2.

H-3627 FILED, ADOPTED (1276)
APRIL 22, 1975

BY ANDERSON of Jasper

H-3645

Amend the Miller of Buchanan amendment H-3604 to House File 700 by striking lines 31 through 42 inclusive, and inserting in lieu thereof the following:

"Sec. _____. Section fifty-six point twenty-one (56.21), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.21 FUNDS DISTRIBUTED BY COMPTROLLER. The state comptroller shall on August first of each even-numbered year distribute all moneys available in the Iowa election campaign fund in accordance with section fifty-six point twenty-two (56.22) of the Code. The comptroller shall remit the funds by check drawn upon the Iowa election campaign fund to the respective recipients thereof.

Sec. _____. Section fifty-six point twenty-two (56.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

56.22 FUNDS--DISTRIBUTION.

1. The total amount of the Iowa election campaign fund shall be divided among the political parties in the state as defined by section forty-three point two (43.2) of the Code, in the same proportions as the number of qualified electors affiliated with each political party bears to the total number of qualified electors in this state who have declared a party affiliation.

2. In each even-numbered year in which the offices referred to in section thirty-nine point nine (39.9) of the Code appears on the ballot, the distribution of the total funds allocated to each political party shall be as follows:

a. Fifty percent shall be divided among the county statutory political committees of the several counties in proportion to the population of each county. The county statutory committee shall allocate all of the funds so received by it among the political committees of the candidates for federal, state and local offices who will appear on the ballot in that county or any portion thereof.

b. The remaining fifty percent shall be allocated to the state statutory political committee of the party, which shall distribute at least seventy-five percent of the money so received as follows:

(1). At least one-quarter of such seventy-five percent shall be contributed to the political committees of candidates for the offices mentioned in section thirty-nine point nine (39.9) of the Code.

(2). At least one-quarter of such seventy-five percent shall be contributed to the political committtees of candidates for federal office.

(3). At least one-quarter of such seventy-five

percent shall be contributed to the political committees of candidates for the offices of state representative and state senator, and shall be distributed on a strictly equal basis to all the party's candidates for those respective offices.

3. In each even-numbered year in which candidates for the offices mentioned in section thirty-nine point nine (39.9) of the Code do not appear on the ballot, the distribution of the total funds allocated to each political party shall be as follows:

a. Sixty percent to the county statutory political committees, which shall use such allocation in the manner prescribed by subsection two (2), paragraph a of this section.

b. Forty percent to the state statutory political committee of the party, which shall distribute at least seventy-five percent of the money so received as follows:

(1). At least one-third of such seventy-five percent shall be contributed to the political committees of candidates for federal office.

(2). At least one-third of such seventy-five percent shall be contributed to the political committees of candidates for the offices of state representative and state senator, and shall be distributed on a strictly equal basis to all the party's candidates for those respective offices.

4. Should any smount allocated under this section to a candidate for federal office exceed the statutory limit applicable to that office, the amount which exceeds such statutory limit shall not be contributed to that candidate's committee, but shall instead be used at the discretion of the statutory committee by which the funds were to have been allocated to that candidate."

H-3645 FILED - 3647 substituted
APRIL 23, 1975 4/24 (1333)

BY SCHROEDER of Pottawattamie
TAUKE of Dubuque

shall be allowed to vote for candidates for nomination ~~on the ballot~~ of the party ~~with which he is registered as affiliated~~ of the elector's choice, and ~~shall receive~~ no other ~~ballot~~. The voter shall return the ballot, folded, to one of the precinct election officials who shall deposit it in the ballot box.

Sec. __. Section forty-three point forty-five (43.45), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. ~~Place the ballots of the several political parties in separate piles~~ Mark "void" any ballot which contains votes for candidates of more than one party and place such ballot in an envelope marked "ballots not counted".

2. Separately count the ballots cast for the candidates of each party, and make the correct entries thereof on the tally sheets."

2. Page 28, by inserting before line 35 the following:

"Sec. __. Section forty-eight point six (48.6), Code 1975, is amended by striking subsection eight (8)."

3. Page 77, line 14, by inserting after the word "Sections" the words and figures "forty-three point forty-one (43.41), forty-three point forty-two (43.42),".

H-3635 FILED - Lost 4/24 (1332)
APRIL 23, 1975

BY HALVORSON of Clayton
WYCKOFF of Benton
BRANSTAD of Winnebago

House File 700

H-3646

Amend the Branstad, Halvorson amendment H-3644, to House File 700, as follows:

1. Line 33, by inserting after the word "divided" the word "equally".

2. By striking all after the word "Code" in line 35, all of lines 36 through 41, and inserting in lieu thereof a period.

H-3646 FILED - Out of order 4/24 (1338)
APRIL 23, 1975

BY BRANSTAD of Winnebago

H-3635

Amend House File 700 as follows:

1. Page 6, by striking lines 2 through 35, and page 7, by striking lines 1, 2 and 3, and inserting in lieu thereof the following:

"Sec. __. Section forty-three point twenty-six (43.26), Code 1975, is amended to read as follows:

43.26 BALLOT--FORM. The official primary election ballot shall have the names of the candidates for the nominations of all political parties printed upon it. The ballot shall be in substantially the form prescribed by section forty-nine point fifty-seven (49.57) of the Code except that it shall also contain in prominent bold-face print above the party columns or rows the words "You are allowed to vote for the candidates of only one party. If you vote for candidates in more than one party column (or row) your ballot will be declared void and not counted." Each party column or row shall be prepared, arranged, and printed substantially in the following form:

Sec. __. Section forty-three point thirty (43.30), Code 1975, is amended to read as follows:

43.30 SAMPLE BALLOTS. The commissioner shall take from the official printed ballots of each precinct a suitable number of primary election ballots ~~of each political party,~~ and shall write or stamp, in red ink, near the top of each ballot, the words "sample ballot" and shall sign or stamp his or her official signature thereunder. Said ballots shall be delivered to the ~~judges~~ precinct election officials, but shall not be voted, received, or counted. ~~Said judges~~ The officials shall, before the opening of the polls, cause said sample ballots to be posted in and about the polling places.

Sec. __. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point thirty-six (43.36) the following new section:

NEW SECTION. CASTING PRIMARY BALLOT IN MACHINE PRECINCTS. An elector casting a nomination ballot at a primary election by means of a voting machine shall be instructed by a precinct election official how to open the machine for the ticket of the political party in whose primary the elector desires to vote. After giving the necessry instructions, the official shall move to a position in the polling place from which the official cannot see the party selection made by the elector, and shall not return to the voting machine until the elector has left the machine.

Sec. __. Section forty-three point thirty-eight (43.38), Code 1975, is amended to read as follows:

43.38 VOTER CONFINED TO PARTY TICKET. The elector

Senate Amendment to House File 700

H-3952

Amend House File 700 as amended and passed by the House and reprinted, as follows:

1. Page 1, by striking lines 2 through 16, inclusive, and inserting in lieu thereof the following:

"1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, House File one hundred sixty (160), section one (1), is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election~~;-and-when~~. If an election is necessary under section four (4) of this Act to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office. When the canvass is completed, the oath of office shall be administered to the persons, or person, so declared elected ~~and~~ . Upon being inaugurated the governor shall deliver to the joint assembly any message he or she may deem expedient."

2. Page 9, line 7, by striking the word and figures "sixty-six (43.66)" and inserting in lieu thereof the word and figures "fifty-two (43.52)".

3. Page 16, line 5, by inserting after the word "electors" the words "to serve if the nominated or elected presidential electors are for any reason unable to perform their duties".

4. Page 16, by inserting after line 5 the following:

"Sec. __. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point ninety-two (43.92) the following new section:

NEW SECTION. PLACE OF HOLDING CAUCUS. Each precinct caucus shall be held in a building which is publicly owned or is suitable for and from time to time made available for holding public meetings wherever it is possible to do so."

5. Page 17, line 4, by inserting after the word "notice" the words "at least five days".

6. Page 20, by inserting after line 23 the following:

"Sec. __. Section forty-five point two (45.2), Code 1975, is amended to read as follows:

45.2 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for

the same office in the same election."

7. Page 21, by striking lines 24 through 35.

8. Page 22, by striking lines 1 through 12.

9. Page 23, by striking all after the word "registration" in line 34 and all of line 35, and page 24, by striking lines 1 through 7, inclusive, and inserting in lieu thereof the following:

", subject to the supervision of the county commissioner. The commissioner of registration or an employee of the commissioner of registration may visit each high school located in the county, during the month of May of each year, and offer to register any person who is eligible under section forty-eight point two (48.2) of the Code to be registered."

10. Page 25, line 33, by striking the word "counties" and inserting in lieu thereof the words "~~counties~~ county".

11. Page 27, by striking line 32 and inserting in lieu thereof the words "~~commercial~~ purpose~~, advertising, or solicitation,~~ of any kind".

12. Page 30, line 13, by striking the word "and".

13. Page 30, line 14, by inserting after the word "occurred" the words ", and the elector's signature".

14. Page 30, line 29, by striking the words "of name or" and inserting in lieu thereof the words "of legal name or of residence".

15. Page 30, by striking lines 30 through 34, inclusive, and inserting in lieu thereof the following:

"of registration for any election the elector shall not be qualified to vote at that election, except that if a change of residence address 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 at the polls and shall return the card to the commissioner with the election supplies."

16. Page 30, by striking line 35, through page 32, line 23, inclusive.

17. Page 32, by striking all after the period in line 35, and page 33, by striking lines 1 through 5, inclusive, and inserting in lieu thereof the words "If any person registers to".

18. Page 33, by striking lines 27 through 30, inclusive, and inserting in lieu thereof the following:

"as provided in section 48.6, subsection ~~10~~ nine (9), and may then be questioned concerning".

19. Page 34, lines 6 and 7, by striking the words "~~one thousand~~ six" inserting in lieu thereof the words "one thousand ~~six~~ one".

20. Page 35, by striking lines 32, 33 and 34 and that portion of line 35 preceding the word "Double".

21. Page 36, line 18, by inserting after the word "county" the words ", or other political subdivision within which precincts have been merged across county lines pursuant to section forty-nine point eleven (49.11), subsection one (1), of the Code,".

22. Page 40, line 14, by striking the word "eligible" and inserting in lieu thereof the words "~~eligible~~ qualified".

23. Page 43, line 24, by striking the words "the facsimile of the signature" and inserting in lieu thereof the words "one facsimile signature, that".

24. Page 43, line 25, by inserting after the word "printed" a comma.

25. Page 46, by striking line 5, through page 48, line 1, inclusive.

26. Page 49, by striking lines 10 through 14, inclusive, and inserting in lieu thereof the words "is a qualified elector of that precinct. The elector shall sign a voter's".

27. Page 49, by striking lines 17 through 30, inclusive.

28. Page 51, line 21, by inserting after the second word "the" the words "name of the challenged elector and the".

29. Page 51, by striking lines 22 and 23 and inserting in lieu thereof the words "reason for the challenge. The sealed affidavit".

30. Page 52, line 23, by striking the word "that" and inserting in lieu thereof the words "~~that~~ is".

31. Page 52, line 24, by striking the word "is" and inserting in lieu thereof the word "~~is~~".

32. Page 52, line 26, by striking the words "by any person the blind voter may select" and inserting in lieu thereof the words "alternatively by any other person the ~~blind~~ voter may select if the voter is blind".

33. Page 55, line 24, by striking the word "counting" and inserting in lieu thereof the word "election".

34. Page 55, line 29, by striking the word "counting" and inserting in lieu thereof the word "election".

35. Page 55, line 33, by inserting after the word "precinct" the word "election".

36. Page 56, line 1, by striking the word "counting" and inserting in lieu thereof the word "election".

37. Page 56, line 8, by striking the word

"counting" and inserting in lieu thereof the word "election".

38. Page 56, line 11, by inserting after the period the following:

"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."

39. Page 61, line 5, by inserting after the period the following:

"Prior to actual purchase by any county of any particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system."

40. Page 65, line 14, by inserting after the word "organizations" the words ", and to permit voting for all of the candidates of any one political party or organization by a single mark or punch,".

41. Page 65, after 15, by adding the following new paragraph:

"7. The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section one hundred eleven (111), paragraph four (4) of this Act."

42. Page 68, line 6, by inserting after the word "ticket" the words ", or for or against any public question".

43. Page 70, by striking lines 24 through 28, inclusive, and inserting in lieu thereof the following:

"In any county in which the board of supervisors has adopted voting by means of an electronic voting system, the commissioner may elect to also conduct absentee voting by use of such a system if the system so used is compatible with the counting center serving the precinct polling places in the county where voting is by means of an electronic voting system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an electronic voting system. All provisions of chapter fifty-three".

44. Page 71, line 23, by striking the word "time" and inserting in lieu thereof the word "times".

45. Page 71, line 35, by striking the word "referred" and page 72, by striking line 1.

46. Page 72, line 15, by inserting after the period the following:

"The county chairperson of a political party may submit an additional test group of ballots which, if so submitted, shall also be tested."

47. Page 74, line 9, by striking the word "become" and inserting in lieu thereof the word "becomes".

48. Page 74, lines 17 and 18, by striking the words "~~polls~~ polling place in the elector's precinct of residence" and inserting in lieu thereof the word "polls".

49. Page 75, lines 7 and 8, by striking the words "eight o'clock p.m." and inserting in lieu thereof the words "~~eight o'clock p.m.~~ the closing of the polls".

50. Page 75, line 17, by inserting after the period the following:

"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 twenty-three (123) of this Act."

51. Page 75, by inserting after line 17 the following:

"Nothing in this subsection nor in section one hundred twenty-three (123) of this Act shall be construed to prohibit a qualified elector who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section fifty-three point eleven (53.11) of the Code."

52. Page 76, line 7, by striking the words "An applicant" and inserting in lieu thereof the following:

"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".

53. Page 76, line 21, by striking the words "five working" and inserting in lieu thereof the words "ten calendar".

54. Page 76, line 22, by striking the word "necessary" and inserting in lieu thereof the following:

"all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned.

45. Page 71, line 35, by striking the word "referred" and page 72, by striking line 1.

46. Page 72, line 15, by inserting after the period the following:

"The county chairperson of a political party may submit an additional test group of ballots which, if so submitted, shall also be tested."

47. Page 74, line 9, by striking the word "become" and inserting in lieu thereof the word "becomes".

48. Page 74, lines 17 and 18, by striking the words "~~polls~~ polling place in the elector's precinct of residence" and inserting in lieu thereof the word "polls".

49. Page 75, lines 7 and 8, by striking the words "eight o'clock p.m." and inserting in lieu thereof the words "~~eight o'clock p.m.~~ the closing of the polls".

50. Page 75, line 17, by inserting after the period the following:

"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 twenty-three (123) of this Act."

51. Page 75, by inserting after line 17 the following:

"Nothing in this subsection nor in section one hundred twenty-three (123) of this Act shall be construed to prohibit a qualified elector who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section fifty-three point eleven (53.11) of the Code."

52. Page 76, line 7, by striking the words "An applicant" and inserting in lieu thereof the following:

"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".

53. Page 76, line 21, by striking the words "five working" and inserting in lieu thereof the words "ten calendar".

54. Page 76, line 22, by striking the word "necessary" and inserting in lieu thereof the following:

"all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned.

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

55. Page 76, line 23, by inserting after the word "shall" the word "both".

56. Page 76, lines 34 and 35, by striking the words "pursuant to section forty-nine point eighteen (49.18) of the Code" and inserting in lieu thereof the words "giving preference to persons designated by the respective county chairpersons of the political parties described in section forty-nine point thirteen (49.13) of the Code".

57. Page 77, by striking lines 16 and 17 and inserting in lieu thereof the following:

"Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requestor is found to be a qualified elector of".

58. Page 77, line 18, by inserting after the word "county," the words "these officers shall".

59. Page 79, by striking lines 23 through 35, and page 80, by striking lines 1 through 11, inclusive.

60. Page 82, line 35, by striking the words "county board" and inserting in lieu thereof the words "~~county board~~ commissioner".

61. Page 83, line 22, by striking the words "from five to" and inserting in lieu thereof the words "~~from~~ to either five ~~to~~ or".

62. Page 84, line 17, by striking the word "same" and inserting in lieu thereof the words "responsible commissioner's".

63. Page 84, by striking lines 21 through 28, inclusive.

64. Page 85, line 17, by striking the words "from five to" and inserting in lieu thereof the words "~~from~~ to either five ~~to~~ or".

65. Page 85, by striking lines 19 and 20 and inserting in lieu thereof the words "directors to be elected, and which of the".

66. Page 86, line 14, by striking the words "~~AND TREASURER~~" and inserting in lieu thereof the words "AND TREASURER".

67. Page 86, by striking lines 17, 18 and 19 and inserting in lieu thereof the following:

"not be a teacher or other employee of the board. It shall also~~, except in districts composed in whole or in part of a city,~~ appoint a treasurer. ~~Such~~ These officers".

68. Page 86, line 24, by striking the words "~~They~~ The secretary" and inserting in lieu thereof the word "They".

69. Page 86, lines 27 and 28, by striking the words "~~their successors are~~ a successor is" and inserting in lieu thereof the words "their successors are".

70. Page 88, by inserting after line 1 the following new section:

"Sec. __. Section two hundred eighty A point twenty-three (280A.23), subsection two (2), Code 1975, is amended to read as follows:

2. Change boundaries of director districts in merged areas after each decennial census, or after any change in boundaries of the merged area, to compensate for changes in population if such population changes have taken place, or at any time for the purpose of causing the boundaries of director districts to coincide, where feasible, with the boundary lines of election precincts established pursuant to sections forty-nine point three (49.3) through forty-nine point six (49.6), inclusive, of the Code. However, the director districts shall in all cases be of approximately equal population within each merged area."

71. Page 90, line 6, by striking the words "~~elected~~ appointed" and inserting in lieu thereof the word "elected".

72. Page 90, by striking lines 8 through 15.

73. Page 90, line 18, by striking the figures and letter "303A.4" and inserting in lieu thereof the figures and letter "303B.4".

74. Page 90, lines 19 and 20 by striking the words "~~the general election~~ their appointment" and inserting in lieu thereof the words "the general election".

75. Page 90, lines 25 and 26, by striking the words "~~next general election~~ expiration of the term in which the vacancy occurs" and inserting in lieu thereof the words "next general election".

76. Page 90, line 34, by striking the word "nine" and inserting in lieu thereof the word "thirty-two".

77. Page 95, line 13, by inserting after the comma the words and figures "forty-nine point fifty-nine (49.59), forty-nine point sixty (49.60), forty-nine point sixty-one (49.61),".

78. Page 95, line 14, by inserting after the figure "(49.62)," the words and figure "two hundred seventy-seven point twenty-six (277.26)".

H-3952 FILED, RECEIVED FROM THE SENATE MAY 27, 1975

House concurred 5/29 (2027)

Amend the Senate amendment H-3952 to House File 700 as amended, passed and reprinted by the House as follows:

1. Page 1, by striking line 24 and inserting in lieu thereof the following:

"expedient.

Sec. ___. Section thirteen point seven (13.7), Code 1975, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that his department cannot for reasons stated by him perform said service, which reasons and action of the council shall be entered into upon its records. This section shall not affect the office of the commerce counsel, the transportation regulation board counsel, the special legal counsel to the state commissioner of elections and the electorate of Iowa appointed under section forty (40) of this Act or the legal counsel of the Iowa employment security commission."

2. Page 1, line 40, by inserting after the period the words "The authority in control of any public building supported by taxation under the laws of this state shall upon request make that facility available to a political party for the purpose of holding a caucus or convention under the requirements of this chapter, on the same terms on which the facility is or would be made available for use as a polling place."

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

"7. Page 21, by striking lines 26 through 33, inclusive, and inserting in lieu thereof the following:

"NEW SECTION. SPECIAL COUNSEL. A special counsel shall be appointed by the governor with the approval of two-thirds of the senate to serve as legal counsel to the state commissioner and to the electorate of Iowa, for a term of four years beginning July first of the year of appointment, unless sooner removed as provided by this section. A vacancy shall be filled for the unexpired portion of the term in which it occurs. The special counsel shall issue advisory opinions in writing on all electoral questions submitted by the state commissioner, a commissioner, a county attorney,

or the chairperson of a political party as defined in section forty-three point two (43.2) of the Code."

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

"8. Page 22, by striking lines 8 through 12 and inserting in lieu thereof the following:

The special counsel shall have the power to issue oral interpretations of the election laws on the day of any special or regular election and during the five days preceding an election to assure that the electorate has full and easy access to the polls and that the integrity and secrecy of the ballot is protected. These interpretations shall be reduced to writing as soon as reasonably possible. The special counsel's interpretations of the election laws shall be binding on the commissioner, each county commissioner, and all other officers charged with administration of elections, in the absence of a court order to the contrary."

5. Page 4, by striking lines 25 through 32, inclusive.

6. Page 7, by striking lines 25 through 28, inclusive, and inserting in lieu thereof the following:

"___. Page 90, by striking lines 12 through 15, inclusive, and inserting in lieu thereof the following: "appointed by the county supervisors of the counties within each of the districts established by section three hundred three B point two (303B.2) of the Code, acting at joint meetings of the boards of supervisors within each respective district called in February of each odd-numbered year by the county commissioner of elections who would be responsible under section forty-seven point two (47.2) of the Code for conducting elections if elections were held by that district. Each supervisor shall cast a vote equal to the population of his or her county according to the most recent decennial census, divided by the number of members of that county's board of supervisors."

7. Page 7, by striking lines 32 through 39, inclusive, and inserting in lieu thereof the following:

"___. Page 90, line 19, by striking the word "January" and inserting in lieu thereof the words "~~January~~ March".

8. Page 7, by inserting after line 41 the following:

"___. Page 95, by inserting after line 2 the following new section:

"Sec. ___. House File fifty-four (54), section five (5), Acts of the Sixty-sixth General Assembly,

1975 Session, is amended to read as follows:

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by adding the following new section:

NEW SECTION. GENERAL ELECTION--NONPARTISAN OFFICES. There shall be elected at each general election, on a nonpartisan basis, the following officers:

~~1.--Regional library trustees as required by section three hundred three B (303B) of the Code.~~

~~2~~ 1. County public hospital trustees as required by section three hundred forty-seven point twenty-five (347.25) of the Code.

~~3~~ 2. Soil conservation district commissioners as required by section four hundred sixty-seven A point five (467A.5) of the Code."

H-3982 FILED - Withdrawn 5/29 (2024)
MAY 28, 1975

BY MONROE of Des Moines
TAUKE of Dubuque
HARVEY of Scott
CRAWFORD of Story
HINES of Story
BRANDT of Black Hawk

Senate Amendment to House File 700

H-3984

Amend the Senate amendment H-3952 to House File 700 as amended, passed and reprinted by the House on page 5, by striking lines 14 through 17 and inserting in lieu thereof the following:

49. Page 48, by striking from line 29 the words "~~eight~~ nine" and inserting in lieu thereof the word "eight".

H-3984 FILED, LOST (2026)
MAY 29, 1975

BY STROMER of Hancock
DRAKE of Muscatine

Senate Amendment to House File700

H-3985

Amend the Senate amendment H-3952 to House File 700 as amended, passed and reprinted by the House by striking on page 1 the lines 32 through 40 and renumbering the remaining provisions.

H-3985 FILED, LOST (2025)
MAY 29, 1975

BY OAKLEY of Clinton
VARLEY of Adair

House File 700

H-3974

Amend the Senate amendment H-3952, to House File 700, as passed by the House and reprinted, as follows:

Page 6, by striking lines 23 and 24.

H-3974 FILED - Lost 5/29 (2027)
MAY 28, 1975

BY WEST of Marshall
MONROE of Des Moines

H-3644

Amend House File 700 as follows:

1. Page 64, by inserting after line 18 the following:

"Sec. __. Section fifty-six point eighteen (56.18), Code 1975, is amended to read as follows:

56.18 CHECKOFF INCOME TAX. Any person whose state income tax liability for any taxable year is one dollar or more may designate one dollar of such liability to be paid over to the Iowa election campaign fund ~~for the account of any specified political party, as defined by section 43.2~~ when submitting his or her state income tax return to the department of revenue. In the case of a joint return of husband and wife having a state income tax liability of two dollars or more, each spouse may designate that one dollar be paid to ~~any such account in~~ the fund. The director of revenue shall revise the income tax form to allow the designation of political contributions to ~~a political party~~ the Iowa election campaign fund on the face of the tax return and immediately above the signature lines. A

Sec. __. Section fifty-six point twenty-one (56.21), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any candidate for public office, except president or vice president of the United States, may receive campaign funds through the state statutory political committee under this chapter from the Iowa election campaign fund. However, the chairman of the state statutory political committee shall apply to the state comptroller for these funds not later than sixty-five days before a general election. The monies in the Iowa election campaign fund shall be divided among the political parties as defined by section forty-three point two (43.2) of the Code, in the same proportion to the total amount to be distributed as the vote received by the respective political party candidates for president of the United States or governor, as the case may be, at the most recent general election bears to the total vote cast in this state for that office." B

2. Title page, line 3, by inserting after the word "electors," the words "to the campaign disclosure-income tax checkoff act,".

H-3644 FILED - Ruled not germane 4/24 (1337) BY BRANSTAD of Winnebago
APRIL 23, 1975 HALVORSON of Clayton
Motion to suspend rules lost 4/24 (1338)

H-3616

Amend House File 700, page 36, by inserting after line 15 the following:

"Sec. ___. Section forty-eight point thirty-two (48.32), Code 1975, is amended to read as follows:

48.32 ANNUAL REPORT--REIMBURSEMENT.

1. The county commissioner of elections shall make reports as at least annually and more often if required by the state commissioner of elections. The reports shall indicate the number of persons currently registered, the number removed from the registration list, and the number registered since the last previous report. The report shall designate how many of the new registrants were registered in the manner provided in section forty-six (46) of this Act. On August 1 of each year the state commissioner of elections shall report the number of persons registered in each political party in each county.

2. There is created as a permanent fund in the office of the treasurer of state a voter registration reimbursement fund, to which there is appropriated for each fiscal year, from any money in the general fund not otherwise appropriated, the sum of twenty-five thousand (25,000) dollars. Each county shall be entitled to an annual payment from the fund of twenty-five cents per voter registered during the preceding fiscal year in the manner provided by section forty-six (46) of this Act. The state commissioner shall, as soon after the beginning of each fiscal year as feasible, certify to the state comptroller the number of votes so registered during the preceding fiscal year in each county, and the comptroller shall draw warrants upon the voter registration reimbursement fund, in the appropriate amounts, in favor of the several counties. The counties shall credit the reimbursement to their respective election expense funds."

H-3616 FILED, BY DRAKE of Muscatine
H-3616A ADOPTED, MOTION TO RECONSIDER PREVAILED,
H-3616A LOST, (173)
H-3616B LOST
APRIL 22, 1975

H-3617

Amend House File 700 as follows:

1. Page 68, line 18, by striking the words "which of the four" and inserting in lieu thereof the words "the number of directors to be elected, if different than the present plan, and which of the". A

2. Page 70, by inserting after line 34 the following:

"Sec. ___. Section two hundred eighty A point thirty-nine (280A.39), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any merged area may combine with any adjacent area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at a special election to be held on the same day in each area. The special election shall not be held within thirty days of any general election. Prior to the special election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located who shall publish notice of the election ~~at least three times, no oftener than once a week, in one or more newspapers of general circulation within the merged area~~ according to section forty-nine point fifty-three (49.53) of the Code. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 to 53. The votes cast in the election shall be canvassed by the county board of supervisors and the county commissioners of elections who conducted the election shall certify the results to the board of directors of each merged area." B

3. Page 71, by inserting after line 13 the following:

"Sec. ___. Section two hundred ninety-eight point eighteen (298.18), unnumbered paragraph five (5), Code 1975, is amended to read as follows:

Notice of the election shall be given by the county commissioner of elections ~~by publication once each week for four consecutive weeks in a newspaper of general circulation in the school corporation. Such notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the quetion to be submitted~~ according to section forty-nine point fifty-three (49.53) of the Code. The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice. ~~Such notice shall~~

~~be sufficient and shall be in lieu of any other notice required by any other statute.~~ At such election the ballot used for the submission of said proposition shall be in substantially the form for submitting special questions at general elections. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors. Such proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against said proposition at said election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation."

B

H-3617 FILED - adopted 4/24 (1339) BY DRAKE of Muscatine
APRIL 22, 1975

House File 700

H-3615

Amend the Drake, et al, amendment H-3608 to House File 700 as follows:

1. Page 18, by striking from line 20 the words "~~with~~ by", all of line 21, and from line 22 the words "form to" and inserting in lieu thereof the word "with".

2. Page 36, line 17, by striking the word "precinct" and inserting in lieu thereof the words "polling place for the elector's precinct of residence".

3. Page 36, line 19, by striking the words "car of the handicap" and inserting in lieu thereof the words "vehicle occupied by the handicapped".

4. Page 36, line 20, by striking the words "car. If a handicap" and inserting in lieu thereof the words "vehicle. If a handicapped".

5. Page 36, by striking from line 25 the words "handicap ballot".", and all of lines 26 and 27, and inserting in lieu thereof the words "handicapped voter's ballot", and shall be counted in the same manner as challenged ballots accepted under section fifty point twenty-two (50.22) of the Code."

H-3615 FILED, ADOPTED (1251) BY DRAKE of Muscatine
APRIL 22, 1975

H-3614

Amend House File 700 as follows:

1. Page 43, by striking lines 23 through 28 and inserting in lieu thereof the following:

"Sec. 71. Section forty-nine point forty-two (49.42), lines one (1) through three (3), Code 1975, is amended to read as follows:

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

REPUBLICAN DEMOCRATIC PROHIBITION UNION LABOR"

2. Page 51, by inserting after line 16 the following:

"Sec. ____. Section forty-nine point ninety-two (49.92), Code 1975, is amended to read as follows:

49.92 VOTING MARK. The voting mark shall be a cross or check which shall be placed in the ~~circle at the head of a ticket, or in the~~ squares opposite the names of candidates. The fact that the voting mark is made by an instrument other than a black lead pencil shall not affect the validity of the ballot unless it appears that the color or nature of the mark is intended to identify the ballot contrary to the intent of section 49.107, subsection 7.

Sec. ____. Section forty-nine point ninety-four (49.94), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.94 VOTING A STRAIGHT TICKET. If the names of all of the candidates for whom a voter desires to vote in any election other than the primary election appear upon the same ticket, he may vote for all candidates whose names appear upon that ticket only by placing a cross or check in the square opposite the name of each such candidate. A ballot or voting machine shall not be arranged so that a voter may by making a single mark or by pulling a single lever cast votes for candidates for more than one office, except for the offices of president and vice president of the United States.

Sec. ____. Section forty-nine point ninety-eight (49.98), Code 1975, is amended to read as follows:

49.98 COUNTING BALLOTS. The ballots shall be counted according to the markings thereon, respectively, as provided in sections 49.92 to ~~49.97~~ forty-nine point ninety-four (49.94) of the Code, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, such ballot shall not be counted for such office. ~~When there is a conflict between the cross or check in the circle on one ticket and the cross or check in the square~~

~~on another ticket on the ballot, the cross or check in the square shall be held to control, and the cross or check in the circle in such case shall not apply as to that office.~~ Any ballot marked in any other manner than as authorized in sections 49.92 to ~~49.97~~ forty-nine point ninety-four (49.94) of the Code, and in such manner as to show that the voter employed such mark for the purpose of identifying his ballot, shall be rejected."

3. Page 55, by inserting after line 34 the following:

"Sec. ____. Section fifty-two point twelve (52.12), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

52.12 USE OF PARTY LEVER PROHIBITED. A voting machine used at any election held in this state shall not be prepared so that a voter may by pulling a single lever cast votes for candidates for more than one office, except for the offices of president and vice president of the United States."

4. Page 77, by inserting after the first comma in line 24 the words and figures "forty-nine point ninety-five (49.95), forty-nine point ninety-six (49.96), forty-nine point ninety-seven (49.97),"

H-3614 FILED, ADOPTED, (1276) BY CRAWFORD of Story
MOTION TO RECONSIDER FILED, (1292) SCHROEDER of Pottawattamie
" prevailed 4/23(1310) Lost 4/23 (1311) TAUKE of Dubuque
APRIL 22, 1975

House File 700

H-3613

Amend House File 700, page 2, lines 3 and 4, by striking the word and numerals "three (47.3)" and inserting in lieu thereof the word and numerals "one (47.1)".

H-3613 FILED, ADOPTED (1269) BY MONROE of Des Moines
APRIL 22, 1975

H-3611

Amend House File 700 as follows:

1. Pages 72 and 73, by striking lines 12 through 35 and 1 through 9 respectively.

2. By renumbering the sections and correcting internal references to conform with this amendment.

H-3611 FILED - Lost 4/24 (1340) BY SPEAR of Lee
APRIL 22, 1975 DIELEMAN of Marion

H-3609

Amend the State Government Committee amendment H-3586, to House File 700, as follows:

1. Page 1, by inserting after line 44 the following:

"___. Page 4, line 16, by striking the word "forty-nineth" and inserting in lieu thereof the word "forty-ninth"."

2. Page 2, line 2, by striking the word "within" and inserting in lieu thereof the word "~~within~~".

3. Page 2, line 3, by striking the word "one" and inserting in lieu thereof the words "by noon of the".

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

"___. Page 17, by inserting after line 33 the following section:

Sec. ___. Section forty-three point one hundred fifteen (43.115), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding."

5. Page 3, by striking lines 8 and 9 and inserting in lieu thereof the following:

"___. Page 24, by striking lines 26 through 30, inclusive, and inserting in lieu thereof the following:

"paid. A registration form shall be postmarked by the twenty-fifth day prior to an election or the registration will not take effect for that election. Within five working days after receiving a registration by mail, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section forty-eight point thirty-one (48.31), subsection eight (8) of the Code. An improperly addressed or delivered"."

6. Page 5, by striking the quotation marks at the end of line 21 and all of lines 22 through 49, inclusive, and inserting in lieu thereof the following:

Electors acting under the provisions of section forty-nine point one hundred four (49.104), subsections two (2) and five (5) of the Code, shall be allowed to see the document or the voter identity affidavit presented by an elector registering under the provisions of section fifty-one (51) of this Act."

___. Page 30, line 28, by striking the word "cards" and inserting in lieu thereof the word "forms".

___. Page 30, line 31, by striking the word "cards" and inserting in lieu thereof the word "forms".

___. Page 30, line 34, by striking the word "card" and inserting in lieu thereof the word "form".

___. Page 31, by inserting after line 4 the following section:

"Sec. ___. Section forty-eight point eleven (48.11), unnumbered paragraph two (2), Code 1975, 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 section forty-six (46) of this Act."

___. Page 31, by striking lines 24 through 35, inclusive, and inserting in lieu thereof the words "the following new section:"

___. Page 32, by striking lines 1 through 35, inclusive.

___. Page 33, by striking lines 1 through 23."

7. Page 6, by inserting after line 25 the following:

"___. Page 42, line 31, by striking the words "political parties and groups of petitioners" and inserting in lieu thereof the word "tickets".

___. Page 42, line 34, by inserting after the word "columns" the words "or rows"."

8. Page 7, by inserting after line 6 the following:

"___. Page 46, lines 25 and 26, by striking the words "fifth Tuesday following the date of the general election" and inserting in lieu thereof the words "first Tuesday after the second Monday in December"."

9. Page 7, by inserting after line 10 the following:

"___. Page 50, line 21, by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "fifty-one (51)"."

10. Page 7, by inserting after line 13 the following:

"___. Page 51, by striking lines 11 through 16, inclusive, and inserting in lieu thereof the following:

"~~stated in section 43.44. No official shall receive~~ a A ballot shall be received from a voter who is challenged, ~~until such voter shall have established his right to vote~~ but only in accordance with section forty-nine point eighty-one (49.81) of the Code.

Sec. ___. Section forty-nine point eighty (49.80), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. In case of ~~all~~ any challenges of ~~electors~~ an elector at the time he or she is offering to vote in a precinct, a precinct election official may place such person under oath and question him or her as, (a) where he or she maintains his or her home; (b)

how long he or she has maintained his or her home at such place; (c) if he or she maintains a home at any other location; (d) his or her age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts ~~that he~~ as the elector feels sustains the fact that he or she is qualified to vote. Upon completion thereof, ~~the official hearing the challenge shall determine if the challenged elector shall be allowed to vote.~~ if the challenge is withdrawn, the elector may cast his or her vote in the usual manner. If the challenge is not withdrawn, section forty-nine point eighty-one (49.81) of the Code shall apply.

3. ~~In case of a challenge on the grounds stated in section 49.44, the procedures set forth in that section shall be followed.~~ The commissioner shall send to each precinct an alphabetical list of all registrants in that precinct whose receipts were returned by the postal service pursuant to section forty-six (46) of this Act during the period after the last election and prior to the pending election. Any person whose name appears on the list, even if that person's name also appears on the election register, shall be allowed to cast a ballot only in the manner prescribed by section forty-nine point eighty-one (49.81) of the Code.

Sec. ___. Section forty-nine point eighty-one (49.81), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST BALLOT.

1. A prospective voter who is prohibited under section forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot, in a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code. 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 reason for the challenge, and the identification used if the voter registered

on election day. 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 marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred three (103) of this Act for purposes of the post-election canvass.

2. Each person who casts a challenged ballot under this section shall receive a printed statement in substantially the following form:

"Your qualifications as an elector have been challenged for the following reasons:

1. _____.
2. _____.
3. _____.

Your right to vote will be reviewed by the special precinct counting board on _____. You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on _____ at _____. If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

___. Page 52, line 2, by striking the word "expenses" and inserting in lieu thereof the word "mileage".

___. Page 52, lines 28 and 29, by striking the words "within ~~two-days~~ one day after the day of" and inserting in lieu thereof the words "~~within two days after~~ by noon of the day ~~of~~ following".

___. Page 53, line 7, by adding after the word "contest" the words ". Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with section forty-eight point thirty-one (48.31), subsection one (1) of the Code".

___. Page 53, by inserting after line 7 the following section:

"Sec. ___. Chapter fifty (50), Code 1975, is

amended by inserting after section fifty point nineteen (50.19) the following new sections:

NEW SECTION. NOTICE OF NUMBER OF CHALLENGED BALLOTS. The commissioner shall compile a list of the number of challenged ballots cast under section forty-nine point eighty-one (49.81) of the Code in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section one hundred six (106), subsection five (5) of this Act shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, at the commissioner's office until the reconvening of the special precinct board.

NEW SECTION. SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the counting board of the special precinct established by section one hundred three (103) of this Act at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the canvass of the election is required at any earlier time, the special precinct counting board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section forty-nine point eighty-one (49.81) of the Code at any election, the special precinct board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire counting board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code.

NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES. Upon being reconvened, the special precinct counting board shall review the affidavits 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 decision to count or reject each ballot shall be made upon the basis of the information

given on the affidavit envelope, 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 section fifty-three point twenty-five (53.25) of the Code, and the affidavit envelope shall be preserved unsealed 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. ___. Section fifty point twenty-three (50.23), Code 1975, is amended to read as follows:

50.23 MESSENGERS FOR MISSING TALLY LISTS. The commissioner shall~~, on the fourth day following an election,~~ send messengers for all tally lists not ~~then~~ received ~~by him~~ in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county."

11. Page 7, line 28, by striking the numeral "12" and inserting in lieu thereof the numeral "14".

12. Page 7, line 31, by inserting after the word "shall" the words "not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of challenged ballots accepted and counted under chapter fifty (50) of the Code until that count has been completed."

13. Page 8, by inserting after line 42 the following:

"___. Page 68, line 33, by striking the word "elibible" and inserting in lieu thereof the word "eligible".

___. Page 73, by striking lines 10 through 35, inclusive.

___. Page 74, by striking lines 1 through 5, inclusive."

14. Page 8, by inserting after line 48 the following:

"___. Page 77, by striking lines 26 through 33, inclusive."

H-3609 FILED, **ADOPTED** (1265)
APRIL 22, 1975

BY MONROE of Des Moines
HINES of Story
BRANDT of Black Hawk

H--3608

HOUSE FILE 700

Amend House File 700 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section two point twenty-seven (2.27), Code 1975, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January in ~~each~~ any odd-numbered year next following a general election in which the offices of governor or lieutenant governor, or both, were on the ballot, or as soon thereafter as both houses have been organized, and canvass the votes cast for governor ~~and~~ or lieutenant governor, or both, and determine the election; and when the canvass is completed, the oath of office shall be administered to the person or persons so declared elected ~~and~~. Upon being so inaugurated, the governor shall deliver to the joint assembly any message he may deem expedient.

Sec. 2. Section thirty-nine point two (39.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

39.2 SPECIAL ELECTIONS. 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.

Sec. 3. Section thirty-nine point three (39.3), subsections five (5), ten (10) and eleven (11), Code 1975, are amended to read as follows:

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

10. "Commissioner" means the county commissioner of elections as defined in section forty-seven point two (47.2) of the Code.

11. "State commissioner" means the state commissioner of elections as defined in section forty-seven point three (47.3) of the Code.

Sec. 4. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point ten (39.10) the following new section:

NEW SECTION. VACANCIES IN CERTAIN OFFICES. If a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general seventy-five or more days prior to a general election, and the unexpired term in which the vacancy exists

has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point eighteen (39.18) the following new section:

NEW SECTION. VACANCIES IN COUNTY OFFICES. If a vacancy occurs in the office of county supervisor or in any of the offices listed in section thirty-nine point seventeen (39.17) of the Code sixty or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 6. Section forty-three point four (43.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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

Sec. 7. Section forty-three point six (43.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.6 NOMINATION OF U.S. SENATORS, STATE AND COUNTY OFFICERS. Candidates for the office of senator in the congress of the United States, the offices listed in section thirty-nine point nine (39.9) of the Code, county supervisor and the offices listed in section thirty-nine point seventeen (39.17) of the Code shall be nominated in the year preceding the expiration of the term of office of the incumbent.

1. When a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state,

treasurer of state, secretary of agriculture or attorney general and section four (4) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs seventy-five or more days prior to the date of that primary election. If the vacancy occurs less than ninety days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the sixtieth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than seventy-five days before the date of that primary election, but not less than seventy-five days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code and section five (5) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty or more days prior to the date of that primary election. If the vacancy occurs less than seventy-five days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-nineth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than sixty days before the date of that primary election, but not less than sixty days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 8. Section forty-three point thirteen (43.13), Code 1975, is amended to read as follows:

43.13 FAILURE TO FILE NOMINATION PAPERS. ~~No~~ The name of a candidate for any office named in section 43.11 shall ~~have his name~~ not be printed on the official primary ballot of ~~his~~ the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section ten (10) of this Act.

Sec. 9. Section forty-three point sixteen (43.16), Code 1975, is amended to read as follows:

43.16 WITHDRAWALS AND ADDITIONS NOT ALLOWED. A nomination paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. This section shall not be construed to prohibit the person on whose behalf the paper was filed from withdrawing as a candidate. However, the name of the candidate who has withdrawn must still be printed on the ballot, unless the withdrawal occurs at a time when the procedure prescribed by section ten (10) of this Act may be used.

Sec. 10. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point twenty-two (43.22) the following new section:

NEW SECTION. DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When any person who has filed with the state commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the seventy-fifth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth day prior to the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section forty-three point twenty-two (43.22) of the Code.

2. When any person who has filed with the commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the sixtieth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 11. Section forty-three point forty-one (43.41), Code 1975, is amended to read as follows:

43.41 CHANGE OR DECLARATION OF PARTY AFFILIATION BEFORE PRIMARY. Any qualified elector, ~~who, having declared his party affiliation,~~ desires to change

~~the same~~ or declare his or her political party affiliation, may, before the close of registration for the primary election, file a written declaration stating ~~his~~ the change of party affiliation with the county commissioner of registration who shall enter a notation of such change on the registration records.

Sec. 12. Section forty-three point forty-two (43.42), Code 1975, is amended to read as follows:

43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS. Any qualified elector may change or declare ~~his~~ a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each elector doing so shall sign an affidavit which shall be in substantially the following form:

CHANGE OR DECLARATION OF PARTY AFFILIATION

I do solemnly swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the ..... party.

.....
Signature of Elector

.....
Address

Approved:

.....
Precinct election official

Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct election officials to the commissioner of registration who shall enter a notation of the change on the registration records.

Sec. 13. Section forty-three point forty-six (43.46), Code 1975, is amended to read as follows:

43.46 DELIVERING RETURNS. ~~Said~~ The precinct election officials shall deliver ~~the~~ all election ~~register, tally sheets, certificates, envelopes containing ballots, and all unused~~ supplies, ~~within two days after the close of the polls,~~ by noon of the day following the election, to the commissioner who shall carefully preserve them and deliver the returns and envelopes containing ballots, in the condition in which received ~~and deliver them~~, to the county board of ~~canvassers~~ supervisors.

Sec. 14. Section forty-three point forty-nine (43.49), Code 1975, is amended to read as follows:

43.49 CANVASS BY COUNTY BOARD. On the Monday following the primary election, the board of supervisors shall meet, open and canvass the returns

from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

1. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

2. The name of each person voted for and the number of votes given to each person for each different office.

If the day designated by this section for the canvass is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22), of the Code shall apply.

Sec. 15. Section forty-three point fifty-two (43.52), Code 1975, is amended to read as follows:

43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each political party for any office to be filled by the voters of the entire county, or for the office of county supervisor elected from a district within the county, shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office, and that person shall appear as the party's candidate for the office on the general election ballot.

If no candidate receives thirty-five percent or more of the votes cast by voters of ~~his~~ the candidate's party for the office ~~he is seeking~~ sought, the primary is inconclusive and the nomination shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

When two or more nominees are required, as in the case of at-large elections, the nominees shall likewise be the required number of persons who receive the greatest number of votes cast in the primary election by the voters of the nominating party, but no candidate is nominated who fails to receive thirty-five percent of the number of votes found by dividing the number of votes cast by voters of the candidate's party for the office in question by the number of persons to be elected to that office. If the primary is inconclusive under this paragraph, the necessary number of nominations shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

Sec. 16. Section forty-three point fifty-three (43.53), Code 1975, is amended to read as follows:

43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES. The nominee of each political party for any office to be filled by the voters of any township or other political subdivision ~~of~~ within the county

shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office and that person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless ~~he~~ that person receives the greater of at least five votes or a number of votes equal to at least five percent of the votes cast in the subdivision at the last preceding general election for the party's candidate for president of the United States or for governor, as the case may be. Nomination of a candidate for the office of county supervisor elected from a district within the county shall be governed by section forty-three point sixty-six (43.66) of the Code, and not by this section.

Sec. 17. Section forty-three point fifty-five (43.55), Code 1975, is amended to read as follows:

43.55 NOMINEE CERTIFIED. The ~~said canvassing~~ board of supervisors shall separately prepare and certify a list of the candidates of each party so nominated. It shall deliver to the ~~chairman~~ chairperson of each party central committee for the county a copy of the list of candidates nominated by ~~the~~ that party ~~he represents~~; and shall also certify and deliver to ~~such chairman~~ the chairperson a list of the offices to be filled by the voters of ~~a~~ the county for which no candidate of ~~his~~ that party was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes,~~ together with the names of all of the candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of such candidates.

Sec. 18. Section forty-three point sixty (43.60), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county board of ~~canvassers~~ supervisors shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the state commissioner, viz:

Sec. 19. Section forty-three point sixty-two (43.62), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The published proceedings of the ~~canvassing~~ board of supervisors relative to the canvass shall be confined to a brief statement of:

Sec. 20. Section forty-three point sixty-five (43.65), Code 1975, is amended to read as follows:

43.65 WHO NOMINATED. The candidate of each political party for nomination for each office to be filled by the voters of the entire state, and for each seat in the United States house of representatives, the Iowa house of representatives and each seat in the Iowa senate which is to be filled, who receives the highest number of votes cast by the voters of that party for that nomination shall be the candidate of that party for that office in the general election. However, if there are more than two candidates for any nomination and none of the candidates receives thirty-five percent or more of the votes cast by voters of ~~his~~ that party for that nomination, the primary is inconclusive and the nomination shall be made as provided by section ~~43.104~~ forty-three point seventy-eight (43.78), subsection 1, ~~or section 43.109, subsection 1~~ paragraph a, b or c, whichever is appropriate.

Sec. 21. Section forty-three point sixty-six (43.66), Code 1975, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section ~~43.97, 43.104, or 43.109, whichever is applicable~~ forty-three point seventy-eight (43.78), subsection one (1) of the Code.

Sec. 22. Section forty-three point sixty-nine (43.69), Code 1975, is amended to read as follows:

43.69 CERTIFICATES IN CASE OF FAILURE TO NOMINATE. Said state board shall, at once after completing its canvass, prepare separate certificates for each

political party as to each office for which no candidate was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes cast~~ by such party ~~for such office~~. Such certificates shall show the names of the several candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

Sec. 23. Section forty-three point seventy-six (43.76), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fifth day prior to the date of the general election by so notifying the state commissioner in writing.

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that office on or before, but not later than, the sixtieth day prior to the date of the general election by so notifying the commissioner in writing.

Sec. 24. Section forty-three point seventy-seven (43.77), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.77 WHAT CONSTITUTES A BALLOT VACANCY. A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. No person filed under section forty-three point eleven (43.11) of the Code as a candidate for the party's nomination for that office in the primary election, or all persons who filed under section forty-three point eleven (43.11) of the Code as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section forty-three point fifty-

two (43.52), forty-three point fifty-three (43.53) or forty-three point sixty-five (43.65) of the Code, whichever is applicable.

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section forty-three point seventy-six (43.76) of the Code, was found to lack the requisite qualifications for the office, or died, at a time not later than the seventy-fifth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the sixtieth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general, under the circumstances described in section four (4) of this Act, less than seventy-five days before the primary election and not less than seventy-five days before the general election, or in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code, under the circumstances described in section five (5) of this Act, less than sixty days before the primary election and not less than sixty days before the general election.

Sec. 25. Section forty-three point seventy-eight (43.78), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.78 FILLING BALLOT VACANCIES.

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:

a. For senator in the congress of the United States or any office listed in section thirty-nine point nine (39.9) of the Code, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

b. For representative in the congress of the United States, by the party's congressional district convention, which may be convened or reconvened as

appropriate by the state party chairperson.

c. For senator or representative in the general assembly, by the party precinct committee members whose precincts lie within the senatorial or representative district involved, who shall be convened or reconvened as appropriate by the state party chairperson. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any partisan city office for which candidates are nominated under this chapter, by the party's city central committee 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.

g. 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.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraphs a, b or c of this section shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election.

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. 26. Section forty-three point seventy-nine

(43.79), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL. The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the fifty-ninth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section seventy-six (76) of this Act shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter sixty-nine (69) of the Code.

Sec. 27. Section forty-three point eighty (43.80), Code 1975, is amended to read as follows:

43.80 VACANCIES IN NOMINATIONS OF PRESIDENTIAL ELECTORS. Vacancies in nominations of presidential electors shall be filled by the party central committee for the state. The party central committee may at any time nominate alternate presidential electors to serve in the event the nominated or elected presidential electors are, for any reason, unable to perform their duties.

Sec. 28. Section forty-three point ninety-seven (43.97), Code 1975, is amended by striking subsections one (1), two (2), three (3) and five (5) and inserting in lieu thereof the following new subsections, and by renumbering the remaining subsection accordingly.

NEW SUBSECTION. Make nominations to fill vacancies on the general election ballot as provided by law.

NEW SUBSECTION. Transact such other business as required or permitted by the political party's state constitution or bylaws, or the rules of the convention.

Sec. 29. Section forty-three point ninety-nine (43.99), Code 1975, is amended to read as follows:

43.99 PARTY COMMITTEE PERSONS. Two members of the county central committee for each political party shall, at the precinct caucuses, be elected from each precinct. The term of office of a member shall begin

~~immediately-following-the-adjournment-of-the-county convention~~ at the time specified by the party's state constitution or bylaws and shall continue for two years and until his or her successor is elected and qualified, unless sooner removed by the county central committee for inattention to duty or incompetency. The party's state constitution or bylaws may permit the election of additional central committee members from each precinct in a number proportionate to the vote cast for the party's candidate for president of the United States or for governor, as the case may be, in the respective precincts at preceding general elections.

Sec. 30. Section forty-three point one hundred (43.100), Code 1975, is amended to read as follows:

43.100 CENTRAL COMMITTEE--DUTIES. The county central committee shall organize ~~on~~ within ten days before or after the day of the county convention~~, immediately following the same~~. Each member elected to the county central committee shall receive written notice in advance of the time and place of the organizational meeting.

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

Vacancies in such committee may be filled by majority vote of the committee, or at a precinct caucus called pursuant to the party's state constitution or bylaws.

Sec. 31. Section forty-three point one hundred one (43.101), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.101 DISTRICT CONVENTIONS. Each political party may hold a congressional district convention upon the call of the state party chairperson to:

1. Elect or nominate members of the party's state central committee.

2. Make nominations to fill vacancies on the general election ballot as provided by law.

3. Transact such other business as required or permitted by the party's state constitution or bylaws, or the rules of the convention.

Sec. 32. Section forty-three point one hundred eight (43.108), Code 1975, is amended to read as

follows:

43.108 ORGANIZATION--PROXIES PROHIBITED. The convention shall be called to order by the ~~chairman~~ chairperson of the state central committee, or that individual's designee, who shall thereupon present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegates present from such county shall cast the full vote thereof if the rules of the convention, party bylaws or constitution so allow, and there shall be no proxies.

Sec. 33. Section forty-three point one hundred nine (43.109), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.109 NOMINATIONS AUTHORIZED. The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

Sec. 34. Section forty-three point one hundred twenty-one (43.121), Code 1975, is amended to read as follows:

43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS. This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as ~~hereafter~~ provided in ~~this title~~ chapters forty-four (44) and forty-five (45) of the Code, but no person so nominated shall be permitted to use the name, or any part thereof, of any political party authorized or entitled under this chapter to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under this chapter.

Sec. 35. Section forty-four point three (44.3), Code 1975, is amended to read as follows:

44.3 CERTIFICATE. ~~Said~~ The certificate required by section forty-four point two (44.2) of the Code shall ~~state~~:

1. State the following information:

~~1~~ a. The name of each candidate nominated.

~~2~~ b. The office to which each candidate is nominated.

~~3~~ c. The name of the political organization making such nomination, expressed in not more than five words.

~~4~~ d. The place of residence of each nominee, with the street or number thereof, if any.

~~5~~ e. In case of presidential electors, the names of the candidates for president and vice president shall be added to the name of the organization.

~~6~~ f. The name and address of each member of the

organization's executive or central committee.

~~7~~ g. The provision, if any, made for filling vacancies in nominations.

~~8~~ h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Be accompanied by an affidavit executed by the candidate nominated by the convention or caucus, 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 organization) 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.

(Signed) .....

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

.....
(Name)

.....
(Official title)"

Sec. 36. Section forty-four point nine (44.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any candidate named under this chapter ~~or chapter 43~~ may withdraw his or her nomination by a written request, signed and acknowledged by ~~him~~ that person before any officer empowered to take acknowledgment of deeds. Such withdrawal must be filed as follows:

Sec. 37. Section forty-four point fourteen (44.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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. 38. Section forty-five point three (45.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

45.3 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature his or her residence address and the date of signing. The person whose nomination is proposed by the petition may not sign it. Before the petition is filed, there shall be endorsed upon or attached to it:

1. The affidavit of at least one of the signers of the petition, 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

2. An affidavit executed by that candidate, 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 ....., and hereby request that my name be 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.

(Signed) .....

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

.....

(Name)

.....

(Official title)"

Sec. 39. Section forty-seven point one (47.1), Code 1975, 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 ~~to him~~ by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures ~~and~~, shall prescribe the necessary forms required for voter registration and the conduct of elections. ~~The state commissioner of elections may~~, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 40. Section forty-seven point two (47.2), Code 1975, is amended by striking unnumbered paragraph three (3).

Sec. 41. Chapter forty-seven (47), Code 1975, is amended by adding the following new section:

NEW SECTION. DATES FOR SPECIAL ELECTIONS.

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 notice shall be given at least thirty days in advance of that proposed date. 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.

2. For the purpose of this section, a conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the qualified electors of any precinct would be entitled to vote in one of the elections and all of the qualified electors of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 42. Section forty-eight point one (48.1), Code 1975, is amended to read as follows:

48.1 COMMISSIONER OF REGISTRATION. The commissioner of elections of each county is designated the commissioner of registration for that county. ~~He~~ , and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration~~,~~ . The commissioner of registration or an employee in the office of the commissioner of registration, during the month of May in each year shall visit each high school in the county and offer to register all eligible electors. Each deputy and special deputy designated under this section shall, when functioning in that capacity, be subject to the supervision of the county commissioner.

Sec. 43. Section forty-eight point two (48.2), Code 1975, is amended to read as follows:

48.2 WHO MAY REGISTER. Any person who is an eligible elector may register to vote ~~with~~ by personally submitting a completed voter registration form to the commissioner of registration or a deputy commissioner of registration in the elector's county of ~~his~~ residence. Any person who is an eligible elector in all respects except ~~that he has not attained the~~ age ~~of eighteen~~ may, at any time during the six months next preceding his or her eighteenth birthday, register to vote in the county of his or her residence. When a person less than eighteen years of age registers, the commissioner shall ~~affix to the receipt of~~ maintain a record of the registration, ~~issued as provided by section 48.6, a date which shall be~~ so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and ~~the receipt shall state on its face~~ that the person is registered and qualifies to vote in any election held on or after ~~the~~ that date ~~affixed to the registration receipt~~.

Sec. 44. Section forty-eight point four (48.4), Code 1975, is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION--DUTIES. The commissioner of registration shall have complete charge of the registration of all ~~qualified voters~~ eligible electors within the county~~.~~--He, 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 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 counties.

Sec. 45. Section forty-eight point five (48.5), Code 1975, 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 ~~his~~ the county. The original registration records shall not be removed from ~~his~~ that office or other designated locations except upon court order. ~~One copy of the original registration records which includes the elector's name, address, precinct, and party affiliation shall be prepared before the primary election and on August 1 preceding the general election, upon request and without charge, for the county chairman of each political party. The county commissioner of registration shall, each week, upon demand and without charge, from August 1 until October 1, prior to the general election and each day thereafter until the close of registration, provide the county chairman of each political party a list of electors who have registered since the last such list was provided. Additional copies may be provided to political parties at cost.~~ Duplicate registration records shall be open to inspection by the public at reasonable times.

2. Any person may request of the commissioner and shall receive, upon payment of the cost of preparation, a list of all qualified electors in the county, in accordance with the following requirements and limitations:

a. The commissioner shall draw up each list in the order and form specified by the requestor, so long as that order and form are within the capability of the record maintenance system used by the commissioner.

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

c. The commissioner shall not be required to provide lists during the fifteen days prior to the date of any 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, may request and shall receive without charge three lists during the two-year period prior to each general election, in the order and form requested. The lists 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 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. Each requestor, except those who obtained 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. ~~Such lists shall not~~ 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 commercial purpose, advertising, or solicitation, of any kind or nature, other than to request ~~such person's~~ a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of the name, address, telephone number, and social security number of each person who copies or ~~duplicates such~~ 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.

Sec. 46. Section forty-eight point six (48.6), Code 1975, is amended to read as follows:

48.6 FORM OF RECORDS. The registration forms shall be large enough to contain the necessary information required in legible writing. The

registration form shall require the following information to be provided:

1. The name of the applicant in full. ~~Whenever any change of name shall occur, the registrant shall not be allowed to vote until the registrant has registered, and after such reregistration the previous registration record shall be removed from the files. Where the only change in the previous registration information is a legal change of surname, the registrant may effect the reregistration required by this subsection by mailing the county commissioner a written notice stating in full both the name under which the registrant was previously registered and the name under which the registrant is now to be registered, and the registrant's social security number, if available.~~

2. Residence, giving name and number of the street, avenue, or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the residence of the applicant. Post office box numbers shall not be used unless no other method of identifying the residence exists for the community.

3. Date of birth.

4. Sex.

5. Date of registration.

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to telephone number, fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

7. ~~Last previous address if the registrant has resided at his present address for less than five years~~ Name, if different than current name, and address given on applicant's last previous registration.

8. Party affiliation. No party affiliation need be stated if the ~~registrant~~ applicant declines to make such statement.

9. An affidavit in such form as prescribed by the state commissioner of elections which states that the ~~registrant~~ applicant is, or will be ~~a qualified elector~~ on the day of the next known election in any jurisdiction in which the applicant resides, an

eligible elector.

10. An expressed authorization to cancel all other registrations to vote.

11. The social security number of the ~~registrant~~ applicant, if available.

12. The signature of ~~registrant~~ the applicant.

A receipt of registration shall be given to each registrant. If a person registers to vote while registration is closed preceding any election, the county commissioner of registration shall affix a date to the receipt which date shall be the day after the election for which registration is closed and the receipt shall state on its face that the person is registered and qualifies to vote in any election held on or after the date affixed to the registration receipt applicant, indicating the date the registration will become effective.

Sec. 47. Section forty-eight point seven (48.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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, before the close of registration, a qualified elector has a legal change of name or a change of address and fails to notify the commissioner of registration of such change of name or address before

the close of registration the elector shall not be qualified to vote; however, if the change of address does not involve printing the name of the elector on a different election register for the election the qualified elector shall be allowed to vote. The precinct election official shall have such an elector complete a change of address card at the polls and shall return such card with the election supplies.

Sec. 48. Section forty-eight point fifteen (48.15), Code 1975, is amended to read as follows:

48.15 CHALLENGES. Any person may challenge a registration at any time by filing a written challenge with the commissioner of registration. The commissioner of registration shall immediately give five days' notice of a hearing by registered or certified mail to the challenger and the person challenged. If the person challenged fails to appear, his or her name shall be removed from the registration list. However, if the person challenged notifies the commissioner prior to the date set for the hearing ~~that he is unable~~ of inability to appear on the date specified, the commissioner may reschedule the hearing. At such hearing the commissioner shall hear such evidence as he or she deems to have probative value. The person challenged shall be required to sign an affidavit ~~as provided in section 48.6, subsection 10~~, in a form prescribed by the state commissioner, which states that the registrant is an eligible elector of the precinct in which he or she has registered, and may then be questioned concerning his or her voting residence and qualifications. In all cases the commissioner shall decide the right to the entry under the evidence. Either party may appeal to the district court of the county in which the challenge is made, and a date for the hearing shall be fixed and the decision of such court shall be final.

Sec. 49. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph b, Code 1975, is amended to read as follows:

b. Mobile deputy registrars shall register electors on registration forms provided by the county commissioner of registration. These forms shall be as prescribed by section forty-eight point six (48.6) of the Code as amended by this Act except that they shall be numbered and accounted for by the mobile deputy registrar to the county commissioner of registration. ~~---There~~, and that there shall be provided on ~~said~~ each form a space for the mobile deputy registrar's signature ~~of the~~. The mobile deputy registrar ~~who~~ shall sign ~~same~~ the form and identify

himself or herself in the presence of the voter with appropriate identity papers or badge provided by the county commissioner of registration. The mobile deputy registrar shall give the voter a receipt signed by the mobile deputy registrar stating that such person is duly registered.

Sec. 50. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph d, Code 1975, 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's office shall remain open until at least six o'clock p.m. on that day, unless it is a Sunday or a legal holiday. Failure to ~~comply with this provision~~ return registration materials as required by this paragraph shall be a misdemeanor.

Sec. 51. Section forty-eight point twenty-nine (48.29), Code 1975, is amended to read as follows:

48.29 REMOVAL OF REGISTRATION. The county commissioner of registration who registers an elector who has changed ~~his~~ residence shall notify the county commissioner of registration of the registrant's former residence that the registrant has become a qualified elector at ~~his~~ that person's present residence. ~~The registrant shall execute an authorization to the county commissioner of registration of his former residence to remove the registrant's registration.~~ The county commissioner of registration of the former residence shall cause the registrant's record to be removed from ~~his~~ the file of valid registrations in that county.

Sec. 52. Section forty-nine point twelve (49.12), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one hundred votes were cast in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each

such additional machine. Double election boards may be appointed for any precinct as provided by chapter fifty-one (51) of the Code. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one or more qualified electors of another party or organization are qualified and willing to serve on the board. ~~Double election boards may be appointed for any precinct as provided by chapter 51.~~

Sec. 53. Section forty-nine point thirteen (49.13), Code 1975, is amended to read as follows:

49.13 COMMISSIONER TO APPOINT MEMBERS, ~~CHAIRMAN~~ CHAIRPERSON.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be qualified electors of the county in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

2. Each election board member shall be a member of one of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the precinct at the last general election, except that persons not members of either of these parties may be appointed to serve for any election in which no candidates appear on the ballot under the heading of either of these political parties.

3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county ~~chairmen~~ chairpersons of these political parties for placement on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified of that fact and the reason therefor and allowed two working days to designate a replacement.

4. The commissioner shall designate one member of each precinct election board as ~~chairman~~ chairperson of that board, and also of the counting board authorized by chapter 51 if one is appointed, with authority over the mechanics of the work of both boards.

Sec. 54. Section forty-nine point fifteen (49.15), Code 1975, is amended to read as follows:

49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years. Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county ~~chairmen~~ chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known ~~to him~~ by the commissioner to be members of these political parties, if the respective county ~~chairmen~~ chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised ~~him~~ the commissioner they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either of these political parties, or whom either ~~a school board or~~ the city council of a city of three thousand five hundred or less population or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

Sec. 55. Section forty-nine point sixteen (49.16), subsection four (4), Code 1975, is amended to read as follows:

4. In appointing the election board for any election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

Sec. 56. Section forty-nine point twenty-four (49.24), Code 1975, is amended to read as follows:

49.24 SCHOOLHOUSES AS POLLING PLACES. In precincts

outside of cities the election shall, if practicable, be held in ~~the~~ a public school building. ~~All~~ Any damage to the building or furniture resulting from the election shall be paid by the county.

Sec. 57. Section forty-nine point twenty-five (49.25), Code 1975, is amended to read as follows:

49.25 EQUIPMENT REQUIRED AT POLLING PLACES.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct where voting machines are to be used for any election, in advance of that election, one voting machine meeting the requirements of chapter fifty-two (52) of the Code for every three hundred voters or major fraction thereof who voted in the last preceding similar election held in the precinct.

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:

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

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

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

~~4~~ d. The numbering of voting booths shall not be less than one to every three hundred voters or major fraction thereof who voted at the last preceding similar election in the precinct.

~~5~~ e. The booths shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the commissioner or his or her designee for safekeeping and for future use.

Sec. 58. Section forty-nine point twenty-six (49.26), Code 1975, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

Sec. 59. Section forty-nine point twenty-eight (49.28), Code 1975, is amended to read as follows:

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

Sec. 60. Section forty-nine point thirty-one (49.31), Code 1975, is amended to read as follows:

49.31 ARRANGEMENT OF NAMES ON BALLOT.

1. All nominations of any political party or group of petitioners, except as provided in section 49.30, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in section 49.32.

2. The commissioner shall prepare a list of the election precincts of ~~his~~ the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in

each city or township in numerical order under the name of such city or township. ~~He~~ The commissioner shall then arrange the surnames of each political party's candidates for ~~such offices~~ each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

3. The ballots for any city elections or school elections, or any special election at which any office is to be filled on a nonpartisan basis shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election or special election to fill an office is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by ~~the preceeding paragraph~~ subsection two (2) of this section.

4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the heading for that office on the precinct ballot shall be immediately followed by a notation of the number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom he or she desires to vote for any office or nomination on the ballot.

Sec. 61. Section forty-nine point thirty-five (49.35), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.35 ORDER OF ARRANGING TICKETS ON BALLOT. Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section forty-nine point thirty-seven (49.37) of the Code by the authorities charged with the printing of the ballots. However, if a total of more than seven political parties and groups of petitioners are to be placed on the ballot the state

commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns.

Sec. 62. Section forty-nine point thirty-seven (49.37), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.37 COLUMNS OR ROWS TO BE SEPARATED.

1. Each column or row containing a ticket or tickets, each preceded by the name of a political party or a group of petitioners, shall be separated by a distinct line appearing on the ballot. The names of candidates for nonpartisan offices shall be placed on a separate column or row on the ballot.

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section forty-three point seventy-three (43.73) of the Code, in that the names of the respective candidates on each political party ticket shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization tickets.

Sec. 63. Section forty-nine point forty-two (49.42), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

Sec. 64. Section forty-nine point forty-three (49.43), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE. In precincts using paper ballots all public measures to be voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the question row on the machine; however if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Sec. 65. Section forty-nine point fifty-one (49.51), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.51 COMMISSIONER TO CONTROL PRINTING. The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that

authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section forty-seven point two (47.2) of the Code for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the qualified electors of that political subdivision. Only the facsimile of the signature of the commissioner under whose direction the ballot is printed shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under his or her direction conforms to all applicable requirements of this chapter.

Sec. 66. Section forty-nine point fifty-three (49.53), Code 1975, 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 ballot of the first rotation as prescribed by section 49.31, ~~second paragraph~~ 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 be reduced in size to the extent permitted by the rules of the state commissioner. 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. 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. 67. Section forty-nine point fifty-seven (49.57), subsection five (5), Code 1975, 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, 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. 68. Section forty-nine point fifty-eight (49.58), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES. If any candidate nominated by a political party, as defined in section forty-three point two (43.2) of the Code, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the seventy-fourth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the fifty-ninth day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter fifty (50) of the Code. Instead, a special election shall be held on the fifth Tuesday following the date of the general election, for the purpose of electing a person to fill that office. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section forty-three point seventy-eight (43.78) of the Code for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of

the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 69. Section forty-nine point seventy-three (49.73), Code 1975, is amended to read as follows:

49.73 TIME OF OPENING AND CLOSING POLLS. 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 ~~any school district or~~ a city of three thousand five hundred or less population or any school district at which ~~he~~ the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to 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 shall not do so for any election if there is filed in the commissioner's office, at least ~~twenty~~ 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 ~~not~~ 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 polling places shall be closed at eight o'clock p.m.

Sec. 70. Section forty-nine point seventy-seven (49.77), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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 ~~he~~ that person claims ~~his~~ 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:

Sec. 71. Section forty-nine point seventy-nine (49.79), Code 1975, is amended to read as follows:

49.79 CHALLENGES. Any person offering to vote may be challenged as unqualified by any precinct election official or elector; and it is the duty of each ~~of the officials~~ official to challenge any person offering to vote whom ~~he~~ the official knows or suspects is not ~~to be~~ duly qualified. ~~At primary elections challenges may be made on the grounds stated in section 43.44. No official shall receive a~~ A ballot shall be received from a voter who is challenged, ~~until such voter shall have established his right to vote~~ but only in accordance with section forty-nine point eighty-one (49.81) of the Code.

Sec. 72. Section forty-nine point eighty (49.80), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. In case of ~~all~~ any challenges of ~~electors~~ an elector at the time he or she is offering to vote in a precinct, a precinct election official may place such person under oath and question him or her as, (a) where he or she maintains his or her home; (b) how long he or she has maintained his or her home at such place; (c) if he or she maintains a home at any other location; (d) his or her age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts ~~that he~~ as the elector feels sustains the fact that he or she is qualified to vote. Upon completion thereof, ~~the official hearing the challenge shall determine if the challenged elector shall be allowed to vote~~ if the challenge is withdrawn, the elector may cast his or her vote in the usual manner. If the challenge is not withdrawn, section forty-nine point eighty-one (49.81) of the Code shall apply.

~~3. In case of a challenge on the grounds stated in section 43.44, the procedures set forth in that section shall be followed.~~

Sec. 73. Section forty-nine point eighty-one (49.81), Code 1975, is amended by striking the section

and inserting in lieu thereof the following:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST BALLOT.

1. A prospective voter who is prohibited under section forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot, in a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code. 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 reason for the challenge, and the identification used if the voter registered on election day. 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 marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred three (103) of this Act for purposes of the post-election canvass.

2. Each person who casts a challenged ballot under this section shall receive a printed statement in substantially the following form:

"Your qualifications as an elector have been challenged for the following reasons:

a. _____

b. _____

c. _____

Your right to vote will be reviewed by the special precinct counting board on _____. You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections prior to noon on _____ at _____. If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, to the precinct election officials on election day, until the hour for closing

the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

Sec. 74. Section forty-nine point ninety (49.90), Code 1975, 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 that, by reason of any physical disability other than intoxication, ~~he~~ is unable to cast ~~his~~ a vote without assistance, shall, upon request, be assisted by said two officers, or by any person the blind voter may select, in casting ~~his~~ 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 precinct is located, the two officers shall take a paper ballot to the car of the handicap elector and allow the elector to cast the ballot in the car. If a handicap 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 shall be cast according to section forty-nine point eighty-one (49.81), Code 1975, except they shall be marked "handicap ballot". All handicap ballots shall be counted according to section fifty point twenty-two (50.22) of the Code.

Sec. 75. Section forty-nine point one hundred four (49.104), Code 1975, is amended to read as follows:

49.104 PERSONS PERMITTED AT POLLING PLACES. The following ~~persons~~ eligible electors of the county shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

1. Any ~~person~~ eligible elector of the county who is by law authorized to perform or is charged with the performance of official duties at the election.

2. Any number of ~~persons~~ eligible electors of the county, not exceeding three from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

3. Any number of ~~persons~~ eligible electors of the county, not exceeding three from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section fifty-one point

eleven (51.11), the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

4. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairman of the precinct election board.

5. One ~~observer~~ eligible elector of the county representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress.

Sec. 76. Section forty-nine point one hundred twenty-five (49.125), Code 1975, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section seventy-nine point nine (79.9) of the Code if the distance involved is more than five miles. The wages shall be two dollars per hour and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 77. 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. 78. Section fifty point seventeen (50.17), Code 1975, is amended to read as follows:

50.17 RETURN OF ELECTION REGISTER. The precinct election register prepared for each election, together

with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the commissioner by one of the precinct election officials ~~within two days after the day of the election~~ by noon of the day following the election.

Sec. 79. Section fifty point nineteen (50.19), Code 1975, is amended to read as follows:

50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The commissioner ~~shall file~~ may destroy precinct election registers ~~and other papers pertaining to registration, together with~~, the declarations of eligibility signed by voters ~~at the~~, and other material pertaining to an election, ~~in his office and preserve the same for four years and until the determination of any contest then pending, after which they shall be destroyed~~ except the tally lists, six months after the election if no contest is pending. If a contest is pending all election materials shall be preserved until final determination of the contest.

Sec. 80. Chapter fifty (50), Code 1975, is amended by inserting after section fifty point nineteen (50.19) the following new sections:

NEW SECTION. 50.20 NOTICE OF NUMBER OF CHALLENGED BALLOTS. The commissioner shall compile a list of the number of challenged ballots cast under section forty-nine point eighty-one (49.81) of the Code in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Thereafter, only those persons so permitted by section fifty-three point twenty-three (53.23) of the Code shall have access to the affidavits. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, at the commissioner's office until the reconvening of the special precinct board.

NEW SECTION. 50.21 SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the counting board of the special precinct established by section fifty-three point twenty-three (53.23) of the Code at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the canvass of the election is required at any earlier time, the

special precinct counting board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section forty-nine point eighty-one (49.81) of the Code at any election, the special precinct board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire counting board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall preserve the ratio of political party members required by section forty-nine point twelve (49.12) of the Code.

NEW SECTION. 50.22 SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES. Upon being reconvened, the special precinct counting board shall review the affidavits 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 decision to count or reject a ballot shall be made upon the basis of the information given on the affidavit envelope, 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 section fifty-three point twenty-five (53.25) of the Code, and the affidavit envelope shall be preserved unsealed and disposed of in the same manner as spoiled ballots. Every challenged ballot which is accepted shall be counted in the manner prescribed by section fifty-three point twenty-three (53.23) 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. 81. Section fifty point twenty-three (50.23), Code 1975, is amended to read as follows:

50.23 MESSENGERS FOR MISSING TALLY LISTS. The commissioner shall~~,-on-the-fourth-day-following-an election,~~ send messengers for all tally lists not ~~then~~ received ~~by-him~~ in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county.

Sec. 82. Section fifty point twenty-four (50.24), Code 1975, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS. The county board of supervisors shall meet to canvass the vote

at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass~~,--and~~ . If that Monday is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22) of the Code shall control. Upon convening, the board shall open and canvass the tally lists~~.--The board~~ and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office or on each question on the ballot for the election. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 83. Section fifty-one point eleven (51.11), Code 1975, is amended to read as follows:

51.11 PRESENCE OF PERSONS. No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board and the witnesses appointed and accredited under section forty-nine point one hundred four (49.104), subsection three (3) of the Code. It shall be unlawful for any witness to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 84. Section fifty-two point four (52.4), Code 1975, is amended to read as follows:

52.4 COMMISSIONERS--TERM--REMOVAL. The governor shall appoint three ~~commissioners~~ members to a board of examiners for voting machines, not more than two of whom shall be from the same political party. The ~~said commissioners~~ examiners shall hold office for the term of five years, subject to removal at the pleasure of the governor.

Sec. 85. Section fifty-two point five (52.5), Code 1975, is amended to read as follows:

52.5 EXAMINATION OF MACHINE. Any person or corporation owning or being interested in any voting machine may call upon the said ~~commissioners~~ examiners to examine the said machine, and make report to the state commissioner upon the capacity of the said machine to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and

shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections under the conditions prescribed in this chapter. If the report states that the machine can be so used, it shall be deemed approved by the ~~commissioners~~ examiners, and machines of its kind may be adopted for use at elections as herein provided. Any form of voting machine not so approved cannot be used at any election.

Sec. 86. Section fifty-two point six (52.6), Code 1975, is amended to read as follows:

52.6 COMPENSATION. Each ~~commissioner~~ examiner is entitled to one hundred fifty dollars for his or her compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. No ~~commissioner~~ examiner shall have any interest whatever in any machine reported upon. Provided that ~~said commissioner~~ each examiner shall ~~not~~ receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned into the state treasury.

Sec. 87. Section fifty-two point seven (52.7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

A voting machine approved by the state board of examiners for voting ~~machine commissioners~~ machines must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy.

Sec. 88. Section fifty-two point nine (52.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

It shall be the duty of the commissioner or ~~his~~ the commissioner's duly authorized agent ~~when so requested by the county chairman of one of the political parties referred to in section 49.13,~~ to examine and test the voting machines to be used at any election after the machines have been prepared for the election and not less than twelve hours before the opening of the polls on the morning of the election. ~~If voting machines are to be so examined and tested, the chairman~~ The county chairperson of each political party referred to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time said machines shall

be examined and tested so that they may be present, or have a representative present. Those present for the examination and testing shall sign a certificate which shall read substantially as follows:

Sec. 89. Section fifty-two point eighteen (52.18), Code 1975, is amended to read as follows:

52.18 METHOD OF VOTING. After the opening of the polls, the precinct election officials shall not allow any voter to enter the voting machine booth until they ascertain that ~~he~~ the person is duly entitled to vote. Only one voter at a time shall be permitted to enter the voting machine booth to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons, except as provided by ~~this chapter~~ sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall be removed by the officials.

Sec. 90. Section fifty-two point twenty-two (52.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The precinct election officials shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain until thirty days after the proclamation of the results of said election, except that it shall remain locked only ten days after a primary election, ~~including~~ and only two days after a city primary election, if such election is not contested. In cities in which the council has chosen a runoff election in lieu of a primary pursuant to section three hundred seventy-six point nine (376.9) of the Code, the machine shall remain locked only two days after the regular city election if the canvass shows that a runoff election is required, and the election is not contested. However, if the machines in any precinct are so constructed as to deliver, immediately upon conclusion of the voting at any election, 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 machines may be unlocked immedately following the canvass of votes by the county board of supervisors unless the precinct election board informs the commissioner that the printed record produced by the machine is smeared, torn or otherwise unreadable.

In the latter case, the machines shall be kept locked for the period of time prescribed for machines which do not print such a record.

Sec. 91. Section fifty-two point twenty-five (52.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least two places within the voting precinct and on the left-hand side inside the curtain of each voting machine, said printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the inserts used in said voting machines, except that: (1) in the case of the question of a constitutional convention, or of an amendment or measure to be voted on in ~~more than one county~~ the entire state, the summary to be placed in the voting machine inserts shall be worded by the state commissioner of elections as required by section 49.44; and (2) in the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section forty-seven point two (47.2) of the Code for conducting that election.

Sec. 92. Section fifty-three point one (53.1), subsection two (2), Code 1975, is amended to read as follows:

2. When, through illness or physical disability, ~~he~~ the elector expects to be prevented from going to the ~~polls~~ polling place in the elector's precinct of residence and voting on election day.

Sec. 93. Section fifty-three point eight (53.8), Code 1975, is amended to read as follows:

53.8 BALLOT MAILED.

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, it shall be the duty of the commissioner to mail an absentee ballot to the applicant within twenty-four hours. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the qualified elector, except as otherwise provided in subsection three (3) of this section.

2. If an application is received so late that

it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect. The statement shall also point out that it is possible for the applicant to personally deliver his completed absentee ballot to the office of the commissioner at any time before eight o'clock p.m. on election day.

3. When an application for an absentee ballot is received during the seven days prior to an election 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 by the commissioner under section ninety-seven (97) of this Act, the commissioner may have that elector's absentee ballot delivered to him or her by one 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 panel drawn up as provided by section forty-nine point fifteen (49.15) of the Code for the special precinct established by section fifty-three point twenty-three (53.23)of the Code. The persons so appointed by the commissioner shall be sworn in the manner provided by section forty-nine point seventy-five (49.75) of the Code for election board members. They may assist the qualified electors in filling out the ballot as provided in section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day. The persons appointed by the commissioner pursuant to this section shall perform their duties during the five days preceding the election. They shall receive compensation as provided in section forty-nine point twenty (49.20) of the Code. They shall travel together in the same vehicle and both shall be present when an applicant casts his or her absentee ballot.

Sec. 94. Section fifty-three point seventeen (53.17), Code 1975, is amended by striking unnumbered paragraphs two (2) and three (3).

Sec. 95. Section fifty-three point thirty-eight (53.38), Code 1975, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION. Whenever ~~registration is required in order to vote at either the primary election or general election, in the case of voters~~ a ballot is requested pursuant to section fifty-three point thirty-nine (53.39) of the Code

on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, ~~otherwise qualified~~ if he or she is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration~~, if registration is required~~ under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if it does not already appear there.

Sec. 96. Section sixty-nine point twelve (69.12), subsection one (1), paragraphs a and b, Code 1975, are amended to read as follows:

a. A vacancy occurring ~~forty~~ fifty or more days prior to the next pending election that is not a general election or sixty or more days prior to a general election shall be filled at that election. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

b. A vacancy occurring less than ~~forty~~ fifty days prior to the next pending election that is not a general election or less than sixty days prior to a general election shall be filled by appointment as provided by law until the succeeding pending election.

Sec. 97. Chapter one hundred thirty-five C (135C), Code 1975, is amended by adding the following new section:

NEW SECTION. LICENSE LIST TO COUNTY COMMISSIONER OF ELECTIONS. To facilitate the implementation of chapter fifty-three (53) of the Code, the commissioner shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility.

Sec. 98. Section one hundred forty-five A point eleven (145A.11), Code 1975, is amended to read as follows:

145A.11 TERMS OF MEMBERS. The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county

hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five ~~qualified~~ eligible electors from the area district~~,-and-shall be-filed-with-the-board. When-nominations-are complete,-the-board-shall-certify-the-names-of-the nominees-to-each-county-auditor-of-the-respective area-districts.~~

Sec. 99. Section two hundred seventy-five point twenty-five (275.25), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

~~-~~Provided, however, in cases involving two districts only, where the population of the new district does not exceed the population of the more populous of said districts by more than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms. Section forty-nine point eight (49.8), subsection four (4) of the Code shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board ~~caused-by-change-in-boundaries~~ shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 100. Section two hundred seventy-five point thirty-five (275.35), Code 1975, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS. Any existing or hereafter created or enlarged school district may change the number of directors from five to seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election and describing the boundaries of the proposed director districts if any, by the school board of such district to the electors at any regular or special school election. The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 to 53 by the county commissioner of elections. Such proposal shall be adopted~~:~~

~~1.--If,-in-a-district-where-the-existing-method of-election-of-school-directors-is-by-election-at large,-it-is-approved-by-a-majority-of-the-votes-cast on-the-proposition;~~

~~2.--If,-in-a-district-which-is-subdivided-into director-districts-for-the-election-of-all-or-part of-the-school-directors,~~ if it is approved by a majority of the votes cast on the proposition.

Sec. 101. Section two hundred seventy-seven point six (277.6), Code 1975, is amended to read as follows:

277.6 TERRITORY OUTSIDE CITY OR COUNTY. If there is within a school corporation any territory not within the limits of the ~~city or~~ county whose county commissioner of elections is responsible under section forty-seven point two (47.2) of the Code for conducting that school corporation's elections, the ~~county~~ commissioner ~~of elections~~ may divide the territory which lies outside the ~~city or~~ county but within the school district into additional precincts, or may attach the various parts thereof to ~~such~~ contiguous ~~city or county~~ precincts within the same county in accordance with section forty-nine point three (49.3) of the Code, and as will best serve the convenience of the electors of said territory in voting on school matters.

Sec. 102. Section two hundred seventy-seven point twenty-six (277.26), Code 1975, is amended to read as follows:

277.26 TREASURER. In ~~districts composed in whole or in part of cities~~ each school district a treasurer shall be chosen at the regular election. He shall serve without pay and his term shall begin on the first secular day of July following his election and continue for two years and until his successor is elected or appointed and qualified.

Sec. 103. Section two hundred seventy-seven point twenty-nine (277.29), Code 1975, is amended to read as follows:

277.29 VACANCIES. Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing his or her residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, his office, or the decision of a competent tribunal declaring his office vacant; the conviction of incumbent of an infamous crime or of any public offense involving the violation of his oath of office, shall constitute a vacancy.

Sec. 104. Section two hundred seventy-seven point thirty (277.30), Code 1975, is amended by striking the section and inserting in lieu thereof the

following:

277.30 VACANCIES FILLED BY ELECTION. When vacancies are to be filled by election, the provisions of section sixty-nine point twelve (69.12) of the Code shall control.

Sec. 105. Section two hundred seventy-eight point one (278.1), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

9. Authorize a change from five to seven directors. The proposition for the change shall specify the number of directors and which of the four methods of election authorized by section two hundred seventy-five point twelve (275.12), subsection two (2) of the Code is to be used if the change is approved by the voters.

10. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection within the next six years.

Sec. 106. Section two hundred seventy-eight point two (278.2), Code 1975, is amended to read as follows:

278.2 SUBMISSION OF PROPOSITION. The board may, and upon the written request of twenty-five ~~voters~~ elibible electors of any district having a population of five thousand or less, or of fifty ~~voters~~ eligible electors of any other district, shall direct the county commissioner of elections to provide in the notice of the regular election for submitting any proposition authorized by law to the voters. However, when the board has directed the commissioner to submit to the voters a proposition authorized by section two hundred seventy-eight point one (278.1), subsections nine (9) or ten (10), it shall not thereafter direct him to submit at the same election any other proposition under either of these subsections.

Sec. 107. Section two hundred seventy-nine point three (279.3), Code 1975, is amended to read as follows:

279.3 APPOINTMENT OF SECRETARY ~~AND TREASURER~~. At the meeting of the board the first secular day after the seventh day in July the board shall appoint a secretary who shall not be a teacher or other employee of the board. ~~It shall also, except in districts composed in whole or in part of a city,~~

~~appoint-a-treasurer.--Such-officers~~ The secretary shall be appointed from outside the membership of the board for terms of one year beginning with the first secular day after the seventh day in July which appointment and qualification shall be entered of record in the minutes of the secretary. ~~They~~ The secretary shall qualify within ten days following ~~their~~ appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until ~~their-successors-are~~ a successor is appointed and qualified.

Sec. 108. Section two hundred seventy-nine point six (279.6), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until ~~the organization-of-the-board-the-third-Monday-in-September immediately-following-the-next-regular-election-and until-his~~ a successor is elected and qualified pursuant to section sixty-nine point twelve (69.12) of the Code. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until his successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

Sec. 109. Section two hundred eighty A point twelve (280A.12), Code 1975, is amended to read as follows:

280A.12 GOVERNING BOARD. The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Terms of members of the board of directors shall be three years except that members of the initial board of directors elected at the special election shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year. Vacancies on the board which occur more than ninety days prior to the next ~~annual~~ regular school election ~~shall~~ may be filled at the next regular meeting of the board by appointment

by the remaining members of the board. ~~The~~ A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until ~~the next annual school election, at which election~~ a member shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29. No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 110. Section two hundred ninety-six point four (296.4), Code 1975, is amended to read as follows:

296.4 NOTICE--BALLOTS. Notice of the election shall be given by the county commissioner of elections by publication ~~once each week for four weeks in some newspaper of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted, and shall be in lieu of any other notice, any other statute to the contrary notwithstanding~~ in accordance with section forty-nine point fifty-three (49.53) of the Code. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors.

Sec. 111. Section three hundred three B point two (303B.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The regional library system shall consist of seven regional boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees ~~elected~~ appointed to the boards in the following numbers and from the following districts:

Sec. 112. Section three hundred three B point three (303B.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

303B.3 APPOINTMENT. Regional library trustees shall be appointed by the governor from lists of nominees submitted for each appointment by the state library commission and the Iowa library association. At least two nominees shall be submitted for each appointment to a regional library board.

Sec. 113. Section three hundred three B point

four (303B.4), Code 1975, is amended to read as follows:

303B.4 TERMS. Regional library trustees shall take office on the first day of January following ~~the general election~~ their appointment and shall serve terms of four years, except that trustees elected to the initial board in the year 1974 shall determine their respective terms by lot so that three members shall serve terms of two years and four members shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the ~~next general election~~ expiration of the term in which the vacancy occurs by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during his or her term of office as a regional library trustee.

Sec. 114. Section three hundred six C point ten (306C.10), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Political sign" means an outdoor sign of a temporary nature, not larger than nine square feet in surface area, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nominaton or election or any public question on the ballot in an election held under the laws of this state.

Sec. 115. Chapter three hundred six C (306C), Code 1975, is amended by adding the following new section:

NEW SECTION. It shall be lawful to place political signs on private property with permission of the owner or person in charge of the property at any time during the period beginning forty-five days before the date of the election to which the signs pertain and ending on the day of the election, even if such placement would otherwise be a violation of this chapter. This section shall not be construed to authorize placement of any political sign at any location where it may, because of its size, location, content or coloring constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by detracting from the visibility of any traffic control device or by being confused with an authorized traffic control device. The exemption from provisions of this chapter granted by this section for political signs shall expire on the seventh day following the date of the election to which the signs pertain. A municipal corporation shall adopt no ordinance which

prohibits the placement of political signs on private property as permitted by this section during the period beginning twenty-one days before the date of the election to which the signs pertain, nor requires removal of the political signs so placed less than seven days after the date of that election.

Sec. 116. Section three hundred forty-seven point ten (347.10), Code 1975, is amended to read as follows:

347.10 VACANCIES. Vacancies in the board of trustees ~~shall~~ may be filled by an appointment to fill the vacancy by the remaining members of the board of trustees. ~~In the event that~~ or, if fewer than four trustees remain on the board, ~~the vacancies shall be filled~~ by the board of supervisors, for the period until the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code. Should any board member be absent for four consecutive regular board meetings, without prior excuse, his position shall be declared vacant and filled as set out above.

Sec. 117. Section three hundred forty-seven point twenty-five (347.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The election of hospital trustees whose offices are established by this chapter or chapter one hundred forty-five A (145A) or three hundred forty-seven A (347A) of the Code shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by ~~qualified~~ eligible electors of the county equal in number to one percent of the vote cast for president of the United States or governor, as the case may be, by both political parties in the last previous general election, and shall be filed with the county commissioner of elections at least fifty-five days prior to the date of said general election. A plurality shall be sufficient to elect hospital trustees, it being the intent that there be no primary election.

Sec. 118. Section three hundred forty-seven A point one (347A.1), Code 1975, is amended as follows:

1. By striking from line thirty-two (32) the word "shall" and inserting in lieu thereof the word "may".

2. By striking from line thirty-four (34) the words "next succeeding general election" and inserting in lieu thereof the words "the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code".

Sec. 119. Section three hundred fifty-eight point

nine (358.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Vacancies in the office of trustee of a sanitary district ~~shall~~ may be filled by the remaining members of the board for the period ~~extending to the second secular day of January following the next biennial election, when~~ until a trustee shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill such vacancy for the unexpired term.

Sec. 120. Section three hundred sixty-four point two (364.2), subsection four (4), paragraph c, Code 1975, is amended to read as follows:

c. Notice of the election shall be given by publication ~~once each week for four consecutive weeks~~ as prescribed in section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The election shall be held on a day not less than five nor more than twenty days after the last publication of notice.~~

Sec. 121. Section three hundred seventy-two point thirteen (372.13), subsection two (2), Code 1975, is amended to read as follows:

2. A vacancy in an elective city office during a term of office ~~must~~ may be filled by the council for the period of time until ~~the next regular city election~~ it is filled pursuant to section sixty-nine point twelve (69.12) of the Code.

Sec. 122. Section three hundred seventy-six point four (376.4), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

The city clerk 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 day before the election~~ as prescribed in section forty-four point nine (44.9) of the Code.

Sec. 123. Section three hundred eighty-four point twenty-six (384.26), subsection three (3), Code 1975, is amended to read as follows:

3. Notice of the election must be given by publication ~~once each week for at least three consecutive weeks~~ as required by section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The notice must~~

~~state-the-date-of-the-election,-the-hours-of-opening and-closing-the-polls-and-the-location-thereof,-and the-question-to-be-submitted.--The-election-must-be held-on-a-date-not-less-than-four-nor-more-than-twenty days-after-the-last-publication-of-the-notice.--Such notice-is-sufficient-and-is-in-lieu-of-any-other notice-required-by-any-other-statute.~~ At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

Sec. 124. Section three hundred ninety-four point two (394.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular municipal election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published ~~once-each-week-for-at-least-four consecutive-weeks-in-a-newspaper-published-in-the county,-which-notice-shall-state-the-date-of-the election,-the-hours-of-opening-and-closing-the-polls and-the-location-thereof,-the-question-to-be-submitted,~~ and as required by section forty-nine point fifty-three (49.53) of the Code. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens. ~~The-election-shall be-held-on-a-date-not-less-than-four-nor-more-than twenty-days-after-the-last-publication-of-the-notice.~~

Sec. 125. Sections forty-three point forty-four (43.44), forty-three point fifty-nine (43.59), forty-three point seventy (43.70), forty-three point seventy-four (43.74), forty-three point eighty-one (43.81), forty-three point eighty-two (43.82), forty-three point eighty-four (43.84), forty-three point eighty-six (43.86), forty-three point eighty-seven (43.87), forty-three point one hundred two (43.102), forty-three point one hundred five (43.105), forty-three point one hundred ten (43.110), forty-nine point thirty-four (49.34), forty-nine point sixty-two (49.62), and two hundred ninety-six point five (296.5), Code 1975, are repealed.

DRAKE of Muscatine
CRAWFORD of Story
MILLEN of Van Buren
VARLEY of Adair

H-3608 FILED, LOST AND RECEIVED UNANIMOUS CONSENT NOT TO BE PRINTED IN THE JOURNAL. (THIS IS THE LSB ORIGINAL)

APRIL 22, 1975 (1252)

HF 700.301
pb/bg/14

H-3605

Amend House File 700 as follows:

1. Page 22, by striking all of lines 4 through 19 and inserting in lieu thereof the following:

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

47.1 DEPARTMENT CREATED. There is created a department of elections administered by a commissioner who shall be the state commissioner of elections. The state commissioner of elections shall be appointed by the governor, with the approval of two-thirds of the senate and may be removed from office by either the governor with three-fifths vote of the senate or by two-thirds vote of the senate alone. The state commissioner shall be employed on a permanent basis. The state commissioner shall not hold any other office, engage in any political activities, accept or solicit, directly or indirectly, any political contributions, and shall not use the office to support the candidacy of anyone for elective or appointive office. The state commissioner shall receive a salary at a rate fixed by the governor not to exceed twenty-five thousand dollars per annum." A

2. Page 22 by inserting after line 19 the following new sections:

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

NEW SECTION. DUTIES. The duties of the state commissioner of elections shall include but not be limited to the following:

1. Supervise the activities of the county commissioners of elections.

2. Prescribe, by rules adopted pursuant to chapter seventeen A (17A) of the Code, uniform election practices and procedures.

3. Administer chapter fifty-six (56) of the Code.

4. Promulgate the necessary affidavits and forms as required by the election laws and chapter fifty-six (56) of the Code, pursuant to chapter seventeen A (17A) of the Code.

NEW SECTION. SPECIAL COUNSEL. A special counsel shall be appointed by the governor with the approval of two-thirds of the senate to serve as legal counsel to the commissioner of elections and to the electorate of Iowa. The special counsel shall issue advisory opinions on all electoral questions submitted by the state commissioner of elections, a candidate for public office, an elected official, or the chairman of a statutory political party. B

The special counsel shall not be a member of the attorney general's staff, shall not engage in any

political activity, shall not accept or solicit directly or indirectly any political contributions, and shall not use the office to support the candidacy of anyone for elective or appointive office. The special counsel may be removed from office by the governor and three-fifths vote of the senate or by two-thirds vote of the senate alone. The special counsel shall receive compensation on an hourly rate.

The special counsel shall have the power to interpret the election laws on the day of any special or regular election and during the five days preceding an election to assure that the electorate has full and easy access to the polls and the integrity and secrecy of the ballot is protected.

H-3605 FILED A-Lost 4/22 (1271)
APRIL 21, 1975 B-Adopted 4/22 (1272) BY TAUKE of Dubuque
CRAWFORD of Story

House File 700

H-3606

Amend the Committee on State Government amendment H-3586 to House File 700, page 1, by striking lines 16 through 40, inclusive, and inserting in lieu thereof the following:

"5. Page 1, by striking lines 16 through 27, inclusive, and inserting in lieu thereof the following:

39.2 SPECIAL ELECTIONS. 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."

H-3606 FILED - Adopted 4/22 (1260)
APRIL 21, 1975 BY CRAWFORD of Story

H-3610

Amend House File 700, page 34, by inserting after line 34 the following:

"Sec. __. Section forty-eight point twenty-seven (48.27), subsection three (3), Code 1975, is amended by striking paragraph d."

H-3610 FILED, LOST (1272)
APRIL 22, 1975 BY WOODS of Polk

H-3604

Amend House File 700 as follows:

1. Page 64, by inserting after line 18 the following:

"Sec. ___. Section fifty-six point eighteen (56.18), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any person who assists a taxpayer in the preparation of the taxpayer's income tax return or prepares the taxpayer's income tax return shall not influence or encourage or attempt to influence or encourage a taxpayer to designate a one dollar checkoff contribution for a particular political party.

A

Sec. ___. Section fifty-six point twenty-two (56.22), Code 1975, is amended to read as follows:

56.22 FUNDS--DISTRIBUTION. The chairman of the state statutory political committee shall distribute the funds received from the director as he is directed to do so by the party, except that all moneys received by the state statutory political committee from the Iowa election campaign fund shall be distributed to the political party candidates to be used for campaign purposes and all moneys delegated for the campaigning purposes for the offices of representative in Congress, state representative, and state senator shall be distributed on a strictly equal basis to all the party's candidates for those offices. Funds distributed pursuant to this chapter shall not be used for primary election expenses or for expenses related to the selection of a candidate at a political convention.

B

Sec. ___. Chapter fifty-six (56), Code 1975, is amended by adding the following new section:

NEW SECTION. A person shall not promote the income tax checkoff to encourage taxpayers to checkoff one dollar contributions to a particular political party. Any advertising or promotion of the income tax checkoff shall be to encourage taxpayers to actively participate by using the checkoff.

C

Nothing in this section shall be construed to prohibit a political party from encouraging its members to designate income tax checkoff funds for that political party at events sponsored by the political party."

2. By renumbering the sections to conform with this amendment.

3. Title page, line 3, by inserting after the word "electors," the words "to the campaign disclosure-income tax checkoff act,".

D

H-3604 FILED - Ruled not germane 4/22 (1289) BY MILLER of Buchanan
APRIL 1, 1975
Motion to suspend Rule adopted A-adopted 4/22 (1290), Reconsidered and lost 4/24 (1341)
B- Lost 4/23 (1308)
C- Lost 4/24 (1336)
D- Withdrawn 4/24 (1341)

Amend the Miller amendment H-3604 to House File 700 as follows:

1. Page 1, line 19, by striking the word "all" and inserting in lieu thereof the words "at least fifty percent of the".

2. Page 1, by striking lines 23 through 26 and all before the period on line 27, and inserting in lieu thereof the words "purposes ~~all moneys delegated for the campaigning purposes for the offices of representative in Congress, state representative, and state senator shall be distributed on a strictly equal basis to all the party's candidates for these offices~~".

H-3612 FILED, 3612A ADOPTED (1291) BY DIELEMAN of Marion
H-3612B ADOPTED, APRIL 22, 1975 SPEAR of Lee
(1292) Motion to reconsider 4/23 (1312) withdrawn 4/24 (1341)

H-3586

Amend House File 700 as follows:

1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the following:

"convenes in January in ~~each~~ any odd-numbered year next following a general election in which the offices of governor or lieutenant governor, or both, were on the ballot, or as soon thereafter as both".

2. Page 1, line 8, by striking the words "and lieutenant governor" and inserting in lieu thereof the words "~~and~~ or lieutenant governor, or both,".

3. Page 1, line 10, by inserting before the word "persons" the words "person or".

4. Page 1, line 10, by striking the word "and" and inserting in lieu thereof the words "~~and~~ . Upon being so inaugurated,".

5. Page 1, by striking lines 22 through 27, inclusive, and inserting in lieu thereof the following:

"1. The first Tuesday after the second Monday in January.

2. The first Tuesday after the first Monday in February.

3. The first Tuesday after the first Monday in March.

4. The first Tuesday after the first Monday in April.

5. The first Tuesday after the first Monday in May.

6. The first Tuesday after the first Monday in June.

7. The first Tuesday after the second Monday in July.

8. The first Tuesday after the first Monday in August.

9. The second Tuesday in September.

10. The first Tuesday after the first Monday in October.

11. The first Tuesday after the first Monday in November.

12. The first Tuesday after the second Monday in December."

6. Page 2, line 10, by inserting after the word "States," the words "lieutenant governor,".

7. Page 3, line 22, by inserting after the word "States," the words "lieutenant governor,".

8. Page 5, line 12, by striking the word "RESIGNATION" and inserting in lieu thereof the word "WITHDRAWAL".

9. Page 7, by striking lines 7 through 12 and inserting in lieu thereof the following:

"officials shall deliver ~~the~~ all election ~~register~~

~~tally-sheets,-certificates,-envelopes-containing ballots,-and-all-unused~~ supplies, within ~~two-days~~ one 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 ~~and-deliver-them~~ , to the county board of ~~canvassers~~ supervisors."

10. Page 9, lines 3 and 4, by striking the words "whose name is not printed on the official primary ballot".

11. Page 12, by striking lines 13 and 14 and inserting in lieu thereof the words "for that office in the primary election, or all persons who filed under section forty-three point", and renumbering the succeeding subsections of section 24 accordingly.

12. Page 12, line 19, by inserting after the word "election" the words ", and no candidate received a sufficient number of write-in votes to be nominated".

13. Page 13, line 3, by inserting after the word "States," the words "lieutenant governor,".

14. Page 15, by striking lines 11 through 22, inclusive, and inserting in lieu thereof the following:

"43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL. The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the fifty-ninth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section seventy-six (76) of this Act shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter sixty-nine (69) of the Code."

15. Page 16, lines 10 and 11, by striking the words "immediately following the adjournment of the county convention" and inserting in lieu thereof the words "~~immediately-following-the-adjournment-of-the county-convention~~ at the time specified by the party's

state constitution or bylaws".

16. Page 19, by striking lines 29 through 35, and page 20, by striking lines 1 through 14, inclusive.

17. Page 24, line 2, by striking the word "card" and inserting in lieu thereof the word "form".

18. Page 24, line 24, by striking the word "card" and inserting in lieu thereof the word "form".

19. Page 24, line 26, by striking the word "card" and inserting in lieu thereof the word "form".

20. Page 24, line 31, by striking the word "card" and inserting in lieu thereof the word "form".

21. Page 25, line 3, by striking the word "voters" and inserting in lieu thereof the words "~~voters~~ eligible electors".

22. Page 25, lines 12 and 13, by striking the words "~~printed forms and blanks~~ blank voter registration cards" and inserting in lieu thereof the words "printed forms and blanks".

23. Page 26, by striking lines 23, 24 and 25 and inserting in lieu thereof the following:

"may request and shall receive without charge three lists during the two-year period prior to each general election, in the order and form requested. The lists requested".

24. Page 26, line 30, by inserting after the word "paragraph" the words "a or".

25. Page 27, by striking lines 27 through 35, and page 28, by striking lines 1 through 34, inclusive, and inserting in lieu thereof the following:

"is amended to read as follows:

48.6 FORM OF RECORDS. The registration forms shall be large enough to contain the necessary information required in legible writing, and shall be suitable for mailing. The registration form shall require the following information to be provided:

1. The name of the applicant in full. ~~Whenever any change of name shall occur, the registrant shall not be allowed to vote until the registrant has registered, and after such reregistration the previous registration record shall be removed from the files. Where the only change in the previous registration information is a legal change of surname, the registrant may effect the reregistration required by this subsection by mailing the county commissioner a written notice stating in full both the name under which the registrant was previously registered and the name under which the registrant is now to be registered, and the registrant's social security number, if available.~~

2. Residence, giving name and number of the street,

avenue, or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the residence of the applicant. Post office box numbers shall not be used unless no other method of identifying the residence exists for the community.

3. Date of birth.

4. Sex.

5. Date of registration.

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to telephone number, fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

7. ~~Last previous address if the registrant has resided at his present address for less than five years~~ Name, if different than current name, and address given on applicant's last previous registration.

8. Party affiliation. No party affiliation need be stated if the ~~registrant~~ applicant declines to make such statement.

9. An affidavit in such form as prescribed by the state commissioner of elections which states that the ~~registrant~~ applicant is, or will be ~~a qualified elector~~ on the day of the next known election in any jurisdiction in which the applicant resides, an eligible elector.

10. An expressed authorization to cancel all other registrations to vote.

11. The social security number of the ~~registrant~~ applicant, if available.

12. The signature of ~~registrant~~ the applicant.

A receipt of registration shall be given to each ~~registrant. If a person registers to vote while registration is closed preceding any election, the county commissioner of registration shall affix a date to the receipt which date shall be the day after the election for which registration is closed and the receipt shall state on its face that the person is registered and qualifies to vote in any election held on or after the date affixed to the registration receipt~~ applicant, indicating the date the registration will become effective."

26. Page 29, line 16, by inserting after the word "immediately" the words "send by forwardable".

27. Page 30, by inserting after line 16 the following new paragraph and redesignating the succeeding paragraphs in section 51, subsection 1:

"b. A current student or faculty identification card of an Iowa college or university which receives state funds by appropriation or through any tuition grant or similar program, so long as the card displays a picture of the eligible elector; or".

28. Page 30, line 20, by inserting after the word "precinct" the words "who has been registered in the precinct for at least ten days".

29. Page 30, by inserting after the period in line 25 the following:

"A precinct election official may, in compliance with this paragraph, affirm the identity of any number of eligible electors; any other qualified elector may do so only with respect to eligible electors who are all members of the same household, at any one election."

30. Page 31, line 34, by inserting after the word "manner," the words "or is presently registered at his or her current address,".

31. Page 32, by striking lines 13, 14, 15 and 16 and inserting in lieu thereof the following:

"writing a statement in substantially the following form, if the application is made at a time when registration is closed: "This registration will not be effective for the next forthcoming election, therefore you must register at the polls in order to vote in that election. To register at the polls, present your driver's license to one of the precinct election officials."

32. Page 32, line 35, by striking all after the word "commissioner" and inserting in lieu thereof the words "by six o'clock p.m. on the tenth day before that election."

33. Page 33, line 1, by striking the word "day".

34. Page 33, line 16, by striking the word "fifteen" and inserting in lieu thereof the words "seven working".

35. Page 33, line 20, by inserting after the period the words "If the application was received prior to the close of registration in advance of any election, the commissioner shall make every reasonable effort to complete registration of the applicant, if he or she is in fact an eligible elector, so that the applicant may vote in that election."

36. Page 35, line 4, by striking the words "~~forms~~

cards" and inserting in lieu thereof the word "forms".

37. Page 35, line 5, by striking the words "~~forms~~ cards shall be in the form" and inserting in lieu thereof the words "forms shall be as".

38. Page 35, line 10, by striking the words "~~form~~ each card" and inserting in lieu thereof the words "each form".

39. Page 35, line 12, by striking the word "card" and inserting in lieu thereof the word "form".

40. Page 35, by striking lines 18, 19 and 20.

41. Page 36, by striking all after the period in line 8, lines 9, 10, 11 and 12, and the word "there" in line 13, and inserting in lieu thereof the words "~~The registrant shall execute an authorization to the county commissioner of registration of his former residence to remove the registrant's registration~~".

42. Page 37, by striking from line 13 the words "It is" and all of lines 14 and 15, and inserting in lieu thereof the following:

"Precinct election officials shall be qualified electors of the county in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary."

43. Page 43, line 3, by striking the words "AND ROTATED".

44. Page 43, by striking lines 10 through 22, inclusive, and inserting in lieu thereof the following:

"2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section forty-three point seventy-three (43.73) of the Code, in that the names of the respective candidates on each political party ticket shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization tickets."

45. Page 43, by striking lines 29 through 35, and page 44, by striking lines 1 through 17, inclusive, and inserting in lieu thereof the following:

"Sec. ___. Section forty-nine point forty-three (49.43), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE. In precincts using paper ballots all public measures to be voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the

question row on the machine; however if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.".

46. Page 49, line 28, by striking the word "not" and inserting in lieu thereof the word "~~not~~".

47. Page 49, line 29, by inserting after the word "opened" the word "not".

48. Page 50, line 32, by striking the words "permit, may" and inserting in lieu thereof the words "require, shall".

49. Page 56, by inserting after line 25 the following:

"In cities in which the council has chosen a runoff election in lieu of a primary pursuant to section three hundred seventy-six point nine (376.9) of the Code, the machine shall remain locked only two days after the regular city election if the canvass shows that a runoff election is required, and the election is not contested."

50. Page 57, line 35, by inserting after the word "hours" the words ", except as otherwise provided in subsection three (3) of this section".

51. Page 58, by striking lines 7 and 8 and inserting in lieu thereof the words "qualified elector."

52. Page 63, by striking lines 9 through 12, inclusive, and inserting in lieu thereof the following:

"6. The special precinct election board shall".

53. Page 64, by striking lines 19 through 25, inclusive, and inserting in lieu thereof the following:

"Sec. ___. Section sixty-nine point twelve (69.12), subsection one (1), paragraphs a and b, Code 1975, are amended to read as follows:

a. A vacancy occurring ~~forty~~ fifty or more days prior to the next pending election that is not a general election or sixty or more days prior to a general election shall be filled at that election. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

b. A vacancy occurring less than ~~forty~~ fifty days prior to the next pending election that is not a general election or less than sixty days prior to a general election shall be filled by appointment as provided by law until the succeeding pending election."

54. Page 65, by inserting after line 35 the following new section:

Sec. ___. Section two hundred seventy-five point twelve (275.12), subsection two (2), paragraphs b, c and d, Code 1975, are amended to read as follows:

b. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district but who shall be elected by the vote of the electors of the entire school district. The school district shall be divided into the same number of director districts as the number of school directors the district is authorized by law. The boundaries of such director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election. Insofar as may be practicable, the boundaries of such districts shall follow established political or natural geographical divisions.

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member director districts into which the entire school district shall be divided on the basis of population. In such case, all directors shall be elected by the electors of the entire school district.

d. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district. Place of voting in such director districts shall be designated by the county board."

55. Page 74, line 28, by striking the word "qualified" and inserting in lieu thereof the words "~~qualified~~ eligible".

56. Page 77, line 23, by inserting after the comma the words and figures "forty-nine point forty-nine (49.49),".

H-3586 FILED APRIL 17, 1975 - Adopted as amended by 3606 and 3609 4/22 (1265)

BY COMMITTEE ON STATE GOVERNMENT
MONROE of Des Moines, Chairman

Sen. State Govt. 5/2, Rec'd per 3830 5/6

House File 700
State Government
Doderer, Chairman
Redmond
Nystrom

HOUSE FILE 700

By COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date 5-29-75 (2027) Passed Senate, Date 5-22-75 (1535)
Vote: Ayes 66 Nays 31 Vote: Ayes 32 Nays 15
Approved 6-16-75

A BILL FOR

An Act relating to procedures for preparing for, giving notice of, conducting and canvassing elections, to the election of presidential electors, and to the registration of voters, and prescribing penalties.

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

House Amendments

CPB-16200 2/73

S.F. _____ H.F. 700

Section 1. Section two point twenty-seven (2.27), Code 1975, is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January in ~~each~~ any odd-numbered year next following a general election in which the offices of governor or lieutenant governor, or both, were on the ballot, or as soon thereafter as both houses have been organized, and canvass the votes cast for governor ~~and~~ or lieutenant governor, or both, and determine the election; and when the canvass is completed, the oath of office shall be administered to the person or persons so declared elected ~~and~~. Upon being so inaugurated, the governor shall deliver to the joint assembly any message he may deem expedient.

Sec. 2. Section thirty-nine point two (39.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

39.2. SPECIAL ELECTIONS. 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.

Sec. 3. Section thirty-nine point three (39.3), subsections five (5), ten (10) and eleven (11), Code 1975, are amended to read as follows:

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

10. "Commissioner" means the county commissioner of elections as defined in section forty-seven point two (47.2) of the Code.

11. "State commissioner" means the state commissioner

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of elections as defined in section forty-seven point one (47.1) of the Code.

Sec. 4. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point ten (39.10) the following new section:

NEW SECTION. VACANCIES IN CERTAIN OFFICES. If a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general seventy-five or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point eighteen (39.18) the following new section:

NEW SECTION. VACANCIES IN COUNTY OFFICES. If a vacancy occurs in the office of county supervisor or in any of the offices listed in section thirty-nine point seventeen (39.17) of the Code sixty or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 6. Section forty-three point four (43.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Delegates to county conventions of political parties and party ~~committeemen~~ committee members shall be elected at

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precinct caucuses held not later than the second Monday in May of each even-numbered year. The state central committee of each political party shall set the date for said caucuses. In accordance therewith, the county ~~central committee~~ chairperson of each political party shall issue the call for said caucuses. The county ~~chairman~~ chairperson shall file with the ~~county~~ commissioner the meeting place of each precinct caucus at least seven days prior to the date of holding such caucus.

Sec. 7. Section forty-three point six (43.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.6 NOMINATION OF U.S. SENATORS, STATE AND COUNTY OFFICERS. Candidates for the office of senator in the congress of the United States, the offices listed in section thirty-nine point nine (39.9) of the Code, county supervisor and the offices listed in section thirty-nine point seventeen (39.17) of the Code shall be nominated in the year preceding the expiration of the term of office of the incumbent.

1. When a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general and section four (4) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs seventy-five or more days prior to the date of that primary election. If the vacancy occurs less than ninety days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the sixtieth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than seventy-five days before the date of that

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primary election, but not less than seventy-five days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code and section five (5) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty or more days prior to the date of that primary election. If the vacancy occurs less than seventy-five days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-ninth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than sixty days before the date of that primary election, but not less than sixty days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 8. Section forty-three point thirteen (43.13), Code 1975, is amended to read as follows:

43.13 FAILURE TO FILE NOMINATION PAPERS. ~~No~~ The name of a candidate for any office named in section 43.11 shall ~~have his name~~ not be printed on the official primary ballot of ~~his~~ the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section ten (10) of this Act.

Sec. 9. Section forty-three point sixteen (43.16), Code 1975, is amended to read as follows:

43.16 WITHDRAWALS AND ADDITIONS NOT ALLOWED. A nomination

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paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. This section shall not be construed to prohibit the person on whose behalf the paper was filed from withdrawing as a candidate. However, the name of the candidate who has withdrawn must still be printed on the ballot, unless the withdrawal occurs at a time when the procedure prescribed by section ten (10) of this Act may be used.

Sec. 10. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point twenty-two (43.22) the following new section:

NEW SECTION. DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When any person who has filed with the state commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the seventy-fifth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth day prior to the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section forty-three point twenty-two (43.22) of the Code.

2. When any person who has filed with the commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the sixtieth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to the primary election. The name of any candidate so submitted shall be placed on the appropriate

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ballot or ballots by the commissioner.

Sec. 11. Section forty-three point forty-one (43.41), Code 1975, is amended to read as follows:

43.41 CHANGE OR DECLARATION OF PARTY AFFILIATION BEFORE PRIMARY. Any qualified elector~~,~~ who~~,~~ ~~having declared his party affiliation,~~ desires to change ~~the same~~ or declare his or her political party affiliation, may, before the close of registration for the primary election, file a written declaration stating ~~his~~ the change of party affiliation with the county commissioner of registration who shall enter a notation of such change on the registration records.

Sec. 12. Section forty-three point forty-two (43.42), Code 1975, is amended to read as follows:

43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS. Any qualified elector may change or declare ~~his~~ a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each elector doing so shall sign an affidavit which shall be in substantially the following form:

CHANGE OR DECLARATION OF PARTY AFFILIATION

I do solemnly swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the ..... party.

.....
Signature of Elector

.....
Address

Approved:

.....
Precinct election official

Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct

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election officials to the commissioner of registration who shall enter a notation of the change on the registration records.

Sec. 13. Section forty-three point forty-six (43.46), Code 1975, is amended to read as follows:

43.46 DELIVERING RETURNS. ~~Said~~ The precinct election officials shall deliver ~~the~~ all election ~~register, tally sheets, certificates, envelopes containing ballots, and all unused~~ supplies, ~~within two days~~ 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 ~~and deliver them~~, to the county board of ~~canvassers~~ supervisors.

Sec. 14. Section forty-three point forty-nine (43.49), Code 1975, is amended to read as follows:

43.49 CANVASS BY COUNTY BOARD. On the Monday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

1. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

2. The name of each person voted for and the number of votes given to each person for each different office.

If the day designated by this section for the canvass is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22), of the Code shall apply.

Sec. 15. Section forty-three point fifty-two (43.52), Code 1975, is amended to read as follows:

43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each political party for any office to be filled by the voters of the entire county, or for the office of county supervisor elected from a district within the county, shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office, and that

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person shall appear as the party's candidate for the office on the general election ballot.

If no candidate receives thirty-five percent or more of the votes cast by voters of ~~his~~ the candidate's party for the office ~~he is seeking~~ sought, the primary is inconclusive and the nomination shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

When two or more nominees are required, as in the case of at-large elections, the nominees shall likewise be the required number of persons who receive the greatest number of votes cast in the primary election by the voters of the nominating party, but no candidate is nominated who fails to receive thirty-five percent of the number of votes found by dividing the number of votes cast by voters of the candidate's party for the office in question by the number of persons to be elected to that office. If the primary is inconclusive under this paragraph, the necessary number of nominations shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

Sec. 16. Section forty-three point fifty-three (43.53), Code 1975, is amended to read as follows:

43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES. The nominee of each political party for any office to be filled by the voters of any township or other political subdivision ~~of~~ within the county shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office and that person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless ~~he~~ that person receives the greater of at least five votes or a number of votes equal to at least five percent of the

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votes cast in the subdivision at the last preceding general election for the party's candidate for president of the United States or for governor, as the case may be. Nomination of a candidate for the office of county supervisor elected from a district within the county shall be governed by section forty-three point sixty-six (43.66) of the Code, and not by this section.

Sec. 17. Section forty-three point fifty-five (43.55), Code 1975, is amended to read as follows:

43.55 NOMINEE CERTIFIED. The ~~said canvassing~~ board of supervisors shall separately prepare and certify a list of the candidates of each party so nominated. It shall deliver to the ~~chairman~~ chairperson of each party central committee for the county a copy of the list of candidates nominated by ~~the~~ that party ~~he represents~~; and shall also certify and deliver to ~~such chairman~~ the chairperson a list of the offices to be filled by the voters of a the county for which no candidate of ~~his~~ that party was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes,~~ together with the names of all of the candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of such candidates.

Sec. 18. Section forty-three point sixty (43.60), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county board of ~~canvassers~~ supervisors shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the state commissioner, viz:

Sec. 19. Section forty-three point sixty-two (43.62), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The published proceedings of the ~~canvassing~~ board of

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supervisors relative to the canvass shall be confined to a brief statement of:

Sec. 20. Section forty-three point sixty-five (43.65), Code 1975, is amended to read as follows:

43.65 WHO NOMINATED. The candidate of each political party for nomination for each office to be filled by the voters of the entire state, and for each seat in the United States house of representatives, the Iowa house of representatives and each seat in the Iowa senate which is to be filled, who receives the highest number of votes cast by the voters of that party for that nomination shall be the candidate of that party for that office in the general election. However, if there are more than two candidates for any nomination and none of the candidates receives thirty-five percent or more of the votes cast by voters of ~~his~~ that party for that nomination, the primary is inconclusive and the nomination shall be made as provided by section ~~43.104~~ forty-three point seventy-eight (43.78), subsection 1, ~~or section 43.109, subsection 1~~ paragraph a, b or c, whichever is appropriate.

Sec. 21. Section forty-three point sixty-six (43.66), Code 1975, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding

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primary election for which the party had candidates on the ballot for that office. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section ~~43.97, 43.101, or 43.109, whichever is applicable~~ forty-three point seventy-eight (43.78), subsection one (1) of the Code.

Sec. 22. Section forty-three point sixty-nine (43.69), Code 1975, is amended to read as follows:

43.69 CERTIFICATES IN CASE OF FAILURE TO NOMINATE. Said state board shall, at once after completing its canvass, prepare separate certificates for each political party as to each office for which no candidate was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes cast~~ by such party ~~for such office~~. Such certificates shall show the names of the several candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

Sec. 23. Section forty-three point seventy-six (43.76), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fifth day prior to the date of the general election by so notifying the state commissioner in writing.

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed

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with the commissioner may withdraw as a nominee for that office on or before, but not later than, the sixtieth day prior to the date of the general election by so notifying the commissioner in writing.

Sec. 24. Section forty-three point seventy-seven (43.77), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.77 WHAT CONSTITUTES A BALLOT VACANCY. A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. No person filed under section forty-three point eleven (43.11) of the Code as a candidate for the party's nomination for that office in the primary election, or all persons who filed under section forty-three point eleven (43.11) of the Code as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section forty-three point fifty-two (43.52), forty-three point fifty-three (43.53) or forty-three point sixty-five (43.65) of the Code, whichever is applicable.

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section forty-three point seventy-six (43.76) of the Code, was found to lack the requisite qualifications for the office, or died, at a time not later than the seventy-fifth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the sixtieth day

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before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general, under the circumstances described in section four (4) of this Act, less than seventy-five days before the primary election and not less than seventy-five days before the general election, or in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code, under the circumstances described in section five (5) of this Act, less than sixty days before the primary election and not less than sixty days before the general election.

Sec. 25. Section forty-three point seventy-eight (43.78), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.78 FILLING BALLOT VACANCIES.

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:

a. For senator in the congress of the United States or any office listed in section thirty-nine point nine (39.9) of the Code, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

b. For representative in the congress of the United States, by the party's congressional district convention, which may

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be convened or reconvened as appropriate by the state party chairperson.

c. For senator or representative in the general assembly, by the party precinct committee members whose precincts lie within the senatorial or representative district involved, who shall be convened or reconvened as appropriate by the state party chairperson. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any partisan city office for which candidates are nominated under this chapter, by the party's city central committee 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.

g. 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.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection

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one (1), paragraphs a, b or c of this section shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election.

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. 26. Section forty-three point seventy-nine (43.79), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL. The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the fifty-ninth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section seventy-five (75) of this Act shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter sixty-nine (69) of the Code.

Sec. 27. Section forty-three point eighty (43.80), Code 1975, is amended to read as follows:

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43.80 VACANCIES IN NOMINATIONS OF PRESIDENTIAL ELECTORS. Vacancies in nominations of presidential electors shall be filled by the party central committee for the state. The party central committee may at any time nominate alternate presidential electors.

Sec. 28. Section forty-three point ninety-seven (43.97), Code 1975, is amended by striking subsections one (1), two (2), three (3) and five (5) and inserting in lieu thereof the following new subsections, and by renumbering the remaining subsection accordingly.

NEW SUBSECTION. Make nominations to fill vacancies on the general election ballot as provided by law.

NEW SUBSECTION. Transact such other business as required or permitted by the political party's state constitution or bylaws, or the rules of the convention.

Sec. 29. Section forty-three point ninety-nine (43.99), Code 1975, is amended to read as follows:

43.99 PARTY COMMITTEE PERSONS. Two members of the county central committee for each political party shall, at the precinct caucuses, be elected from each precinct. The term of office of a member shall begin ~~immediately following the adjournment of the county convention~~ at the time specified by the party's state constitution or bylaws and shall continue for two years and until his or her successor is elected and qualified, unless sooner removed by the county central committee for inattention to duty or incompetency. The party's state constitution or bylaws may permit the election of additional central committee members from each precinct in a number proportionate to the vote cast for the party's candidates for office in the respective precincts at preceding general elections.

Sec. 30. Section forty-three point one hundred (43.100), Code 1975, is amended to read as follows:

43.100 CENTRAL COMMITTEE--DUTIES. The county central

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committee shall organize ~~on~~ within ten days before or after the day of the county convention~~,--immediately-following-the same~~. Each member elected to the county central committee shall receive written notice in advance of the time and place of the organizational meeting.

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

Vacancies in such committee may be filled by majority vote of the committee, or at a precinct caucus called pursuant to the party's state constitution or bylaws.

Sec. 31. Section forty-three point one hundred one (43.101), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.101 DISTRICT CONVENTIONS. Each political party may hold a congressional district convention upon the call of the state party chairperson to:

1. Elect or nominate members of the party's state central committee.

2. Make nominations to fill vacancies on the general election ballot as provided by law.

3. Transact such other business as required or permitted by the party's state constitution or bylaws, or the rules of the convention.

Sec. 32. Section forty-three point one hundred eight (43.108), Code 1975, is amended to read as follows:

43.108 ORGANIZATION--PROXIES PROHIBITED. The convention shall be called to order by the ~~chairman~~ chairperson of the state central committee, or that individual's designee, who shall thereupon present a list of delegates, as certified

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by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegates present from such county shall cast the full vote thereof if the rules of the convention, party bylaws or constitution so allow, and there shall be no proxies.

Sec. 33. Section forty-three point one hundred nine (43.109), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.109 NOMINATIONS AUTHORIZED. The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

Sec. 34. Section forty-three point one hundred fifteen (43.115), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding.

Sec. 35. Section forty-three point one hundred twenty-one (43.121), Code 1975, is amended to read as follows:

43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS. This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as ~~hereafter~~ provided in ~~this title~~ chapters forty-four (44) and forty-five (45) of the Code, but no person so nominated shall be permitted to use the name, or any part thereof, of any political party authorized or entitled under this chapter to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under this chapter.

Sec. 36. Section forty-four point three (44.3), Code 1975, is amended to read as follows:

44.3 CERTIFICATE. ~~Said~~ The certificate required by section forty-four point two (44.2) of the Code shall ~~state~~:

1. State the following information:

~~1~~ a. The name of each candidate nominated.

~~2~~ b. The office to which each candidate is nominated.

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3 c. The name of the political organization making such nomination, expressed in not more than five words.

4 d. The place of residence of each nominee, with the street or number thereof, if any.

5 e. In case of presidential electors, the names of the candidates for president and vice president shall be added to the name of the organization.

6 f. The name and address of each member of the organization's executive or central committee.

7 g. The provision, if any, made for filling vacancies in nominations.

8 h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Be accompanied by an affidavit executed by the candidate nominated by the convention or caucus, 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 organization) 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.

(Signed) .....

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

.....

(Name)

.....

(Official title)"

Sec. 37. Section forty-four point nine (44.9), unnumbered

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paragraph one (1), Code 1975, is amended to read as follows:

Any candidate named under this chapter ~~or chapter 43~~ may withdraw his or her nomination by a written request, signed and acknowledged by ~~him~~ that person before any officer empowered to take acknowledgment of deeds. Such withdrawal must be filed as follows:

Sec. 38. Section forty-four point fourteen (44.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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. 39. Section forty-five point three (45.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

45.3 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature his or her residence address and the date of signing. The person whose nomination is proposed by the petition may not sign it. Before the petition is filed, there shall be endorsed upon or attached to it:

1. The affidavit of at least one of the signers of the petition, stating that each of the persons who signed the

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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

2. An affidavit executed by that candidate, 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 ....., and hereby request that my name be 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.

(Signed) .....

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

.....

(Name)

.....

(Official title)"

Sec. 40. Chapter forty-seven (47), Code 1975, is amended by adding the following new section:

NEW SECTION. SPECIAL COUNSEL. A special counsel shall be appointed by the governor with the approval of two-thirds of the senate to serve as legal counsel to the commissioner of elections and to the electorate of Iowa. The special counsel shall issue advisory opinions on all electoral questions submitted by the state commissioner of elections, a candidate for public office, an elected official, or the chairman of a statutory political party.

The special counsel shall not be a member of the attorney general's staff, shall not engage in any political activity,

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shall not accept or solicit directly or indirectly any political contributions, and shall not use the office to support the candidacy of anyone for elective or appointive office. The special counsel may be removed from office by the governor and three-fifths vote of the senate or by two-thirds vote of the senate alone. The special counsel shall receive compensation on an hourly rate.

The special counsel shall have the power to interpret the election laws on the day of any special or regular election and during the five days preceding an election to assure that the electorate has full and easy access to the polls and the integrity and secrecy of the ballot is protected.

Sec. 41. Section forty-seven point one (47.1), Code 1975, 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 ~~to him~~ by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures ~~and~~, shall prescribe the necessary forms required for voter registration and the conduct of elections. ~~The state commissioner of elections may~~, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 42. Section forty-seven point two (47.2), Code 1975, is amended by striking unnumbered paragraphs three (3) and five (5).

Sec. 43. Chapter forty-seven (47), Code 1975, is amended by adding the following new section:

NEW SECTION. DATES FOR SPECIAL ELECTIONS.

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 notice shall be given at least thirty days in advance of that proposed date. 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.

2. For the purpose of this section, a conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the qualified electors of any precinct would be entitled to vote in one of the elections and all of the qualified electors of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 44. Section forty-eight point one (48.1), Code 1975, is amended to read as follows:

48.1 COMMISSIONER OF REGISTRATION. The commissioner of elections of each county is designated the commissioner of registration for that county~~.--He~~ , and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration~~,~~ . The commissioner of registration shall designate the principal

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of each high school in the county, or the principal's designee, as a special deputy commissioner of registration solely for the purpose of registering students of that high school who are eligible and wish to do so. Each deputy and special deputy designated under this section shall, when functioning in that capacity, be subject to the supervision of the county commissioner.

Sec. 45. Section forty-eight point two (48.2), Code 1975, is amended to read as follows:

48.2 WHO MAY REGISTER. Any person who is an eligible elector may register to vote ~~with~~ by personally submitting a completed voter registration form to the commissioner of registration or a deputy commissioner of registration in the elector's county of ~~his~~ residence. Any person who is an eligible elector in all respects except ~~that he has not attained the~~ age ~~of eighteen~~ may, at any time during the six months next preceding his or her eighteenth birthday, register to vote in the county of his or her residence. When a person less than eighteen years of age registers, the commissioner shall ~~affix to the receipt of~~ maintain a record of the registration, ~~issued as provided by section 48.6, a date which shall be~~ so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and ~~the receipt shall state on its face~~ that the person is registered and qualifies to vote in any election held on or after ~~the~~ that date ~~affixed to the registration receipt~~.

Sec. 46. Chapter forty-eight (48), Code 1975, is amended by inserting after section forty-eight point two (48.2) the following new section:

NEW SECTION. REGISTRATION BY MAIL. As an alternative to the method of registration prescribed by section forty-eight point two (48.2) of the Code, any person entitled to register under that section may submit a completed voter registration form to the commissioner of registration in the person's county of residence by United States mail, postage

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paid. A registration form shall be postmarked by the twenty-fifth day prior to an election or the registration will not take effect for that election. Within five working days after receiving a registration by mail, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section forty-eight point thirty-one (48.31), subsection eight (8) of the Code. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 47. Section forty-eight point four (48.4), Code 1975, is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION--DUTIES. The commissioner of registration shall have complete charge of the registration of all ~~qualified voters~~ eligible electors within the county. ~~He~~, 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 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 counties.

Sec. 48. Section forty-eight point five (48.5), Code 1975, is amended to read as follows:

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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 ~~his~~ the county. The original registration records shall not be removed from ~~his~~ that office or other designated locations except upon court order. ~~One copy of the original registration records which includes the elector's name, address, precinct, and party affiliation shall be prepared before the primary election and on August 1 preceding the general election, upon request and without charge, for the county chairman of each political party. The county commissioner of registration shall, each week, upon demand and without charge, from August 1 until October 1, prior to the general election and each day thereafter until the close of registration, provide the county chairman of each political party a list of electors who have registered since the last such list was provided. Additional copies may be provided to political parties at cost.~~ Duplicate registration records shall be open to inspection by the public at reasonable times.

2. Any person may request of the commissioner and shall receive, upon payment of the cost of preparation, a list of all qualified electors in the county, in accordance with the following requirements and limitations:

a. The commissioner shall draw up each list in the order and form specified by the requestor, so long as that order and form are within the capability of the record maintenance system used by the commissioner.

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

c. The commissioner shall not be required to provide lists during the fifteen days prior to the date of any election in any order or form other than that utilized to conduct the election, if the preparation of a list in any other order

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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, may request and shall receive without charge three lists during the two-year period prior to each general election, in the order and form requested. The lists 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 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. 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. Each requestor, except those who obtained 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. ~~Such lists shall not~~ 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 commercial purpose, advertising, or solicitation, of any kind or nature, other than to request ~~such person's~~ a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of

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the name, address, telephone number, and social security number of each person who copies or ~~duplicates such~~ 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.

Sec. 49. Section forty-eight point six (48.6), Code 1975, is amended to read as follows:

48.6 FORM OF RECORDS. The registration forms shall be large enough to contain the necessary information required in legible writing, and shall be suitable for mailing. The registration form shall require the following information to be provided:

1. The name of the applicant in full. ~~Whenever any change of name shall occur, the registrant shall not be allowed to vote until the registrant has registered, and after such reregistration the previous registration record shall be removed from the files. Where the only change in the previous registration information is a legal change of surname, the registrant may effect the reregistration required by this subsection by mailing the county commissioner a written notice stating in full both the name under which the registrant was previously registered and the name under which the registrant is now to be registered, and the registrant's social security number, if available.~~

2. Residence, giving name and number of the street, avenue, or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the residence of the applicant. Post office box numbers shall not be used unless no other method of identifying the residence exists for the community.

3. Date of birth.

4. Sex.

5. Date of registration.

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6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to telephone number, fire district number or township, range and section number of the location of the applicant's residence. The commissioner may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

7. ~~Last previous address if the registrant has resided at his present address for less than five years~~ Name, if different than current name, and address given on applicant's last previous registration.

8. Party affiliation. No party affiliation need be stated if the ~~registrant~~ applicant declines to make such statement.

9. An affidavit in such form as prescribed by the state commissioner of elections which states that the ~~registrant~~ applicant is, or will be ~~a qualified elector~~ on the day of the next known election in any jurisdiction in which the applicant resides, an eligible elector.

10. An expressed authorization to cancel all other registrations to vote.

11. The social security number of the ~~registrant~~ applicant, if available.

12. The signature of ~~registrant~~ the applicant.

A receipt of registration shall be given to each ~~registrant. If a person registers to vote while registration is closed preceding any election, the county commissioner of registration shall affix a date to the receipt which date shall be the day after the election for which registration is closed and the receipt shall state on its face that the person is registered and qualifies to vote in any election held on or after the date affixed to the registration receipt~~ applicant,

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indicating the date the registration will become effective.

Sec. 50. Section forty-eight point seven (48.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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, and the previous residence address of the elector, if a change of address has occurred. 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 name or address before the close of registration, or moves or legally changes his or her name after the close of registration, the elector may provide the required information at the polling place on election day, in the manner prescribed by section fifty-one (51) of this Act, and shall thereupon be entitled to vote at that election.

Sec. 51. Chapter forty-eight (48), Code 1975, is amended

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by inserting after section forty-eight point eight (48.8) the following new section:

NEW SECTION. REGISTRATION AT THE POLLS.

1. An eligible elector who on election day appears at the polling place for the precinct in which the eligible elector resides and who is not registered in that precinct may nevertheless vote in the election being held that day upon registering, or providing notice of a change of name, or of address from that at which he or she was previously registered. The elector may register or give notice of a change of name or address at that time by completing a registration card or a change of name or address notice and providing proof of place of residence. Place of residence may be proven by:

a. Displaying a valid Iowa operator's or chauffeur's license issued to the elector who is applying for registration and listing as the elector's address the residence on the basis of which the elector claims the right to vote in that precinct; or

b. A current student or faculty identification card of an Iowa college or university which receives state funds by appropriation or through any tuition grant or similar program, so long as the card displays a picture of the eligible elector; or

c. Displaying any other document approved by the state commissioner as constituting proper evidence of place of residence; or

d. Having a qualified elector of the precinct who has been registered in the precinct for at least ten days sign an affidavit, in the presence of one or more of the precinct election officials, that the qualified elector personally knows that the applicant for registration is a resident of the precinct and, to the best of the qualified elector's knowledge, is an eligible elector. A precinct election official

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may, in compliance with this paragraph, affirm the identity of any number of eligible electors; any other qualified elector may do so only with respect to eligible electors who are all members of the same household, at any one election. Electors acting under the provisions of section forty-nine point one hundred four (49.104), subsections two (2) and five (5) of the Code, shall be allowed to see the document or the voter identity affidavit presented by an elector registering under the provisions of section fifty-one (51) of this Act.

2. The county commissioner of registration shall provide to each precinct polling place a supply of blank registration forms and forms for the completion of an affidavit as prescribed by subsection one (1), paragraph d of this section, at the time and in the manner in which other election supplies are delivered to the polling places. Registration forms and affidavits completed pursuant to this section shall be forwarded to the commissioner who shall, unless the information furnished on the completed form is substantially deficient, add the registrant's name to the list of registered voters. If the commissioner finds that a registration made pursuant to this section or section forty-six (46) of this Act is substantially deficient, written notice to that effect shall be sent to the registrant.

Sec. 52. Section forty-eight point eleven (48.11), unnumbered paragraph two (2), Code 1975, 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 section forty-six (46) of this Act.

Sec. 53. Section forty-eight point twelve (48.12), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.12 REGISTRATION RECEIPT. A receipt of registration shall be given or sent to each person who registers under this chapter. Before registering a person currently an

eligible elector of any precinct, while registration is closed in that precinct, the commissioner of registration shall inform the elector that it is possible to register at the polls on the day of the forthcoming election and then vote in that election. If any person nevertheless registers to vote while registration is closed preceding any election, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the day after the election for which registration is closed and that the person is registered and qualified to vote in any election held on or after that date.

Sec. 54. Section forty-eight point fifteen (48.15), Code 1975, is amended to read as follows:

48.15 CHALLENGES. Any person may challenge a registration at any time by filing a written challenge with the commissioner of registration. The commissioner of registration shall immediately give five days' notice of a hearing by registered or certified mail to the challenger and the person challenged. If the person challenged fails to appear, his or her name shall be removed from the registration list. However, if the person challenged notifies the commissioner prior to the date set for the hearing ~~that he is unable~~ of inability to appear on the date specified, the commissioner may reschedule the hearing. At such hearing the commissioner shall hear such evidence as he or she deems to have probative value. The person challenged shall be required to sign an affidavit ~~as provided in section 48.6, subsection 10~~, in a form prescribed by the state commissioner, which states that the registrant is an eligible elector of the precinct in which he or she has registered, and may then be questioned concerning his or her voting residence and qualifications. In all cases the commissioner shall decide the right to the entry under the evidence. Either party may appeal to the district court of the county in which the challenge is made, and a date for the hearing shall be fixed and the decision of such court

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shall be final.

Sec. 55. Section forty-eight point twenty-seven (48.27), subsection one (1), paragraph b, Code 1975, is amended to read as follows:

b. Each political party shall submit a list of nominees and may request not more than one person for each ~~one-thou-sand~~ six hundred residents or major fraction thereof in the county to be appointed as mobile deputy registrars.

Sec. 56. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph b, Code 1975, is amended to read as follows:

b. Mobile deputy registrars shall register electors on registration forms provided by the county commissioner of registration. These forms shall be as prescribed by section forty-eight point six (48.6) of the Code except that they shall be numbered and accounted for by the mobile deputy registrar to the county commissioner of registration. ~~---There~~, and that there shall be provided on ~~said~~ each form a space for the mobile deputy registrar's signature ~~of the~~ . The mobile deputy registrar who shall sign ~~same~~ the form and identify himself or herself in the presence of the voter with appropriate identity papers or badge provided by the county commissioner of registration. The mobile deputy registrar shall give the voter a receipt signed by the mobile deputy registrar stating that such person is duly registered.

Sec. 57. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph d, Code 1975, 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

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on the day registration closes for the election. The commissioner's office shall remain open until at least six o'clock p.m. on that day, unless it is a Sunday or a legal holiday. Failure to ~~comply with this provision~~ return registration materials as required by this paragraph shall be a misdemeanor.

Sec. 58. Section forty-eight point twenty-nine (48.29), Code 1975, is amended to read as follows:

48.29 REMOVAL OF REGISTRATION. The county commissioner of registration who registers an elector who has changed ~~his~~ residence shall notify the county commissioner of registration of the registrant's former residence that the registrant has become a qualified elector at ~~his~~ that person's present residence. ~~The registrant shall execute an authorization to the county commissioner of registration of his former residence to remove the registrant's registration.~~ The county commissioner of registration of the former residence shall cause the registrant's record to be removed from ~~his~~ the file of valid registrations in that county.

Sec. 59. Section forty-nine point twelve (49.12), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one hundred votes were cast in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each such additional machine. The commissioner may appoint additional precinct election officials for any precinct in which it appears likely that an unusually high number of voters will register at the polls under section fifty-one (51) of this Act. Double election

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boards may be appointed for any precinct as provided by chapter fifty-one (51) of the Code. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one or more qualified electors of another party or organization are qualified and willing to serve on the board. ~~Double-election-boards-may be-appointed-for-any-precinct-as-provided-by-chapter-51.~~

Sec. 60. Section forty-nine point thirteen (49.13), Code 1975, is amended to read as follows:

49.13 COMMISSIONER TO APPOINT MEMBERS, ~~CHAIRMAN~~ CHAIRPERSON.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be qualified electors of the county in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

2. Each election board member shall be a member of one of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the precinct at the last general election, except that persons not members of either of these parties may be appointed to serve for any election in which no candidates appear on the ballot under the heading of either of these political parties.

3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county ~~chairmen~~ chairpersons of these political parties for placement

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on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified and allowed two working days to designate a replacement.

4. The commissioner shall designate one member of each precinct election board as ~~chairman~~ chairperson of that board, and also of the counting board authorized by chapter 51 if one is appointed, with authority over the mechanics of the work of both boards.

Sec. 61. Section forty-nine point fifteen (49.15), Code 1975, is amended to read as follows:

49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years. Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county ~~chairmen~~ chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known ~~to him~~ by the commissioner to be members of these political parties, if the respective county ~~chairmen~~ chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised ~~him~~ the commissioner they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either of these political parties, or whom either ~~a school board or~~ the city council of a city of three thousand five hundred or less population or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at

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elections conducted for that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

Sec. 62. Section forty-nine point sixteen (49.16), subsection four (4), Code 1975, is amended to read as follows:

4. In appointing the election board for any election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

Sec. 63. Section forty-nine point twenty-four (49.24), Code 1975, is amended to read as follows:

49.24 SCHOOLHOUSES AS POLLING PLACES. In precincts outside of cities the election shall, if practicable, be held in ~~the~~ a public school building. ~~All~~ Any damage to the building or furniture resulting from the election shall be paid by the county.

Sec. 64. Section forty-nine point twenty-five (49.25), Code 1975, is amended to read as follows:

49.25 EQUIPMENT REQUIRED AT POLLING PLACES.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct where voting machines are to be used for any election, in advance of that election, one voting machine meeting the requirements of chapter fifty-two (52) of the Code for every three hundred voters or major fraction thereof who voted in the last preceding similar election held in the precinct.

3. The commissioner shall furnish to each precinct where paper ballots are to be used for any election, in advance

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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:

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

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

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

~~4~~ d. The numbering of voting booths shall not be less than one to every three hundred voters or major fraction thereof who voted at the last preceding similar election in the precinct.

~~5~~ e. The booths shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the commissioner or his or her designee for safekeeping and for future use.

Sec. 65. Section forty-nine point twenty-six (49.26), Code 1975, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less

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expensive than preparation and use of a voting machine, paper ballots shall be used.

Sec. 66. Section forty-nine point twenty-eight (49.28), Code 1975, is amended to read as follows:

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

Sec. 67. Section forty-nine point thirty-one (49.31), Code 1975, is amended to read as follows:

49.31 ARRANGEMENT OF NAMES ON BALLOT.

1. All nominations of any political party or group of petitioners, except as provided in section 49.30, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in section 49.32.

2. The commissioner shall prepare a list of the election precincts of ~~his~~ the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township. He The commissioner shall then arrange the surnames of each political party's candidates for ~~such offices~~ each office to which two or more persons are to be elected at large alphabetically for the respective

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offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

3. The ballots for any city elections or school elections, or any special election at which any office is to be filled on a nonpartisan basis shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election or special election to fill an office is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by ~~the preceeding paragraph~~ subsection two (2) of this section.

4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the heading for that office on the precinct ballot shall be immediately followed by a notation of the number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom he or she desires to vote for any office or nomination on the ballot.

Sec. 68. Section forty-nine point thirty-five (49.35), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.35 ORDER OF ARRANGING TICKETS ON BALLOT. Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section forty-

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nine point thirty-seven (49.37) of the Code by the authorities charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

Sec. 69. Section forty-nine point thirty-seven (49.37), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.37 COLUMNS OR ROWS TO BE SEPARATED.

1. Each column or row containing a ticket or tickets, each preceded by the name of a political party or a group of petitioners, shall be separated by a distinct line appearing on the ballot. The names of candidates for nonpartisan offices shall be placed on a separate column or row on the ballot.

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section forty-three point seventy-three (43.73) of the Code, in that the names of the respective candidates on each political party ticket shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization tickets.

Sec. 70. Section forty-nine point forty-two (49.42), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

Sec. 71. Section forty-nine point forty-three (49.43), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE. In precincts using paper ballots all public measures to be

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voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the question row on the machine; however if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Sec. 72. Section forty-nine point fifty-one (49.51), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.51 COMMISSIONER TO CONTROL PRINTING. The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section forty-seven point two (47.2) of the Code for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the qualified electors of that political subdivision. Only the facsimile of the signature of the commissioner under whose direction the ballot is printed shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under his or her direction conforms to all applicable requirements of this chapter.

Sec. 73. Section forty-nine point fifty-three (49.53), Code 1975, 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 ballot of the first rotation as prescribed by section 49.31, ~~second paragraph~~ 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 be reduced in size to the extent permitted by the rules of the state commissioner. 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. 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. 74. Section forty-nine point fifty-seven (49.57), subsection five (5), Code 1975, 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, 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.

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Sec. 75. Section forty-nine point fifty-eight (49.58), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES. If any candidate nominated by a political party, as defined in section forty-three point two (43.2) of the Code, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the seventy-fourth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the fifty-ninth day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter fifty (50) of the Code. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section forty-three point seventy-eight (43.78) of the Code for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a

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candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 76. Section forty-nine point fifty-nine (49.59), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.59 STATEMENT OF DISABILITY OF CERTAIN CANDIDATES. A written statement that a candidate for any of the offices to which section forty-nine point fifty-eight (49.58) of the Code is applicable has become so disabled as to permanently preclude the candidate from discharging the duties of the office sought may be submitted at any time during the period specified in that section to the state commissioner, or to the commissioner in the case of a candidate for county supervisor. The statement shall be of no effect unless signed by a majority of the members of the state central committee of the candidate's political party, except that in the case of a candidate for the general assembly the statement must be signed by at least ten of the persons empowered by section forty-three point seventy-eight (43.78), subsection one (1), paragraph c of the Code to fill a general election ballot vacancy for that office, and in the case of a candidate for county supervisor the statement shall be signed by a majority or at least ten members, whichever is fewer, of the county central committee of the candidate's political party.

Sec. 77. Section forty-nine point sixty (49.60), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.60 VERIFICATION OF CANDIDATE'S DISABILITY. Upon the filing of a statement under section forty-nine point fifty-nine (49.59) of the Code asserting the disability of a candidate, the state commissioner shall at once request examination of the candidate by a panel of at least two physicians designated for this purpose by the state board

of medical examiners, on a stand-by basis, not later than July first of each even-numbered year. In the case of a candidate for county supervisor, the commissioner shall request examination of the candidate by the county medical examiner and at least one other physician whose participation the medical examiner requests. The examining physicians shall at the earliest practicable time report their findings in writing to the state commissioner or the commissioner, as the case may be. If the examining physicians are not afforded the opportunity to examine the candidate after reasonable efforts to make the necessary arrangements, they shall so report and the report to that effect shall be treated as a verification of the asserted disability of the candidate.

Sec. 78. Section forty-nine point sixty-one (49.61), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.61 EFFECT OF CANDIDATE'S VERIFIED DISABILITY. If the examining physicians verify the asserted disability of the candidate, the effect with respect to the general election shall be the same as if the candidate had died. If the statement that a candidate has become disabled is filed so late that the medical examination of the candidate cannot be completed before the date of the general election, the vote cast for the office in question shall be tallied upon the closing of the polls as prescribed by law, but if the asserted disability of the candidate is subsequently verified the canvasses prescribed by sections fifty point twenty-four (50.24) and fifty point thirty-eight (50.38) of the Code shall not be held as to the office in question, and a special election to fill that office shall be held as provided by section forty-nine point fifty-eight (49.58) of the Code. In that case, a period of seven days shall be allowed from the date the examining physicians file their written report verifying the asserted disability of the candidate to designate a replacement candidate and any additional candidate in the

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manner prescribed by that section.

Sec. 79. Section forty-nine point seventy-three (49.73), Code 1975, is amended to read as follows:

49.73 TIME OF OPENING AND CLOSING POLLS. 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 ~~any school district or~~ a city of three thousand five hundred or less population or any school district at which ~~he~~ the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to 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 shall not do so for any election if there is filed in the commissioner's office, at least ~~twenty~~ 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 ~~not~~ 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 polling places shall be closed at ~~eight~~ nine o'clock p.m.

Sec. 80. Section forty-nine point seventy-seven (49.77), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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 he that person claims ~~his~~ 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, or the person registers or executes a notice of change of name, or of address within the county, at the polling place as authorized by section fifty-one (51) of this Act. The elector shall sign a voter's declaration provided by the officials, in substantially the following form:

Sec. 81. Chapter forty-nine (49), Code 1975, is amended by inserting after section forty-nine point seventy-seven (49.77) the following new section:

NEW SECTION. The precinct election officials may instruct eligible electors awaiting an opportunity to register at the polling place as permitted by section fifty-one (51) of this Act to stand in a separate line from qualified electors who are awaiting an opportunity to vote. One or more precinct election officials, as circumstances require, shall be assigned to register eligible electors at the polling place. Any eligible elector awaiting an opportunity to register and then to vote at the time the polling place is to be closed shall be entitled to the same rights as qualified electors under section forty-nine point seventy-four (49.74) of the Code.

Sec. 82. Section forty-nine point seventy-nine (49.79), Code 1975, is amended to read as follows:

49.79 CHALLENGES. Any person offering to vote may be challenged as unqualified by any precinct election official or elector; and it is the duty of each ~~of the officials~~

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official to challenge any person offering to vote whom ~~he~~ the official knows or suspects is not ~~to be~~ duly qualified. ~~At primary elections challenges may be made on the grounds stated in section 43.44. No official shall receive a~~ A ballot shall be received from a voter who is challenged, ~~until such voter shall have established his right to vote~~ but only in accordance with section forty-nine point eighty-one (49.81) of the Code.

Sec. 83. Section forty-nine point eighty (49.80), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. In case of ~~all~~ any challenges of ~~electors~~ an elector at the time he or she is offering to vote in a precinct, a precinct election official may place such person under oath and question him or her as, (a) where he or she maintains his or her home; (b) how long he or she has maintained his or her home at such place; (c) if he or she maintains a home at any other location; (d) his or her age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts ~~that he~~ as the elector feels sustains the fact that he or she is qualified to vote. Upon completion thereof, ~~the official hearing the challenge shall determine if the challenged elector shall be allowed to vote.~~ if the challenge is withdrawn, the elector may cast his or her vote in the usual manner. If the challenge is not withdrawn, section forty-nine point eignty-one (49.81) of the Code shall apply.

3. ~~In case of a challenge on the grounds stated in section 43.44, the procedures set forth in that section shall be followed.~~ The commissioner shall send to each precinct an alphabetical list of all registrants in that precinct whose receipts were returned by the postal service pursuant to section forty-six (46) of this Act during the period after the last election and prior to the pending election. Any

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person whose name appears on the list, even if that person's name also appears on the election register, shall be allowed to cast a ballot only in the manner prescribed by section forty-nine point eighty-one (49.81) of the Code.

Sec. 84. Section forty-nine point eighty-one (49.81), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST BALLOT.

1. A prospective voter who is prohibited under section forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot, in a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code. 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 reason for the challenge, and the identification used if the voter registered on election day. 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 marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred twenty-two (122) of this Act for purposes of the post-election canvass.

2. Each person who casts a challenged ballot under this section shall receive a printed statement in substantially the following form:

"Your qualifications as an elector have been challenged for the following reasons:

1. _____.

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2. _____.

3. _____.

Your right to vote will be reviewed by the special precinct counting board on _____. You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on _____ at _____. If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

Sec. 85. Section forty-nine point ninety (49.90), Code 1975, 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 that, by reason of any physical disability other than intoxication, ~~he~~ is unable to cast ~~his~~ a vote without assistance, shall, upon request, be assisted by said two officers, or by any person the blind voter may select, in casting ~~his~~ 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 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 in the same manner as challenged ballots accepted under section fifty point twenty-two (50.22) of the Code.

Sec. 86. Section forty-nine point one hundred four (49.104), subsection three (3), Code 1975, is amended to read as follows:

3. Any number of persons not exceeding three from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section fifty-one point eleven (51.11), the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

Sec. 87. Section forty-nine point one hundred twenty-five (49.125), Code 1975, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section seventy-nine point nine (79.9) of the Code if the distance involved is more than five miles. The wages shall be two dollars per hour and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

Sec. 88. 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

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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. 89. Section fifty point seventeen (50.17), Code 1975, is amended to read as follows:

50.17 RETURN OF ELECTION REGISTER. The precinct election register prepared for each election, together with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the commissioner by one of the precinct election officials ~~within two days after~~ by noon of the day ~~of~~ following the election.

Sec. 90. Section fifty point nineteen (50.19), Code 1975, is amended to read as follows:

50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The commissioner ~~shall file~~ may destroy precinct election registers ~~and other papers pertaining to registration, together with~~ the declarations of eligibility signed by voters ~~at the~~ and other material pertaining to an election, ~~in his office and preserve the same for four years and until the determination of any contest then pending, after which they shall be destroyed~~ except the tally lists, six months after the election if no contest is pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with

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section forty-eight point thirty-one (48.31), subsection one (1) of the Code.

Sec. 91. Chapter fifty (50), Code 1975, is amended by inserting after section fifty point nineteen (50.19) the following new sections:

NEW SECTION. NOTICE OF NUMBER OF CHALLENGED BALLOTS. The commissioner shall compile a list of the number of challenged ballots cast under section forty-nine point eighty-one (49.81) of the Code in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section one hundred twenty-four (124), subsection four (4) of this Act shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, at the commissioner's office until the reconvening of the special precinct board.

NEW SECTION. SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the counting board of the special precinct established by section one hundred twenty-two (122) of this Act at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the canvass of the election is required at any earlier time, the special precinct counting board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section forty-nine point eighty-one (49.81) of the Code at any election, the special precinct board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require

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reconvening of the entire counting board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code.

NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES. Upon being reconvened, the special precinct counting board shall review the affidavits 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 decision to count or reject each ballot shall be made upon the basis of the information given on the affidavit envelope, 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 section fifty-three point twenty-five (53.25) of the Code, and the affidavit envelope shall be preserved unsealed 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. 92. Section fifty point twenty-three (50.23), Code 1975, is amended to read as follows:

50.23 MESSENGERS FOR MISSING TALLY LISTS. The commissioner shall~~, on the fourth day following an election,~~ send messengers for all tally lists not ~~then~~ received ~~by him~~ in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county.

Sec. 93. Section fifty point twenty-four (50.24), Code 1975, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS. The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass~~,--and~~ . If that Monday is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22) of the Code shall control. Upon convening, the board shall open and canvass the tally lists~~.--The-board~~ and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office or on each question on the ballot for the election. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 94. Section fifty-one point eleven (51.11), Code 1975, is amended to read as follows:

51.11 PRESENCE OF PERSONS. No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board and the witnesses appointed and accredited under section forty-nine point one hundred four (49.104), subsection three (3) of the Code. It shall be unlawful for any witness to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 95. Section fifty-two point one (52.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

52.1 ALTERNATIVE VOTING SYSTEMS--DEFINITIONS.

1. At all elections conducted under chapter forty-nine (49) of the Code, and at any other election unless speci-

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fically prohibited by the statute authorizing the election, votes may be cast, registered, recorded and counted by means of either voting machines or electronic voting systems, in accordance with this chapter.

2. As used in this chapter, unless the context otherwise requires:

a. "Voting machine" means a mechanical device, meeting the requirements of section fifty-two point seven (52.7) of the Code, designated for use in casting, registering, recording and counting votes at an election.

b. "Electronic voting system" means a system employing special paper ballots or ballot cards and ballot labels, under which votes are:

(1) Cast by voters by marking special paper ballots with a vote marking device, or by marking ballot cards by use of a voting punch device; and

(2) Thereafter counted by use of automatic tabulating equipment.

c. "Special paper ballot" means a printed ballot designed to be marked by a voter with a vote marking device.

d. "Vote marking device" means a pen, pencil or similar writing tool for use in marking a special paper ballot, so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

e. "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device.

f. "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of offices and candidates and the statements of public questions to be voted on at any election by means of ballot cards.

g. "Voting punch device" means an apparatus to which is affixed a ballot label, and in which a ballot card may be inserted and marked by the voter by piercing the ballot card at appropriate points with a stylus provided for the pur-

pose. The hole or mark made by the stylus may be round, square, rectangular or any other shape that will clearly indicate the intent of the voter.

h. "Ballot" includes a special paper ballot and a ballot card and its associated ballot label. In appropriate contexts, "ballot" also includes conventional paper ballots.

i. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots or ballot cards have been marked by voters, and count the votes marked thereon.

j. "Counting center" means any place selected by the commissioner where automatic tabulating equipment is available, or is placed, for the purpose of counting votes marked on ballots cast in two or more precincts.

Sec. 96. Section fifty-two point two (52.2), Code 1975, is amended to read as follows:

52.2 PURCHASE. The board of supervisors of any county may, by a majority vote, authorize, purchase, and order the use of either voting machines or an electronic voting system in any one or more voting precincts within said county until otherwise ordered by said board of supervisors. Voting machines and an electronic voting system may be used concurrently at different precincts within any county, but not at the same precinct.

Sec. 97. Section fifty-two point three (52.3), Code 1975, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may provide for the payment therefor in such manner as they may deem for the best interest of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the county, or levy not to exceed thirteen and one-half cents per thousand dollars of assessed value.

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Any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county. Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the county board may determine, but shall not be issued or sold at less than par.

Sec. 98. Section fifty-two point four (52.4), Code 1975, is amended to read as follows:

52.4 COMMISSIONERS--TERM--REMOVAL. The governor shall appoint three ~~commissioners~~ members to a board of examiners for voting machines and electronic voting systems, not more than two of whom shall be from the same political party. The ~~said commissioners~~ examiners shall hold office for the term of five years, subject to removal at the pleasure of the governor.

Sec. 99. Section fifty-two point five (52.5), Code 1975, is amended to read as follows:

52.5 EXAMINATION OF MACHINE. Any person or corporation owning or being interested in any voting machine or electronic voting system may call upon the said ~~commissioners~~ examiners to examine the said machine or system, and make report to the state commissioner upon the capacity of the said machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by such voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the ~~commissioners~~ examiners, and machines or systems

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of its kind may be adopted for use at elections as herein provided. Any form of voting machine or system not so approved cannot be used at any election.

Sec. 100. Section fifty-two point six (52.6), Code 1975, is amended to read as follows:

52.6 COMPENSATION. Each ~~commissioner~~ examiner is entitled to one hundred fifty dollars for his or her compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. No ~~commissioner~~ examiner shall have any interest whatever in any machine or system reported upon. Provided that ~~said commissioner~~ each examiner shall ~~not~~ receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned into the state treasury.

Sec. 101. Section fifty-two point seven (52.7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

A voting machine approved by the state board of examiners for voting ~~machine commissioners~~ machines and electronic voting systems must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy.

Sec. 102. Section fifty-two point eight (52.8), Code 1975, is amended to read as follows:

52.8 EXPERIMENTAL USE. The board of supervisors of any county may provide for the experimental use at an election in one or more districts, of a voting machine or electronic

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voting system which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 103. Section fifty-two point nine (52.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

It shall be the duty of the commissioner or ~~his~~ the commissioner's duly authorized agent ~~when-so-requested-by the-county-chairman-of-one-of-the-political-parties-referred to-in-section-49.13,~~ to examine and test the voting machines to be used at any election after the machines have been prepared for the election and not less than twelve hours before the opening of the polls on the morning of the election. ~~If-voting-machines-are-to-be-so-examined-and-tested,-the chairman~~ The county chairperson of each political party referred to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time said machines shall be examined and tested so that they may be present, or have a representative present. Those present for the examination and testing shall sign a certificate which shall read substantially as follows:

Sec. 104. Section fifty-two point eighteen (52.18), Code 1975, is amended to read as follows:

52.18 METHOD OF VOTING. After the opening of the polls, the precinct election officials shall not allow any voter to enter the voting machine booth until they ascertain that he is duly entitled to vote. Only one voter at a time shall be permitted to enter the voting machine booth to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons, except as provided by ~~this-chapter~~ sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall

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be removed by the officials.

Sec. 105. Section fifty-two point twenty-two (52.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The precinct election officials shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain until thirty days after the proclamation of the results of said election, except that it shall remain locked only ten days after a primary election, ~~including~~ and only two days after a city primary election, if such election is not contested.

In cities in which the council has chosen a runoff election in lieu of a primary pursuant to section three hundred seventy-six point nine (376.9) of the Code, the machine shall remain locked only two days after the regular city election if the canvass shows that a runoff election is required, and the election is not contested. However, if the machines in any precinct are so constructed as to deliver, immediately upon conclusion of the voting at any election, 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 machines may be unlocked immedately following the canvass of votes by the county board of supervisors unless the precinct election board informs the commissioner that the printed record produced by the machine is smeared, torn or otherwise unreadable. In the latter case, the machines shall be kept locked for the period of time prescribed for machines which do not print such a record.

Sec. 106. Section fifty-two point twenty-five (52.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least two places within the voting precinct and on the left-hand side

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inside the curtain of each voting machine, said printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the inserts used in said voting machines, except that: (1) in the case of the question of a constitutional convention, or of an amendment or measure to be voted on in ~~more than one county~~ the entire state, the summary to be placed in the voting machine inserts shall be worded by the state commissioner of elections as required by section 49.44; and (2) in the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section forty-seven point two (47.2) of the Code for conducting that election.

Sec. 107. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. AUTHORIZED ELECTRONIC VOTING SYSTEM. Every electronic voting system approved by the state board of examiners for voting machines and electronic voting systems shall:

1. Provide for voting in secrecy, except as to persons entitled by sections forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code to assistance.

2. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

3. Permit a voter to vote for any person for any office on the ballot at that election, whether or not the person's name is printed on the ballot.

4. Be so constructed or designed that, when voting in a primary election in which candidates are nominated by political parties, a voter is limited to the candidates for

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the nominations of the political party with which that voter is affiliated.

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations at any one election.

Sec. 108. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT. The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an electronic voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct special paper ballots and vote marking devices, or ballot cards, ballot labels and voting punch devices, as the case may be, in appropriate numbers. The commissioner shall have custody of all equipment required for use of the electronic voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. All provisions of chapter forty-nine (49) of the Code relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of electronic voting systems, when applicable.

Sec. 109. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

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NEW SECTION. ELECTRONIC VOTING SYSTEM BALLOT FORMS.

1. The commissioner of each county in which the use of an electronic voting system in one or more precincts has been authorized shall determine the arrangement of candidates names and public questions upon the ballot or ballots used with the system. The ballot information, whether placed on the special paper ballot, the ballot card or the ballot label, shall be arranged as required by chapters forty-three (43) and forty-nine (49) of the Code, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the electronic voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of electronic voting system ballots.

2. Where voting is to occur by use of ballot cards, ballot labels and a voting punch device, the ballot labels must be arranged on or in the voting punch device in the places provided for that purpose. Voting squares may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of electronic voting system in use in that county. Ballots and ballot labels shall be printed in as plain and clear type and size as the space available will reasonably permit. Ballot cards shall be provided with tear-off stubs which shall be of a size suitable for the ballots or ballot cards used and for the requirements of the voting punch device. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where ballots or ballot cards are bound into pads, they may be bound at the top or bottom or at either side.

Sec. 110. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

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The commissioner shall provide for each precinct where an electronic voting system is in use at least four sample special paper ballots, or combinations of ballot cards and ballot labels, as the case may be, which shall be exact copies of the official ballots as printed for that precinct. The sample ballots shall be arranged in the form of a diagram showing the special paper ballot or the front of the voting punch device, as the case may be, as it will appear to the voter in that precinct on election day. The sample ballots shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day.

Sec. 111. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON BALLOT CARDS. The provisions of this section shall apply to any precinct for those elections at which votes are to be received on ballot cards in that precinct.

1. The commissioner shall cause the voting punch devices to be put in order, set, adjusted and made ready for voting when delivered to the precinct polling places. Before the opening of the polls, the precinct election officials shall compare the ballot cards and ballot labels with the sample ballots furnished, and see that the names, numbers and letters thereon agree and shall so certify on forms provided for this purpose. The certification shall be filed with the election returns.

2. Each voter shall be instructed how to use the voting punch device before entering the voting booth. In addition to the instructions printed on the ballot cards or ballot labels, instructions to voters shall be posted in each voting booth or place on the voting punch device. Any voter who requests further instructions as to the manner of voting, after entering the voting booth, shall receive the instructions from two precinct election officials, who shall not be members

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of the same political party if the election is one in which candidates are to be nominated or elected upon a partisan ballot. The precinct election officials shall give the necessary instruction without attempting in any manner to influence the voter to vote for any particular candidate or ticket. After receiving such instructions, the voter shall vote without further assistance, except as otherwise provided by sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code.

3. A separate write-in ballot, which may be in the form of a paper ballot or ballot card, or may be printed on the envelope in which the voter places his ballot card after voting, shall be provided where necessary to permit voters to write in the names of persons whose names are not printed on the ballot. If a separate write-in ballot is used, it must be placed by the voter in the same envelope with the regular ballot card.

4. A voter who spoils or defaces a ballot card or marks it erroneously shall return the card to the precinct election officials with stub folded so as not to disclose any choices made. The precinct election officials shall deliver to the voter another ballot card, but no voter may receive more than three ballot cards including the one originally delivered to the voter. Upon return of a defective ballot card, a precinct election official shall cancel it by writing in ink on the back the word "spoiled". The canceled ballot card shall be placed, without detaching the ballot stub, with spoiled ballots to be returned to the commissioner.

5. After marking the ballot card, the voter shall place it inside the ballot envelope and return it to the election official, who shall remove the stub and deposit the envelope with the ballot inside it in the ballot box. Ballot cards from which the stub has been removed by anyone except a precinct election official shall not be deposited in the

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ballot box, but shall be marked "spoiled" and returned to the commissioner.

Sec. 112. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS. Preparations for voting and voting at any election in a precinct where votes are to be received on special paper ballots shall be in accordance with the provisions of chapter forty-nine (49) governing voting upon conventional paper ballots. However, before entering the voting booth each voter shall be cautioned to mark the ballot only with a vote marking device provided in the booth.

Sec. 113. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE UPON CLOSING POLLS IN ELECTRONIC VOTING SYSTEM PRECINCTS. The provisions of this section shall apply, in lieu of sections fifty point one (50.1) through fifty point twelve (50.12), inclusive, of the Code, to any precinct for those elections at which voting is conducted by means of an electronic voting system.

1. At the time for closing of the polls, or as soon thereafter as all persons entitled under section forty-nine point seventy-four (49.74) of the Code to do so have cast their votes, the precinct election officials in each precinct where voting punch devices are in use shall secure the devices against further voting. They shall then open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine whether the number of ballots cast exceeds the number of declarations of eligibility signed as required by section forty-nine point seventy-seven (49.77) of the Code. If so, that fact shall be reported in writing to the commissioner together with the number of excess ballots and the reason for the excess, if known.

2. The precinct election officials shall next count the write-in votes cast in the precinct, if any. If ballot cards

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are used, and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

3. The precinct election officials shall place all ballots that have been cast in a container provided by the commissioner for the purpose, which shall be sealed in the presence of all of the precinct election officials. They shall then each affix their signatures to a statement attesting that the requirements of this section have been complied with, and the statement shall be returned to the commissioner with the election register as required by section fifty point seventeen (50.17) of the Code.

Sec. 114. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ABSENTEE VOTING BY ELECTRONIC VOTING SYSTEM. In any county in which every precinct is employing an electronic voting system, and the system or systems so used are all compatible with a single counting center, the commissioner may elect to also conduct absentee voting by use of such a system. All provisions of chapter fifty-three (53) of the Code shall apply to such absentee voting, so far as applicable. When a ballot card is used for voting by mail it shall be accompanied by a stylus, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each candidate or public question. The card shall be mounted on material suitable to receive the punched out chip. In counties where absentee voting is

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conducted by use of an electronic voting system, the special precinct counting board shall, at the time required by chapter fifty-three (53) of the Code, prepare absentee ballots for delivery to the counting center in the manner prescribed by this chapter.

Sec. 115. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER ESTABLISHED. Before authorizing the purchase and ordering the use of an electronic voting system under section fifty-two point two (52.2) of the Code, the county board of supervisors shall, with advice of the commissioner, determine whether counting center equipment is to be purchased as a part of the system and operated by the county, or the county will enter into an arrangement to have its ballots tabulated at a counting center maintained by another county. The arrangement may be reviewed and revised, with approval of the board of supervisors, at any time. If a county acquires and operates a counting center at which ballots cast in one or more other counties are tabulated, the commissioner of the county acquiring and operating the center, or that commissioner's designee, shall be responsible for and in control of the operation of that counting center at all time, regardless of the origin of the ballots being tabulated at any particular time.

Sec. 116. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER EQUIPMENT TESTED. Within five days prior to the date of any election at which votes are to be cast by means of an electronic voting system, the commissioner in charge of the counting center where votes so cast are to be tabulated shall have the automatic tabulating equipment tested to ascertain that it will correctly count the votes cast for all offices and on all public questions. The procedure for conducting the test shall be as follows:

1. The county chairperson of each political party referred

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to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time the test will be conducted, so that they may be present or have a representative present. The commissioner may also include such notice in the notice of the election published as required by section forty-nine point fifty-three (49.53) of the Code. The test shall be open to the public.

2. The test shall be conducted by processing a preaudited group of ballots punched or marked so as to record a predetermined number of valid votes for each candidate, and on each public question, on the ballot. The test group shall include for each office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, its cause shall be ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and sent immediately to the state commissioner.

3. The test group of ballots used for the test shall be clearly labeled as such, and retained in the counting center. The test prescribed in subsection two (2) of this section shall be repeated immediately before the start of the official tabulation of ballots cast in the election, and again immediately after the tabulation is completed. The test group of ballots and the programs used for the counting procedure shall be sealed, retained for the time required for and disposed of in the same manner as ballots cast in the election.

Sec. 117. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER IN CHARGE OF COUNTING CENTER. All proceedings at the counting center shall be under the direction of the commissioner and open to the public. The proceedings shall be under the observation of at least one

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member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, designated by the county chairperson or, if the chairperson fails to make a designation, by the commissioner. No person except those employed and authorized by the commissioner for the purpose shall touch any ballot or ballot container.

Sec. 118. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER TABULATION PROCEDURE. The tabulation of ballots cast by means of an electronic voting system, at a counting center established pursuant to this chapter, shall be conducted as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received and the condition of the seal upon receipt.

2. After the record required by subsection one (1) of this section has been made, the ballot container shall be opened. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made in the presence of witnesses and substituted for the damaged or defective ballot, or the valid votes on a defective ballot may be manually counted at the counting center by at least two employees of the commissioner, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.

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3. The record printed by the automatic tabulating equipment, with the addition of a record of any write-in or other votes manually counted pursuant to this chapter, shall constitute the official return of the precinct. Upon completion of the tabulation of the votes from each individual precinct, the result shall be announced and reported in substantially the manner required by section fifty point eleven (50.11) of the Code.

4. If for any reason it become impracticable to count all or any part of the ballots with the automatic tabulation equipment, the commissioner may direct that they be counted manually, in accordance with chapter fifty (50) of the Code so far as applicable.

Sec. 119. Section fifty-three point one (53.1), subsection two (2), Code 1975, is amended to read as follows:

2. When, through illness or physical disability, ~~he~~ the elector expects to be prevented from going to the ~~polls~~ polling place in the elector's precinct of residence and voting on election day.

Sec. 120. Section fifty-three point eight (53.8), Code 1975, is amended to read as follows:

53.8 BALLOT MAILED.

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, it shall be the duty of the commissioner to mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection three (3) of this section. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the qualified elector.

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

3. 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 nine (129) 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 twenty three (123) of this Act.

Sec. 121. Section fifty-three point seventeen (53.17), Code 1975, is amended by striking unnumbered paragraphs two (2) and three (3).

Sec. 122. Chapter fifty-three (53), Code 1975, is amended by inserting after section fifty-three point nineteen (53.19) the following new section:

NEW SECTION. SPECIAL PRECINCT ESTABLISHED. There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be coterminous with the borders of the county, for the purposes specified by sections one hundred twenty three (123) and one hundred twenty four (124) of this Act, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section forty-nine point fifteen (49.15) of the Code, having due regard for the nature and extent of the duties

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required of members of the election board and the election officers to be appointed from the panel.

Sec. 123. Section fifty-three point twenty-two (53.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

NEW SECTION. BALLOTING BY CONFINED PERSONS.

1. An applicant 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 twenty-two (122) 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 five working days preceding the election and on election day if necessary. The special precinct election officers shall notarize each absentee ballot delivered by them as required by this chapter; 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 ballots 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, pursuant to section forty-nine point eighteen (49.18) of the Code, to carry out the

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requirements of this section. The persons authorized by this sub-section to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day.

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility within three days prior to the date of any election may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section fifty-three point two (53.2) of the Code, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. These officers shall transmit the request to the commissioner and, if the requestor is found to be a qualified elector of that county, deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 124. Section fifty-three point twenty-three (53.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

53.23 SPECIAL PRECINCT ELECTION BOARD.

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by ten o'clock p.m. on election day.

2. The board's powers and duties shall be the same as those provided in chapter fifty (50) of the Code for precinct election officials in regular precinct polling places.

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However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten o'clock p.m. on election day. The commissioner may direct the board to meet on the day prior to the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes if in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, but under no circumstances shall a sealed ballot envelope be opened before the board convenes on election day.

4. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter forty-five (45) of the Code or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress

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of the count at any time before the polls are closed.

5. The special precinct election board shall not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of challenged ballots accepted and counted under chapter fifty (50) of the Code until that count has been completed.

Sec. 125. Section fifty-three point thirty-eight (53.38), Code 1975, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION. Whenever ~~registration is required in order to vote at either the primary election or general election, in the case of voters~~ a ballot is requested pursuant to section fifty-three point thirty-nine (53.39) of the Code on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, ~~otherwise qualified~~ if he or she is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration, ~~if registration is required~~ under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if it does not already appear there.

Sec. 126. Section fifty-four point two (54.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

54.2 HOW ELECTED. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for:

1. Each of the two candidates who shall be nominated for presidential electors at large in the state by the political party or group of petitioners; and

2. The candidate nominated by the political party or group of petitioners for presidential elector from the congressional district in which the vote is cast.

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The state commissioner of elections shall not place upon the general election ballot the names of any candidates for president and vice president of the United States unless the political party or group of petitioners supporting those candidates in this state have furnished the state commissioner a list of the persons nominated by that party or group as state and congressional district presidential electors, and sworn statements signed by each nominee pledging that, if elected, the nominee will vote for the candidates for president and vice president of the United States supported by that political party or group of petitioners.

Sec. 127. Section sixty-nine point twelve (69.12), subsection one (1), paragraphs a and b, Code 1975, are amended to read as follows:

a. A vacancy occurring ~~forty~~ fifty or more days prior to the next pending election that is not a general election or sixty or more days prior to a general election shall be filled at that election. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

b. A vacancy occurring less than ~~forty~~ fifty days prior to the next pending election that is not a general election or less than sixty days prior to a general election shall be filled by appointment as provided by law until the succeeding pending election.

Sec. 128. Section sixty-nine point fourteen (69.14), Code 1975, is amended to read as follows:

69.14 SPECIAL ELECTION TO FILL VACANCIES. A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event

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the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten days' notice thereof. Any special election called under this section must be held on a Tuesday.

Sec. 129. Chapter one hundred thirty-five C (135C), Code 1975, is amended by adding the following new section:

NEW SECTION. LICENSE LIST TO COUNTY COMMISSIONER OF ELECTIONS. To facilitate the implementation of section fifty-three point eight (53.8), subsection three (3) of the Code and section one hundred twenty-three (123) of this Act, the commissioner shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility.

Sec. 130. Section one hundred forty-five A point eleven (145A.11), Code 1975, is amended to read as follows:

145A.11 TERMS OF MEMBERS. The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five ~~qualified~~ eligible electors from the area district~~,-and-shall-be-filed-with-the-board. When-nominations are-complete,-the-board-shall-certify-the-names-of-the-nominees to-each-county-auditor-of-the-respective-area-districts.~~

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Sec. 131. Section two hundred seventy-five point twelve (275.12), subsection two (2), paragraphs b, c and d, Code 1975, are amended to read as follows:

b. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district but who shall be elected by the vote of the electors of the entire school district. The school district shall be divided into the same number of director districts as the number of school directors the district is authorized by law. The boundaries of such director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election. Insofar as may be practicable, the boundaries of such districts shall follow established political or natural geographical divisions.

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member director districts into which the entire school district shall be divided on the basis of population. In such case, all directors shall be elected by the electors of the entire school district.

d. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district. Place of voting in such director districts shall be designated by the county board.

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Sec. 132. Section two hundred seventy-five point twenty-five (275.25), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Provided, however, in cases involving two districts only, where the population of the new district does not exceed the population of the more populous of said districts by more than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms. Section forty-nine point eight (49.8), subsection four (4) of the Code shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board ~~caused by change in boundaries~~ shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 133. Section two hundred seventy-five point thirty-five (275.35), Code 1975, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS. Any existing or hereafter created or enlarged school district may change the number of directors from five to seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election and describing the boundaries of the proposed director districts if any, by the school board of such district to the electors at any regular or special school election. The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 to 53 by the county commissioner of elections. Such proposal shall be adopted:

~~1. If, in a district where the existing method of election of school directors is by election at large, it is approved~~

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~~by-a-majority-of-the-votes-cast-on-the-proposition;~~

~~2.--If,-in-a-district-which-is-subdivided-into-director districts-for-the-election-of-all-or-part-of-the-school directors,~~ if it is approved by a majority of the votes cast on the proposition.

Sec. 134. Section two hundred seventy-seven point six (277.6), Code 1975, is amended to read as follows:

277.6 TERRITORY OUTSIDE CITY OR COUNTY. If there is within a school corporation any territory not within the limits of the ~~city or~~ county whose county commissioner of elections is responsible under section forty-seven point two (47.2) of the Code for conducting that school corporation's elections, the ~~county~~ commissioner ~~of elections~~ may divide the territory which lies outside the ~~city or~~ county but within the school district into additional precincts, or may attach the various parts thereof to ~~such~~ contiguous ~~city or county~~ precincts within the same county in accordance with section forty-nine point three (49.3) of the Code, and as will best serve the convenience of the electors of said territory in voting on school matters.

Sec. 135. Section two hundred seventy-seven point twenty-six (277.26), Code 1975, is amended to read as follows:

277.26 TREASURER. In ~~districts composed in whole or in part of cities~~ each school district a treasurer shall be chosen at the regular election. He shall serve without pay and his term shall begin on the first secular day of July following his election and continue for two years and until his successor is elected or appointed and qualified.

Sec. 136. Section two hundred seventy-seven point twenty-nine (277.29), Code 1975, is amended to read as follows:

277.29 VACANCIES. Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing his or her

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residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, his office, or the decision of a competent tribunal declaring his office vacant; the conviction of incumbent of an infamous crime or of any public offense involving the violation of his oath of office, shall constitute a vacancy.

Sec. 137. Section two hundred seventy-seven point thirty (277.30), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

277.30 VACANCIES FILLED BY ELECTION. When vacancies are to be filled by election, the provisions of section sixty-nine point twelve (69.12) of the Code shall control.

Sec. 138. Section two hundred seventy-eight point one (278.1), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

9. Authorize a change from five to seven directors. The proposition for the change shall specify the number of directors to be elected, if different than the present plan, and which of the methods of election authorized by section two hundred seventy-five point twelve (275.12), subsection two (2) of the Code is to be used if the change is approved by the voters.

10. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection within the next six years.

Sec. 139. Section two hundred seventy-eight point two (278.2), Code 1975, is amended to read as follows:

278.2 SUBMISSION OF PROPOSITION. The board may, and upon the written request of twenty-five ~~voters~~ eligible electors

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of any district having a population of five thousand or less, or of fifty ~~voters~~ eligible electors of any other district, shall direct the county commissioner of elections to provide in the notice of the regular election for submitting any proposition authorized by law to the voters. However, when the board has directed the commissioner to submit to the voters a proposition authorized by section two hundred seventy-eight point one (278.1), subsections nine (9) or ten (10), it shall not thereafter direct him to submit at the same election any other proposition under either of these subsections.

Sec. 140. Section two hundred seventy-nine point three (279.3), Code 1975, is amended to read as follows:

279.3 APPOINTMENT OF SECRETARY ~~AND TREASURER~~. At the meeting of the board the first secular day after the seventh day in July the board shall appoint a secretary who shall not be a teacher or other employee of the board. ~~It shall also, except in districts composed in whole or in part of a city, appoint a treasurer. Such officers~~ The secretary shall be appointed from outside the membership of the board for terms of one year beginning with the first secular day after the seventh day in July which appointment and qualification shall be entered of record in the minutes of the secretary. ~~They~~ The secretary shall qualify within ten days following ~~their~~ appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until ~~their successors are~~ a successor is appointed and qualified.

Sec. 141. Section two hundred seventy-nine point six (279.6), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until ~~the organization of the board~~

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~~the third Monday in September immediately following the next regular election and until his~~ a successor is elected and qualified pursuant to section sixty-nine point twelve (69.12) of the Code. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until his successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

Sec. 142. Section two hundred eighty A point twelve (280A.12), Code 1975, is amended to read as follows:

280A.12 GOVERNING BOARD. The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Terms of members of the board of directors shall be three years except that members of the initial board of directors elected at the special election shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year. Vacancies on the board which occur more than ninety days prior to the next ~~annual~~ regular school election ~~shall~~ may be filled at the next regular meeting of the board by appointment by the remaining members of the board. ~~The~~ A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until ~~the next annual school election, at which election~~ a member shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29. No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education

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agency board.

Sec. 143. Section two hundred eighty A point thirty-nine (280A.39), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any merged area may combine with any adjacent area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at a special election to be held on the same day in each area. The special election shall not be held within thirty days of any general election. Prior to the special election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located who shall publish notice of the election ~~at least three times, no oftener than once a week, in one or more newspapers of general circulation within the merged area~~ according to section forty-nine point fifty-three (49.53) of the Code. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 to 53. The votes cast in the election shall be canvassed by the county board of supervisors and the county commissioners of elections who conducted the election shall certify the results to the board of directors of each merged area.

Sec. 144. Section two hundred ninety-six point four (296.4), Code 1975, is amended to read as follows:

296.4 NOTICE--BALLOTS. Notice of the election shall be given by the county commissioner of elections by publication ~~once each week for four weeks in some newspaper of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted, and shall be in lieu of any other notice, any other statute to the contrary notwithstanding~~ in accordance with

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section forty-nine point fifty-three (49.53) of the Code. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors.

Sec. 145. Section two hundred ninety-eight point eighteen (298.18), unnumbered paragraph five (5), Code 1975, is amended to read as follows:

Notice of the election shall be given by the county commissioner of elections ~~by publication once each week for four consecutive weeks in a newspaper of general circulation in the school corporation. Such notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the quetion to be submitted~~ according to section forty-nine point fifty-three (49.53) of the Code. The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice. ~~Such notice shall be sufficient and shall be in lieu of any other notice required by any other statute.~~ At such election the ballot used for the submission of said proposition shall be in substantially the form for submitting special questions at general elections. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors. Such proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against said proposition at said election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

Sec. 146. Section three hundred three B point two (303B.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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The regional library system shall consist of seven regional boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees ~~elected~~ appointed to the boards in the following numbers and from the following districts:

Sec. 147. Section three hundred three B point three (303B.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

303B.3 APPOINTMENT. Regional library trustees shall be appointed by the governor from lists of nominees submitted for each appointment by the state library commission and the Iowa library association. At least two nominees shall be submitted for each appointment to a regional library board.

Sec. 148. Section three hundred three B point four (303B.4), Code 1975, is amended to read as follows:

303A.4 TERMS. Regional library trustees shall take office on the first day of January following ~~the general election~~ their appointment and shall serve terms of four years, except that trustees elected to the initial board in the year 1974 shall determine their respective terms by lot so that three members shall serve terms of two years and four members shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the ~~next general election~~ expiration of the term in which the vacancy occurs by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during his or her term of office as a regional library trustee.

Sec. 149. Section three hundred six C point ten (306C.10), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Political sign" means an outdoor sign of a temporary nature, not larger than nine square feet in surface area, erected for the purpose of soliciting votes

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or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nominaton or election or any public question on the ballot in an election held under the laws of this state.

Sec. 150. Chapter three hundred six C (306C), Code 1975, is amended by adding the following new section:

NEW SECTION. It shall be lawful to place political signs on private property with permission of the owner or person in charge of the property at any time during the period beginning forty-five days before the date of the election to which the signs pertain and ending on the day of the election, even if such placement would otherwise be a violation of this chapter. This section shall not be construed to authorize placement of any political sign at any location where it may, because of its size, location, content or coloring constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by detracting from the visibility of any traffic control device or by being confused with an authorized traffic control device. The exemption from provisions of this chapter granted by this section for political signs shall expire on the seventh day following the date of the election to which the signs pertain. A municipal corporation shall adopt no ordinance which prohibits the placement of political signs on private property as permitted by this section during the period beginning twenty-one days before the date of the election to which the signs pertain, nor requires removal of the political signs so placed less than seven days after the date of that election.

Sec. 151. Section three hundred forty-seven point ten (347.10), Code 1975, is amended to read as follows:

347.10 VACANCIES. Vacancies in the board of trustees ~~shall~~ may be filled by an appointment to fill the vacancy by the remaining members of the board of trustees. ~~In the event that~~ or, if fewer than four trustees remain on the board, ~~the vacancies shall be filled~~ by the board of su-

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pervisors, for the period until the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code. Should any board member be absent for four consecutive regular board meetings, without prior excuse, his position shall be declared vacant and filled as set out above.

Sec. 152. Section three hundred forty-seven point twenty-five (347.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The election of hospital trustees whose offices are established by this chapter or chapter one hundred forty-five A (145A) or three hundred forty-seven A (347A) of the Code shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by ~~qualified~~ eligible electors of the county equal in number to one percent of the vote cast for president of the United States or governor, as the case may be, by both political parties in the last previous general election, and shall be filed with the county commissioner of elections at least fifty-five days prior to the date of said general election. A plurality shall be sufficient to elect hospital trustees, it being the intent that there be no primary election.

Sec. 153. Section three hundred forty-seven A point one (347A.1), Code 1975, is amended as follows:

1. By striking from line thirty-two (32) the word "shall" and inserting in lieu thereof the word "may".

2. By striking from line thirty-four (34) the words "next succeeding general election" and inserting in lieu thereof the words "the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code".

Sec. 154. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph two (2), Code 1975, is amended

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to read as follows:

Vacancies in the office of trustee of a sanitary district ~~shall~~ may be filled by the remaining members of the board for the period ~~extending to the second secular day of January following the next biennial election, when~~ until a trustee shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill such vacancy for the unexpired term.

Sec. 155. Section three hundred sixty-four point two (364.2), subsection four (4), paragraph c, Code 1975, is amended to read as follows:

c. Notice of the election shall be given by publication ~~once each week for four consecutive weeks~~ as prescribed in section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The election shall be held on a day not less than five nor more than twenty days after the last publication of notice.~~

Sec. 156. Section three hundred seventy-two point thirteen (372.13), subsection two (2), Code 1975, is amended to read as follows:

2. A vacancy in an elective city office during a term of office ~~must~~ may be filled by the council for the period of time until ~~the next regular city election~~ it is filled pursuant to section sixty-nine point twelve (69.12) of the Code.

Sec. 157. Section three hundred seventy-six point four (376.4), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

The city clerk 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~~

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p.m.--on-the-twenty-first-day-before-the-election as prescribed in section forty-four point nine (44.9) of the Code.

Sec. 158. Section three hundred eighty-four point twenty-six (384.26), subsection three (3), Code 1975, is amended to read as follows:

3. Notice of the election must be given by publication once-each-week-for-at-least-three-consecutive-weeks as required by section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. The-notice-must-state-the-date-of-the-election,-the-hours of-opening-and-closing-the-polls-and-the-location-thereof, and-the-question-to-be-submitted.--The-election-must-be-held on-a-date-not-less-than-four-nor-more-than-twenty-days-after the-last-publication-of-the-notice.--Such-notice-is-sufficient and-is-in-lieu-of-any-other-notice-required-by-any-other statute. At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

Sec. 159. Section three hundred ninety-four point two (394.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular municipal election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published once-each-week-for-at-least-four consecutive-weeks-in-a-newspaper-published-in-the-county, which-notice-shall-state-the-date-of-the-election,-the-hours of-opening-and-closing-the-polls-and-the-location-thereof, the-question-to-be-submitted,-and as required by section forty-nine point fifty-three (49.53) of the Code. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens. The-election-shall

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~~be-held-on-a-date-not-less-than-four-nor-more-than-twenty days-after-the-last-publication-of-the-notice.~~

Sec. 160. Sections forty-three point forty-four (43.44), forty-three point fifty-nine (43.59), forty-three point seventy (43.70), forty-three point seventy-four (43.74), forty-three point eighty-one (43.81), forty-three point eighty-two (43.82), forty-three point eighty-four (43.84), forty-three point eighty-six (43.86), forty-three point eighty-seven (43.87), forty-three point one hundred two (43.102), forty-three point one hundred five (43.105), forty-three point one hundred ten (43.110), forty-three point one hundred thirteen (43.113), forty-nine point thirty-four (49.34), forty-nine point forty-nine (49.49), forty-nine point sixty-two (49.62), and two hundred ninety-six point five (296.5), Code 1975, are repealed.

H-3625

Amend House File 700 as follows:

1. Page 54, by inserting after line 3 the following sections:

"Sec. ___. Section fifty-two point one (52.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

52.1 ALTERNATIVE VOTING SYSTEMS--DEFINITIONS.

1. At all elections conducted under chapter forty-nine (49) of the Code, and at any other election unless specifically prohibited by the statute authorizing the election, votes may be cast, registered, recorded and counted by means of either voting machines or electronic voting systems, in accordance with this chapter.

2. As used in this chapter, unless the context otherwise requires:

a. "Voting machine" means a mechanical device, meeting the requirements of section fifty-two point seven (52.7) of the Code, designated for use in casting, registering, recording and counting votes at an election.

b. "Electronic voting system" means a system employing special paper ballots or ballot cards and ballot labels, under which votes are:

(1) Cast by voters by marking special paper ballots with a vote marking device, or by marking ballot cards by use of a voting punch device; and

(2) Thereafter counted by use of automatic tabulating equipment.

c. "Special paper ballot" means a printed ballot designed to be marked by a voter with a vote marking device.

d. "Vote marking device" means a pen, pencil or similar writing tool for use in marking a special paper ballot, so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

e. "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device.

f. "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of offices and candidates and the statements of public questions to be voted on at any election by means of ballot cards.

g. "Voting punch device" means an apparatus to which is affixed a ballot label, and in which a ballot card may be inserted and marked by the voter by piercing the ballot card at appropriate points with a stylus provided for the purpose. The hole or mark

made by the stylus may be round, square, rectangular or any other shape that will clearly indicate the intent of the voter.

h. "Ballot" includes a special paper ballot and a ballot card and its associated ballot label. In appropriate contexts, "ballot" also includes conventional paper ballots.

i. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots or ballot cards have been marked by voters, and count the votes marked thereon.

j. "Counting center" means any place selected by the commissioner where automatic tabulating equipment is available, or is placed, for the purpose of counting votes marked on ballots cast in two or more precincts.

Sec. ___. Section fifty-two point two (52.2), Code 1975, is amended to read as follows:

52.2 PURCHASE. The board of supervisors of any county may, by a majority vote, authorize, purchase, and order the use of either voting machines or an electronic voting system in any one or more voting precincts within said county until otherwise ordered by said board of supervisors. Voting machines and an electronic voting system may be used concurrently at different precincts within any county, but not at the same precinct.

Sec. ___. Section fifty-two point three (52.3), Code 1975, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may provide for the payment therefor in such manner as they may deem for the best interest of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the county, or levy not to exceed thirteen and one-half cents per thousand dollars of assessed value. Any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county. Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the county board may determine, but shall not be issued or sold at less than par."

2. Page 54, line 8, by inserting after the word "machines" the words "and electronic voting systems".

3. Page 54, line 15, by inserting after the word

"machine" the words "or electronic voting system".

4. Page 54, line 17, by inserting after the word "machine" the words "or system".

5. Page 54, line 18, by inserting after the word "machine" the words "or system".

6. Page 54, line 22, by inserting after the word "machine" the words "or system".

7. Page 54, line 25, by inserting after the word "machine" the words "or system".

8. Page 54, line 26, by inserting after the word "machines" the words "or systems".

9. Page 54, line 28, by inserting after the word "machine" the words "or system".

10. Page 55, line 2, by inserting after the word "machine" the words "or system".

11. Page 55, line 12, by inserting after the word "machines" the words "and electronic voting systems".

12. Page 55, by inserting after line 17 the following section:

"Sec. ___. Section fifty-two point eight (52.8), Code 1975, is amended to read as follows:

52.8 EXPERIMENTAL USE. The board of supervisors of any county may provide for the experimental use at an election in one or more districts, of a voting machine or electronic voting system which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted."

13. Page 57, by inserting after line 22 the following sections:

"Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. AUTHORIZED ELECTRONIC VOTING SYSTEM. Every electronic voting system approved by the state board of examiners for voting machines and electronic voting systems shall:

1. Provide for voting in secrecy, except as to persons entitled by sections forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code to assistance.

2. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

3. Permit a voter to vote for any person for any office on the ballot at that election, whether or not the person's name is printed on the ballot.

4. Be so constructed or designed that, when voting in a primary election in which candidates are nominated by political parties, a voter is limited to the candidates for the nominations of the political party with which that voter is affiliated.

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations at any one election.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT. The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an electronic voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct special paper ballots and vote marking devices, or ballot cards, ballot labels and voting punch devices, as the case may be, in appropriate numbers. The commissioner shall have custody of all equipment required for use of the electronic voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. All provisions of chapter forty-nine (49) of the Code relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of electronic voting systems, when applicable.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ELECTRONIC VOTING SYSTEM BALLOT FORMS.

1. The commissioner of each county in which the use of an electronic voting system in one or more precincts has been authorized shall determine the arrangement of candidates names and public questions upon the ballot or ballots used with the system. The ballot information, whether placed on the special

paper ballot, the ballot card or the ballot label, shall be arranged as required by chapters forty-three (43) and forty-nine (49) of the Code, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the electronic voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of electronic voting system ballots.

2. Where voting is to occur by use of ballot cards, ballot labels and a voting punch device, the ballot labels must be arranged on or in the voting punch device in the the places provided for that purpose. Voting squares may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of electronic voting system in use in that county. Ballots and ballot labels shall be printed in as plain and clear type and size as the space available will reasonably permit. Ballot cards shall be provided with tear-off stubs which shall be of a size suitable for the ballots or ballot cards used and for the requirements of the voting punch device. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where ballots or ballot cards are bound into pads, they may be bound at the top or bottom or at either side.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS. The commissioner shall provide for each precinct where an electronic voting system is in use at least four sample special paper ballots, or combinations of ballot cards and ballot labels, as the case may be, which shall be exact copies of the official ballots as printed for that precinct. The sample ballots shall be arranged in the form of a diagram showing the special paper ballot or the front of the voting punch device, as the case may be, as it will appear to the voter in that precinct on election day. The sample ballots shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON BALLOT CARDS. The provisions of this section shall apply to any precinct for those elections at which votes are to be received on ballot cards in that precinct.

1. The commissioner shall cause the voting punch devices to be put in order, set, adjusted and made ready for voting when delivered to the precinct polling places. Before the opening of the polls, the precinct election officials shall compare the ballot cards and ballot labels with the sample ballots furnished, and see that the names, numbers and letters thereon agree and shall so certify on forms provided for this purpose. The certification shall be filed with the election returns.

2. Each voter shall be instructed how to use the voting punch device before entering the voting booth. In addition to the instructions printed on the ballot cards or ballot labels, instructions to voters shall be posted in each voting booth or place on the voting punch device. Any voter who requests further instructions as to the manner of voting, after entering the voting booth, shall receive the instructions from two precinct election officials, who shall not be members of the same political party if the election is one in which candidates are to be nominated or elected upon a partisan ballot. The precinct election officials shall give the necessary instruction without attempting in any manner to influence the voter to vote for any particular candidate or ticket. After receiving such instructions, the voter shall vote without further assistance, except as otherwise provided by sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code.

3. A separate write-in ballot, which may be in the form of a paper ballot or ballot card, or may be printed on the envelope in which the voter places his ballot card after voting, shall be provided where necessary to permit voters to write in the names of persons whose names are not printed on the ballot. If a separate write-in ballot is used, it must be placed by the voter in the same envelope with the regular ballot card.

4. A voter who spoils or defaces a ballot card or marks it erroneously shall return the card to the precinct election officials with stub folded so as not to disclose any choices made. The precinct election officials shall deliver to the voter another ballot card, but no voter may receive more than three ballot cards including the one originally delivered

to the voter. Upon return of a defective ballot card, a precinct election official shall cancel it by writing in ink on the back the word "spoiled". The canceled ballot card shall be placed, without detaching the ballot stub, with spoiled ballots to be returned to the commissioner.

5. After marking the ballot card, the voter shall place it inside the ballot envelope and return it to the election official, who shall remove the stub and deposit the envelope with the ballot inside it in the ballot box. Ballot cards from which the stub has been removed by anyone except a precinct election official shall not be deposited in the ballot box, but shall be marked "spoiled" and returned to the commissioner.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS. Preparations for voting and voting at any election in a precinct where votes are to be received on special paper ballots shall be in accordance with the provisions of chapter forty-nine (49) governing voting upon conventional paper ballots. However, before entering the voting booth each voter shall be cautioned to mark the ballot only with a vote marking device provided in the booth.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE UPON CLOSING POLLS IN ELECTRONIC VOTING SYSTEM PRECINCTS. The provisions of this section shall apply, in lieu of sections fifty point one (50.1) through fifty point twelve (50.12), inclusive, of the Code, to any precinct for those elections at which voting is conducted by means of an electronic voting system.

1. At the time for closing of the polls, or as soon thereafter as all persons entitled under section forty-nine point seventy-four (49.74) of the Code to do so have cast their votes, the precinct election officials in each precinct where voting punch devices are in use shall secure the devices against further voting. They shall then open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine whether the number of ballots cast exceeds the number of declarations of eligibility signed as required by section forty-nine point seventy-seven (49.77) of the Code. If so, that fact shall be reported in writing to the commissioner together with the number of excess ballots and the reason for the excess, if

known.

2. The precinct election officials shall next count the write-in votes cast in the precinct, if any. If ballot cards are used, and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

3. The precinct election officials shall place all ballots that have been cast in a container provided by the commissioner for the purpose, which shall be sealed in the presence of all of the precinct election officials. They shall then each affix their signatures to a statement attesting that the requirements of this section have been complied with, and the statement shall be returned to the commissioner with the election register as required by section fifty point seventeen (50.17) of the Code.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ABSENTEE VOTING BY ELECTRONIC VOTING SYSTEM. In any county in which every precinct is employing an electronic voting system, and the system or systems so used are all compatible with a single counting center, the commissioner may elect to also conduct absentee voting by use of such a system. All provisions of chapter fifty-three (53) of the Code shall apply to such absentee voting, so far as applicable. When a ballot card is used for voting by mail it shall be accompanied by a stylus, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each candidate or public question. The card shall be mounted on material suitable to receive the punched out chip. In counties where absentee voting is conducted by use of an electronic voting system, the special precinct counting board shall, at the time required by chapter fifty-three (53) of the Code, prepare absentee ballots for delivery to the counting center in the manner prescribed by this chapter.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER ESTABLISHED. Before authorizing the purchase and ordering the use of an electronic voting system under section fifty-two point two (52.2) of the Code, the county board of supervisors shall, with advice of the commissioner, determine whether counting center equipment is to be purchased as a part of the system and operated by the county, or the county will enter into an arrangement to have its ballots tabulated at a counting center maintained by another county. The arrangement may be reviewed and revised, with approval of the board of supervisors, at any time. If a county acquires and operates a counting center at which ballots cast in one or more other counties are tabulated, the commissioner of the county acquiring and operating the center, or that commissioner's designee, shall be responsible for and in control of the operation of that counting center at all time, regardless of the origin of the ballots being tabulated at any particular time.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER EQUIPMENT TESTED. Within five days prior to the date of any election at which votes are to be cast by means of an electronic voting system, the commissioner in charge of the counting center where votes so cast are to be tabulated shall have the automatic tabulating equipment tested to ascertain that it will correctly count the votes cast for all offices and on all public questions. The procedure for conducting the test shall be as follows:

1. The county chairperson of each political party referred to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time the test will be conducted, so that they may be present or have a representative present. The commissioner may also include such not ce in the notice of the election published as required by section forty-nine point fifty-three (49.53) of the Code. The test shall be open to the public.

2. The test shall be conducted by processing a preaudited group of ballots punched or marked so as t record a predetermined number of valid votes for each candidate, a nd on each public question, on the ballot. The test group shall include for eac office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, its cause shall be

ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and sent immediately to the state commissioner.

3. The test group of ballots used for the test shall be clearly labeled as such, and retained in the counting center. The test prescribed in subsection two (2) of this section shall be repeated immediately before the start of the official tabulation of ballots cast in the election, and again immediately after the tabulation is completed. The test group of ballots and the programs used for the counting procedure shall be sealed, retained for the time required for and disposed of in the same manner as ballots cast in the election.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER IN CHARGE OF COUNTING CENTER. All proceedings at the counting center shall be under the direction of the commissioner and open to the public. The proceedings shall be under the observation of at least one member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, designated by the county chairperson or, if the chairperson fails to make a designation, by the commissioner. No person except those employed and authorized by the commissioner for the purpose shall touch any ballot or ballot container.

Sec. ___. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER TABULATION PROCEDURE. The tabulation of ballots cast by means of an electronic voting system, at a counting center established pursuant to this chapter, shall be conducted as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received and the condition of the seal upon receipt.

S-3873

Amend House File 700 as amended, passed and reprinted by the House, page 86, by inserting after line 11 the following:

"Sec. ___. Chapter two hundred seventy-eight (278), Code 1975, is amended by adding the following new section:

NEW SECTION. NEW DISTRICTS DRAWN PURSUANT TO VOTER AUTHORIZATION--APPROVAL--IMPLEMENTATION.

1. When the voters of a school district authorize establishment of or a change in boundaries of school director districts by approval of a proposition submitted under section two hundred seventy-eight point one (278.1), subsection nine (9) or ten (10) of the Code, the board shall cause proposed new director districts to be drawn in accordance with the proposition approved by the voters, not later than February first next following the election at which the proposition was approved. When the plan is completed to the board's satisfaction, it shall file the plan with its secretary.

2. If the board fails to comply with subsection one (1) of this section at the time required, the state superintendent of public instruction shall cause the proposed new director districts to be drawn in accordance with the proposition approved by the voters and shall file the plan with the school board secretary not later than April first next following the election at which the proposition was approved. The state superintendent shall certify the cost of preparing the plan to the state comptroller, who shall deduct that amount from the next installment of state aid to be paid the district involved, under section four hundred forty-two point twenty-six (442.26) of the Code.

3. Upon the filing of proposed new director districts with the school board secretary under subsection one (1) or subsection two (2) of this section, as the case may be, the secretary shall promptly cause a notice of the proposed new districts, including a map clearly indicating the boundaries thereof, to be published in a newspaper of general circulation in the district. The notice shall be published no later than April fifteenth next following the election at which the proposition for establishment of or a change in boundaries of school director districts was approved. Copies of the plan shall be made available for public inspection in the office of the school board secretary, and in the office of the county commissioner of elections responsible under section forty-seven point two (47.2) of the Code for

conducting that school district's elections, for not less than ten business days immediately following publication of the notice.

4. A petition may be filed with the secretary of the school board or the responsible county commissioner of elections, within ten business days after publication of the notice required by subsection three (3) of this section, requesting a referendum on the proposed districts. The petition must bear the signatures of qualified electors of the district equal in number to at least ten percent of those voting for and against the proposition pursuant to which the proposed districts have been drawn. If a petition is so filed, the proposed districts shall be submitted to the voters of the district at the next succeeding regular school election in the same manner as any proposition authorized by section two hundred seventy-eight point one (278.1) of the Code. If the proposed districts are approved by a majority of the votes cast for and against them, they shall be adopted; if not, the vote shall be deemed a reversal of the proposition for establishment of or a change in the boundaries of director districts pursuant to which the proposed districts were drawn.

5. If no valid petition is submitted under subsection four (4) of this section, the school board shall formally adopt the proposed new director districts, and prepare a plan for implementing them pursuant to section two hundred seventy-five point thirty-eight (275.38) of the Code. The plan shall be completed not less than thirty days before the first day for filing of nomination papers for candidates in the next succeeding regular school election. If a valid petition for a referendum is submitted, and the proposed new director districts are adopted at the referendum, the school board shall prepare a plan for implementing them pursuant to section two hundred seventy-five point thirty-eight (275.38) of the Code, not less than thirty days before the first day for filing of nomination papers for candidates in the next regular school election succeeding the one at which the referendum is held."

S-3873 FILED - Lost 5/22 (1532) BY JAMES M. REDMOND
MAY 21, 1975

S-3876

Amend the Willits' amendment S-3859-C, to H.F. 700 by striking lines 32 and 33 and inserting in lieu thereof the following:

"4. Page 22, line 8, by striking the word "interpret" and inserting in lieu thereof the words "issue oral interpretations of.".

5. Page 22, line 12, by inserting after the period the words "These interpretations shall be reduced to writing as soon as reasonably possible."

S-3876 FILED & ADOPTED (1500) BY MINNETTE F. DODERER
MAY 21, 1975 EARL M. WILLITS

S-3879

Amend S-3830-A to House File 700 as amended, passed and reprinted by the House, as follows:

Page 4, line 24, by striking the word "advise" and inserting in lieu thereof the word "advice".

S-3879 FILED & ADOPTED (1506) BY MINNETTE F. DODERER
MAY 21, 1975 JOHN N. NYSTROM

S-3883

Amend House File 700 as amended, passed and reprinted by the House, page 28, line 12 by inserting after the word "and" the words, "those forms used for registration by mail".

S-3883 FILED & WITHDRAWN (1533) BY JOHN N. NYSTROM
MAY 22, 1975

S-3886

Amend the Nystrom amendment S-3883 to House File 700 as amended, passed and reprinted by the House by striking lines 2 through 4 and inserting in lieu thereof the following:

" reprinted by the House, as follows:

1. Page 28, line 12, by inserting after the word "and" the words "those forms used for registration by mail ".

2. Page 28, by inserting after the period the following: "An applicant may use a form which is substantially similar to the one issued by the commissioner but provided by another person.""

S-3886 FILED & WITHDRAWN (1533) BY MINETTE DODERER
May 22, 1975 GEORGE R. KINLEY

S-3885

Amend the Orr amendment S-3866 to House File 700 as amended, passed and reprinted by the House, by striking lines 2 through 13 and inserting in lieu thereof the following:

"printed by the House, as follows:

1. Page 82, by striking lines 28 through 35 inclusive and inserting in lieu thereof the following:

~~"d.--Division of the entire school district into designated geographical subdistricts, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district.--Place of voting in such director districts shall be designated by the county board.~~"

2. Page 95, by inserting after line 15 the following new section:

"Sec.___. The amendment made by this Act to section two hundred seventy-five point twelve (275.12), subsection two (2), Code 1975, shall not be construed to alter the boundaries of director districts nor the terms of office of directors in school districts which, on the effective date of this Act, are using the method of electing school district directors prescribed by paragraph d of that subsection. Each such district shall, effective on that date, be considered to have adopted the method of electing school district directors prescribed by section two hundred seventy-five point twelve (275.12), subsection two (2), paragraph b of the Code, in the absence of specific action to the contrary." "

S-3885 FILED & ADOPTED (1531) BY JOAN ORR
MAY 22, 1975

S-3889

Amend House File 700 as amended, passed and reprinted by the House, page 82, line 35, by striking the words "county board" and inserting in lieu thereof the words "~~county board~~ commissioner".

S-3889 FILED & ADOPTED (1534) BY JOAN ORR
MAY 22, 1975

S-3830

Amend House File 700 as amended and passed by the House and reprinted, as follows:

1. Page 1, by striking lines 2 through 16, inclusive, and inserting in lieu thereof the following:

"1975, as amended by Acts of the Sixty-sixty General Assembly, 1975 Session, House File one hundred sixty (160), section one (1), is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election~~;--and-when~~ . If an election is necessary under section four (4) of this Act to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office. When the canvass is completed, the oath of office shall be administered to the persons, or person, so declared elected ~~and~~ . Upon being inaugurated the governor shall deliver to the joint assembly any message he or she may deem expedient."

2. Page 9, line 7, by striking the word and figures "sixty-six (43.66)" and inserting in lieu thereof the word and figures "fifty-two (43.52)".

3. Page 16, line 5, by inserting after the word "electors" the words "to serve if the nominated or elected presidential electors are for any reason unable to perform their duties".

4. Page 17, line 4, by inserting after the word "notice" the words "at least five days".

5. Page 18, by inserting after line 28 the following:

"No person whose name appeared on the official primary election ballot as a candidate for nomination to any office shall in the same year have his or her name placed upon the general election ballot as a candidate for the same office by the procedure provided in chapter forty-four (44) or in chapter forty-five (45) of the Code."

6. Page 20, by inserting after line 23 the following:

"Sec. ___. Section forty-five point two (45.2), Code 1975, is amended to read as follows:

45.2 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office in the same election."

7. Page 21, lines 28 and 29, by striking the words "commissioner of elections" and inserting in lieu thereof the words "state commissioner".

8. Page 21, line 29, by inserting after the word "Iowa" the following:

", for a term of four years beginning July 1 of the year of appointment, unless sooner removed as provided by this section. A vacancy shall be filled for the unexpired portion of the term in which it occurs."

9. Page 23, by striking all after the word "registration" in line 34 and all of line 35, and page 24, by striking lines 1 through 7, inclusive, and inserting in lieu thereof the following:

", subject to the supervision of the county commissioner. The commissioner of registration or an employee of the commissioner of registration shall visit each high school located in the county, during the month of May of each year, and offer to register any person who is eligible under section forty-eight point two (48.2) of the Code to be registered."

10. Page 25, line 33, by striking the word "counties" and inserting in lieu thereof the words "~~counties~~ county".

11. Page 27, by striking line 32 and inserting in lieu thereof the words "~~commercial~~ purpose~~,~~ ~~advertising,~~ ~~or~~ ~~solicitation,~~ of any kind".

12. Page 30, line 13, by striking the word "and".

13. Page 30, line 14, by inserting after the word "occurred" the words ", and the elector's signature".

14. Page 30, line 29, by striking the words "of name or" and inserting in lieu thereof the words "of legal name or of residence".

15. Page 30, by striking lines 30 through 34, inclusive, and inserting in lieu thereof the following:

"of registration for any election the elector shall not be qualified to vote at that election, except that if a change of residence address 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 at the polls and shall return the card to the commissioner with the election supplies."

16. Page 30, by striking line 35, through page 32, line 23, inclusive.

17. Page 32, by striking all after the period in line 35, and page 33, by striking lines 1 through 5, inclusive, and inserting in lieu thereof the words "If any person registers to".

18. Page 33, by striking lines 27 through 30, inclusive, and inserting in lieu thereof the following:

"as provided in section 48.6, subsection ~~10~~ nine (9), and may then be questioned concerning".

19. Page 34, lines 6 and 7, by striking the words "~~one-thousand~~ six" and inserting in lieu thereof the words "one thousand ~~six~~ one".

20. Page 35, by striking lines 32, 33 and 34 and that portion of line 35 preceding the word "Double".

21. Page 36, line 18, by inserting after the word "county" the words ", or other political subdivision within which precincts have been merged across county lines pursuant to section forty-nine point eleven (49.11), subsection one (1), of the Code,".

22. Page 40, line 14, by striking the word "eligible" and inserting in lieu thereof the words "~~eligible~~ qualified".

23. Page 43, line 24, by striking the words "the facsimile of the signature" and inserting in lieu thereof the words "one facsimile signature, that".

24. Page 43, line 25, by inserting after the word "printed" a comma.

25. Page 46, by striking line 5, through page 48, line 1, inclusive.

26. Page 49, by striking lines 10 through 14, inclusive, and inserting in lieu thereof the words "is a qualified elector of that precinct. The elector shall sign a voter's".

27. Page 49, by striking lines 17 through 30, inclusive.

28. Page 51, line 21, by inserting after the second word "the" the words "name of the challenged elector and the".

29. Page 51, by striking lines 22 and 23 and inserting in lieu thereof the words "reason for the challenge. The sealed affidavit".

30. Page 52, line 23, by striking the word "that" and inserting in lieu thereof the words "~~that~~ is".

31. Page 52, line 24, by striking the word "is" and inserting in lieu thereof the word "~~is~~".

32. Page 52, line 26, by striking the words "by any person the blind voter may select" and inserting in lieu thereof the words "alternatively by any other person the ~~blind~~ voter may select if the voter is blind".

33. Page 55, line 24, by striking the word "counting" and inserting in lieu thereof the word "election".

34. Page 55, line 29, by striking the word "counting" and inserting in lieu thereof the word

"election".

35. Page 55, line 33, by inserting after the word "precinct" the word "election".

36. Page 56, line 1, by striking the word "counting" and inserting in lieu thereof the word "election".

37. Page 56, line 8, by striking the word "counting" and inserting in lieu thereof the word "election".

38. Page 56, line 11, by inserting after the period the following:

"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."

39. Page 61, line 5, by inserting after the period the following:

"Prior to actual purchase by any county of any particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with advise and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system."

40. Page 65, line 14, by inserting after the word "organizations" the words ", and to permit voting for all of the candidates of any one political party or organization by a single mark or punch,".

41. Page 68, line 6, by inserting after the word "ticket" the words ", or for or against any public question".

42. Page 71, line 23, by striking the word "time" and inserting in lieu thereof the word "times".

43. Page 71, line 35, by striking the word "referred" and page 72, by striking line 1.

44. Page 72, line 15, by inserting after the period the following:

"The county chairperson of a political party may submit an additional test group of ballots which, if so submitted, shall also be tested."

45. Page 74, line 9, by striking the word "become" and inserting in lieu thereof the word "becomes".

46. Page 74, lines 17 and 18, by striking the words "~~polls~~ polling place in the elector's precinct of residence" and inserting in lieu thereof the word "polls".

47. Page 75, lines 7 and 8, by striking the words

"eight o'clock p.m." and inserting in lieu thereof the words "~~eight o'clock p.m.~~ the closing of the polls".

48. Page 75, line 17, by inserting after the period the following:

"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 twenty-three (123) of this Act." A

49. Page 76, line 21, by striking the words "five working" and inserting in lieu thereof the words "ten calendar".

50. Page 76, line 22, by striking the word "necessary" and inserting in lieu thereof the following:

"all ballots requested under section fifty-three point eight (53.8), subsection three (3), of the Code have not previously been delivered and returned. 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 that person's home".

51. Page 76, line 23, by inserting after the word "shall" the word "both".

52. Page 76, lines 34 and 35, by striking the words "pursuant to section forty-nine point eighteen (49.18) of the Code" and inserting in lieu thereof the words "giving preference to persons designated by the respective county chairpersons of the political parties described in section forty-nine point thirteen (49.13) of the Code".

53. Page 77, by striking lines 16 and 17 and inserting in lieu thereof the following:

"Alternatively, the request may be made by telephone to the office of the commissioner. If the requestor is found to be a qualified elector of".

54. Page 77, line 18, by inserting after the word "county," the words "these officers shall".

55. Page 79, by striking lines 23 through 35, and page 80, by striking lines 1 through 11, inclusive. C

56. Page 84, line 17, by striking the word "same" and inserting in lieu thereof the words "responsible commissioner's".

57. Page 88, by inserting after line 1 the following new section: A

"Sec. ___. Section two hundred eighty A point twenty-three (280A.23), subsection two (2), Code 1975, is amended to read as follows:

2. Change boundaries of director districts in

merged areas after each decennial census, or after any change in boundaries of the merged area, to compensate for changes in population if such population changes have taken place, or at any time for the purpose of causing the boundaries of director districts to coincide, where feasible, with the boundary lines of election precincts established pursuant to sections forty-nine point three (49.3) through forty-nine point six (49.6), inclusive, of the Code. However, the director districts shall in all cases be of approximately equal population within each merged area." A

58. Page 90, line 18, by striking the figures and letter "303A.4" and inserting in lieu thereof the figures and letter "303B.4".

59. Page 95, by inserting after line 2 the following new section: B

"Sec. ___. House File fifty-four (54), section five (5), Acts of the Sixty-sixth General Assembly, 1975 Session, is amended to read as follows:

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by adding the following new section:

NEW SECTION. GENERAL ELECTION--NONPARTISAN OFFICES. There shall be elected at each general election, on a nonpartisan basis, the following officers:

~~1.--Regional-library-trustees-as-required-by-section-three-hundred-three-B-(303B)-of-the-Code.~~

~~2~~ 1. County public hospital trustees as required by section three hundred forty-seven point twenty-five (347.25) of the Code.

~~3~~ 2. Soil conservation district commissioners as required by section four hundred sixty-seven A point five (467A.5) of the Code."

60. Page 95, line 13, by inserting after the comma the words and figures "forty-nine point fifty-nine (49.59), forty-nine point sixty (49.60), forty-nine point sixty-one (49.61),". A

B- Withdrawn 5/22 (1535
C- adopted 5/21 (1498

S-3830 FILED A- adopted as amended by 3841, 3846, 3853 5/21 (1498) BY COMMITTEE ON STATE GOVERNMENT
MAY 16, 1975 EUGENE M. HILL, CHAIRMAN Reconsidered, amended by 3879, ~~adopted 5/21 (1506)~~

S-3765

Amend House File 700 as amended, passed and reprinted by the House, page 90, line 34, by striking the word "nine" and inserting in lieu thereof the word "thirty-two".

S-3765 FILED - Adopted 5/22 (1533) BY WILLIAM E. GLUBA
MAY 8, 1975

S-3824

Amend House File 700 as amended, passed and reprinted by the House as follows:

1. Page 90, line 6, by striking the words "~~elected~~ appointed" and inserting in lieu thereof the word "elected".
2. Page 90, by striking lines 8 through 15.
3. Page 90, lines 19 and 20 by striking the words "~~the general election~~ their appointment" and inserting in lieu thereof the words "the general election".
4. Page 90, lines 25 and 26, by striking the words "~~next general election~~ expiration of the term in which the vacancy occurs" and inserting in lieu thereof the words "next general election".

S-3824 FILED - Adopted 5/22 BY ELIZABETH SHAW
MAY 15, 1975 KARL NOLIN

S-3827

Amend House File 700, as amended, passed and reprinted by the House, as follows:

1. Page 21, by striking lines 24 through 35.
2. Page 22, by striking lines 1 through 12.

S-3827 FILED - Adopted on tie vote 5/21 (1503) BY JOHN N. NYSTROM
MAY 15, 1975 Motion to reconsider lost 5/22 (1534) EARL M. WILLITS

S-3853

Amend the Committee on State Government amendment S-3830 to House File 700 as amended, passed and reprinted by the House, as follows:

1. Page 5, line 23, by striking the words "that person's home" and inserting in lieu thereof the words "to the elector if he or she is currently residing in the county".
2. Page 5, line 36, by inserting after the word "commissioner" the words "not later than four hours before the close of the polls".

S-3853 FILED - Adopted 5/21 (1498) BY MINNETTE F. DODERER
MAY 20, 1975 JOHN N. NYSTROM

S-3838

Amend House File 700 as amended, passed and reprinted by the House as follows:

1. Page 84, by striking lines 21 through 28, inclusive.

2. Page 86, line 14, by striking the words "~~AND TREASURER~~" and inserting in lieu thereof the words "AND TREASURER".

3. Page 86, by striking lines 17, 18 and 19 and inserting in lieu thereof the following:

"not be a teacher or other employee of the board. It shall also~~, except in districts composed in whole or in part of a city,~~ appoint a treasurer. ~~Such~~ These officers".

4. Page 86, line 24, by sriking the words "~~They~~ The secretary" and inserting in lieu thereof the word "They".

5. Page 86, lines 27 and 28, by striking the words "~~their successors are~~ a successor is" and inserting in lieu thereof the words "their successors are".

6. Page 95, line 14, by inserting after the figure "(49.62)," the words and figure "two hundred seventy-seven point twenty-six (277.26)".

S-3838 FILED - adopted 5/22(1532) BY JAMES M. REDMOND
MAY 19, 1975

S-3839

Amend House File 700 as amended, passed and reprinted by the House, page 70, by striking lines 24 through 28, inclusive, and inserting in lieu thereof the following:

"In any county in which the board of supervisors has adopted voting by means of an electronic voting system, the commissioner may elect to also conduct absentee voting by use of such a system if the system so used is compatible with the counting center serving the precinct polling places in the county where voting is by means of an electronic voting system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an electronic voting system. All provisions of chapter fifty-three".

S-3839 FILED - adopted 5/21(1505) BY JAMES M. REDMOND
MAY 19, 1975

S-3841

Amend the Committee on State Government amendment S-3830 to House File 700 as amended, passed and reprinted by the House, by striking from page 1 of the amendment lines 34 through 42, inclusive.

S-3841 FILED - adopted 5/21(1497) BY C. JOSEPH COLEMAN
MAY 19, 1975

S-3846

Amend the Committee on State Government amendment S-3830 to House file 700, as amended, passed and reprinted by the House, as follows:

Page 2, line 17, by striking the word "shall" and inserting in lieu thereof the word "may".

S-3846 FILED - adopted 5/21 (1497) BY JOHN N. NYSTROM
MAY 19, 1975 MINNETTE DODERER

S-3859

Amend House File 700 as amended, passed and reprinted by the House as follows:

1. Page 1, by inserting after line 16 the following:

"Sec. ___. Section thirteen point seven (13.7), Code 1975, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that his department cannot for reasons stated by him perform said service, which reasons and action of the council shall be entered upon its records. This section shall not affect the office of the commerce counsel, the transportation regulation board counsel, the special legal counsel to the state commissioner of elections and the electorate of Iowa appointed under section forty (40) of this Act or the legal counsel of the Iowa employment security commission."

B 2. Page 21, line 30, by inserting after the word "opinions" the words "in writing".

A 3. Page 21, by striking lines 32 and 33 and inserting in lieu thereof the following:

"a commissioner, a county attorney, a member of the general assembly or the state chairperson of a political party."

C 4. Page 22, by striking lines 8 through 12, inclusive.

S-3859 FILED - A and B - adopted 5/21, (1499), A reconsidered and withdrawn 5/22 (1535)
MAY 20, 1975 C - adopted as amended BY EARL M. WILLITS
by S-3876 5/21 (1500)

S-3860

Amend House File 700, as amended, passed, and reprinted by the House, page 65, after line 15, by adding the following new paragraph:

"7. The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section one hundred eleven (111), paragraph four (4) of this Act."

S-3860 FILED - adopted 5/21 (1504) BY JOHN N. NYSTROM
MAY 20, 1975 MINNETTE DODERER

S-3862

Amend House File 700 as amended, passed and reprinted by the House, page 16, by inserting after line 5 the following:

"Sec. __. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point ninety-two (43.92) the following new section:

NEW SECTION. PLACE OF HOLDING CAUCUS. Each precinct caucus shall be held in a building which is publicly owned or is suitable for and from time to time made available for holding public meetings, wherever it is possible to do so."

S-3862 FILED - adopted 5/21 (1503) BY MINNETTE F. DODERER
MAY 20, 1975 JOHN N. NYSTROM

HOUSE FILE 700

S-3863

Amend House File 700 as amended, passed and reprinted by the House, as follows:

1. Page 75, by inserting after line 17 the following:

"Nothing in this subsection nor in section one hundred twenty-three (123) of this Act shall be construed to prohibit a qualified elector who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section fifty-three point eleven (53.11) of the Code."

2. Page 76, line 7, by striking the words "An applicant" and inserting in lieu thereof the following:

"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".

S-3863 FILED - adopted 5/21 (1505) BY MINNETTE F. DODERER
MAY 20, 1975 JOHN N. NYSTROM

S-3869

Amend House File 700 as amended, passed and reprinted by the House, as follows:

1. By striking everything beginning with page 6, line 2 and continuing to page 7, line 3, inclusive, and inserting in lieu thereof the following:

"Sec. __. Section forty-three point twenty-six (43.26), Code 1975, is amended to read as follows:

43.26 BALLOT--FORM. The official primary election ballot shall have the names of the candidates for the nominations of all political parties printed upon it. The ballot shall be in substantially the form prescribed by section forty-nine point fifty-seven (49.57) of the Code except that it shall also contain in prominent bold-face print above the party columns or rows the words "You are allowed to vote for the candidates of only one party. If you vote for candidates in more than one party column (or row) your ballot will be declared void and not counted." Each party column or row shall be prepared, arranged, and printed substantially in the following form:

Sec. __. Section forty-three point thirty (43.30), Code 1975, is amended to read as follows:

43.30 SAMPLE BALLOTS. The commissioner shall take from the official printed ballots of each precinct a suitable number of primary election ballots ~~of each political party,~~ and shall write or stamp, in red ink, near the top of each ballot, the words "sample ballot" and shall sign or stamp his or her official signature thereunder. Said ballots shall be delivered to the ~~judges~~ precinct election officials, but shall not be voted, received, or counted. ~~Said judges~~ The officials shall, before the opening of the polls, cause said sample ballots to be posted in and about the polling places.

Sec. __. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point thirty-six (43.36) the following new section:

NEW SECTION. CASTING PRIMARY BALLOT IN MACHINE PRECINCTS.

1. An elector casting a nomination ballot at a primary election by means of a voting machine shall be instructed by a precinct election official how to open the machine for the ticket of the political party in whose primary the elector desires to vote.

2. At any polling place where there is in use for a primary election a voting machine so constructed that it is not possible for an elector to open the machine for the ticket of a political party in secret, the precinct election official shall give the elector the necessary instructions and then move to a position

in the polling place from which the official cannot see the party selection made by the elector. The precinct election official shall not return to the voting machine until the elector has completed voting and left it, unless the elector requests assistance as permitted by law.

Sec. __. Section forty-three point thirty-eight (43.38), Code 1975, is amended to read as follows:

43.38 VOTER CONFINED TO PARTY TICKET. The elector shall be allowed to vote for candidates for nomination ~~on the ballot~~ of the party ~~with which he is registered as affiliated~~ of the elector's choice, and ~~shall receive~~ no other ~~ballot~~. The voter shall return the ballot, folded, to one of the precinct election officials who shall deposit it in the ballot box.

Sec. __. Section forty-three point forty-five (43.45), subsections one (1) and two (2), Code 1975, are amended to read as follows:

1. ~~Place the ballots of the several political parties in separate piles~~ Mark "void" any ballot which contains votes for candidates of more than one party and place such ballot in an envelope marked "ballots not counted".

2. Separately count the ballots cast for the candidates of each party, and make the correct entries thereof on the tally sheets."

2. Page 29, by striking lines 16 and 17 and inserting in lieu thereof the following:

"~~8.--Party affiliation.--No party affiliation need be stated if the registrant declines to make such statement.~~"

3. Page 61, by inserting after line 30 the following:

"Sec. ___. Section fifty-two point seven (52.7), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It must also be constructed so as to permit each elector at a primary election to open the machine, in secret, for the ticket of the political party in whose primary the elector desires to vote, and so as to then prevent that elector from voting for a candidate in the primary of any other political party."

4. Page 62, by inserting after line 20 the following:

"Sec. ___. Section fifty-two point twelve (52.12), Code 1975, is amended to read as follows:

52.12 EXCEPTION--PARTY CIRCLE AND GENERAL FORM--PRIMARY VOTING ARRANGEMENT.

1. The provisions of section 49.42 shall not be

applicable to voting machines owned prior to April 1, 1921, by any county or municipality insofar as they relate to the party circle and the form of the ballot generally; but nothing herein contained shall prohibit the use of voting machines equipped to comply with the foregoing provisions.

2. Every voting machine acquired after July 1, 1975, unless it had been ordered but had not yet been delivered on that date, shall comply with the requirement added to section fifty-two point seven (52.7) of the Code by this Act. The county board of supervisors of each county owning voting machines acquired or ordered prior to that date shall either have the machines modified to comply with that requirement, or direct the commissioner of that county to have precinct election officials follow the alternative procedure provided for voting in primary elections by means of machines which do not comply with that requirement."

5. Page 95, line 3, by inserting after the word "Sections" the words and figures "forty-three point forty-one (43.41), forty-three point forty-two (43.42),".

S-3869 FILED & LOST (1502) BY DALE L. TIEDEN
MAY 21, 1975

S-3870

Amend House File 700 as amended, passed and reprinted by the House, page 28, line 12 by inserting after the word "and" the words, "those forms used for registration by mail".

S-3870 FILED & WITHDRAWN (1504) BY JOHN N. NYSTROM
MAY 21, 1975

S-3868

Amend House File 700 as amended and passed by the House and reprinted as follows:

Page 24, line 33, by inserting after the word "completed" the words "and notarized".

S-3868 FILED & WITHDRAWN (1503) BY FORREST V. SCHWENGELS
MAY 21, 1975

S-3865

Amend House File 700 as amended, passed and reprinted by the House, page 48, line 29, by striking the words "~~eight~~ nine" and inserting in lieu thereof the word "eight".

S-3865 FILED & WITHDRAWN (1504) BY W. R. RABEDEAUX
MAY 21, 1975

S-3866

Amend House File 700 as amended, passed and reprinted by the House, page 82, by striking lines 28 through 35 inclusive and inserting in lieu thereof the following:

"~~d.--Division of the entire school district into designated geographical subdistricts, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district.--Place of voting in such director districts shall be designated by the county board.~~"

S-3866 FILED - Last 5/22 (1531) BY JOAN ORR
MAY 21, 1975

S-3867

Amend House File 700 as amended, passed and reprinted by the House, page 22, line 32, by inserting before the period the words ", except that provisions of unnumbered paragraph five (5) shall continue to be operative through December 31, 1975".

S-3867 FILED & WITHDRAWN (1503) BY ELIZABETH SHAW
MAY 21, 1975 JOHN N. NYSTROM

HOUSE FILE 700

S-3872

Amend House File 700 as amended, passed and reprinted by the House, as follows:

1. Page 82, by striking lines 1 through 28, inclusive, and inserting in lieu thereof the following:

"Sec. __. Section two hundred seventy-five point twelve (275.12), subsection two (2), Code 1975, is amended by striking paragraphs b and c.

Sec. __. Section two hundred seventy-five point twelve (275.12), subsection two (2), paragraph d, Code 1975, is amended to read as follows:

~~d~~ b. Division of the entire school district into designated".

2. Page 84, by inserting after line 5 the following:

"Sec. __. Section two hundred seventy-five point thirty-eight (275.38), Code 1975, is amended to read as follows:

275.38 IMPLEMENTING CHANGED METHOD OF ELECTION. If change in the method of election of school directors is approved at a regular or special school election, the directors who were serving unexpired terms or were elected concurrently with approval of the change of method shall serve out the terms for which they were elected. If the plan adopted is that described in section 275.12, subsection 2, paragraph "b," ~~"e" or "d,"~~ the board shall at the earliest practicable time designate the districts from which residents are to be elected as school directors at each of the next three succeeding annual school elections, arranging so far as possible for elections of directors as residents of the respective districts to coincide with the expiration of terms of incumbent members residing in those districts. If an increase in the size of the board from five to seven members is approved concurrently with the change in method of election of directors, the board shall make the necessary adjustment in the manner prescribed in section 275.37, as well as providing for implementation of the districting plan under this section."

S-3872 FILED & LOST (1506) BY JAMES M. REDMOND
MAY 21, 1975

S-3871

Amend House File 700 as amended and passed by the House and reprinted, as follows:

1. Page 82, by striking lines 18, 19 and 20 and inserting in lieu thereof the following:

"election. ~~Insofar as may be practicable, the boundaries of such districts shall follow established political or natural geographical divisions~~ The districts shall be contiguous and, insofar as practicable, shall be compact and have boundaries in conformity with city wards and election precincts." A

2. Page 83, by striking lines 2 through 17, inclusive, and inserting in lieu thereof the following:

"five (275.25), Code 1975, is amended by striking unnumbered paragraph two (2)." B

3. Page 83, line 22, by striking the words "from five to" and inserting in lieu thereof the words "~~from~~ to either five ~~to~~ or".

4. Page 85, line 17, by striking the words "from five to" and inserting in lieu thereof the words "~~from~~ to either five ~~to~~ or". C

5. Page 85, by striking lines 19 and 20 and inserting in lieu thereof the words "directors to be elected, and which of the".

S-3871 FILED MAY 21, 1975 A and B - Lost 5/22, C - adopted 5/22 (1529) BY JAMES M. REDMOND

HOUSE FILE 700

AN ACT

RELATING TO PROCEDURES FOR PREPARING FOR, GIVING NOTICE OF, CONDUCTING AND CANVASSING ELECTIONS, TO THE ELECTION OF PRESIDENTIAL ELECTORS, AND TO THE REGISTRATION OF VOTERS, AND PRESCRIBING PENALTIES.

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

Section 1. Section two point twenty-seven (2.27), Code 1975, as amended by the Acts of the Sixty-sixth General Assembly, 1975 Session, House File one hundred sixty (160), section one (1), is amended to read as follows:

2.27 CANVASS OF VOTES FOR GOVERNOR. The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election~~, and when~~. If an election is necessary under section four (4) of this Act to fill a vacancy in the office of lieutenant governor, the general assembly shall similarly meet on the day it convenes in the January following that election and canvass the vote cast for the office. When the canvass is completed, the oath of office shall be administered to the persons, or person, so declared elected ~~and~~. Upon being inaugurated the governor shall deliver to the joint assembly any message he or she may deem expedient.

Sec. 2. Section thirty-nine point two (39.2), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

39.2 SPECIAL ELECTIONS. 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.

Sec. 3. Section thirty-nine point three (39.3), subsections five (5), ten (10) and eleven (11), Code 1975, are amended to read as follows:

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

10. "Commissioner" means the county commissioner of elections as defined in section forty-seven point two (47.2) of the Code.

11. "State commissioner" means the state commissioner of elections as defined in section forty-seven point one (47.1) of the Code.

Sec. 4. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point ten (39.10) the following new section:

NEW SECTION. VACANCIES IN CERTAIN OFFICES. If a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general seventy-five or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 5. Chapter thirty-nine (39), Code 1975, is amended by inserting after section thirty-nine point eighteen (39.18) the following new section:

NEW SECTION. VACANCIES IN COUNTY OFFICES. If a vacancy occurs in the office of county supervisor or in any of the offices listed in section thirty-nine point seventeen (39.17) of the Code sixty or more days prior to a general election,

and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 6. Section forty-three point four (43.4), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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

Sec. 7. Section forty-three point six (43.6), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.6 NOMINATION OF U.S. SENATORS, STATE AND COUNTY OFFICERS. Candidates for the office of senator in the congress of the United States, the offices listed in section thirty-nine point nine (39.9) of the Code, county supervisor and the offices listed in section thirty-nine point seventeen (39.17) of the Code shall be nominated in the year preceding the expiration of the term of office of the incumbent.

1. When a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general and section four (4) of this Act requires that the vacancy be filled for the balance

of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs seventy-five or more days prior to the date of that primary election. If the vacancy occurs less than ninety days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the sixtieth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than seventy-five days before the date of that primary election, but not less than seventy-five days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code and section five (5) of this Act requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty or more days prior to the date of that primary election. If the vacancy occurs less than seventy-five days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-ninth day before the primary election, the provisions of section forty-three point eleven (43.11) of the Code notwithstanding. If the vacancy occurs later than sixty days before the date of that primary election, but not less than sixty days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 8. Section forty-three point thirteen (43.13), Code

1975, is amended to read as follows:

43.13 FAILURE TO FILE NOMINATION PAPERS. ~~He~~ The name of a candidate for any office named in section 43.11 shall ~~have his name~~ not be printed on the official primary ballot of ~~his~~ the candidate's party unless nomination papers are filed as therein provided except as otherwise permitted by section ten (10) of this Act.

Sec. 9. Section forty-three point sixteen (43.16), Code 1975, is amended to read as follows:

43.16 WITHDRAWALS AND ADDITIONS NOT ALLOWED. A nomination paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. This section shall not be construed to prohibit the person on whose behalf the paper was filed from withdrawing as a candidate. However, the name of the candidate who has withdrawn must still be printed on the ballot, unless the withdrawal occurs at a time when the procedure prescribed by section ten (10) of this Act may be used.

Sec. 10. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point twenty-two (43.22) the following new section:

NEW SECTION. DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When any person who has filed with the state commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the seventy-fifth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the sixtieth day prior to the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section forty-three point twenty-two (43.22) of the Code.

2. When any person who has filed with the commissioner nomination papers as a candidate in a primary election dies or withdraws on or after the sixtieth day prior to the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by five o'clock p.m. on the forty-ninth day prior to the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 11. Section forty-three point forty-one (43.41), Code 1975, is amended to read as follows:

43.41 CHANGE OR DECLARATION OF PARTY AFFILIATION BEFORE PRIMARY. Any qualified elector~~,~~ who~~,~~ ~~having declared his party affiliation,~~ desires to change ~~the same~~ or declare his or her political party affiliation, may, before the close of registration for the primary election, file a written declaration stating ~~his~~ the change of party affiliation with the county commissioner of registration who shall enter a notation of such change on the registration records.

Sec. 12. Section forty-three point forty-two (43.42), Code 1975, is amended to read as follows:

43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS. Any qualified elector may change or declare ~~his~~ a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each elector doing so shall sign an affidavit which shall be in substantially the following form:

CHANGE OR DECLARATION OF PARTY AFFILIATION

I do solemnly swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the ..... party.

.....

Signature of Elector

.....

Address

Approved:

.....

Precinct election official

Each change or declaration of a qualified elector's party affiliation so received shall be reported by the precinct election officials to the commissioner of registration who shall enter a notation of the change on the registration records.

Sec. 13. Section forty-three point forty-six (43.46), Code 1975, is amended to read as follows:

43.46 DELIVERING RETURNS. ~~Said~~ The precinct election officials shall deliver ~~the~~ all election ~~register, tally sheets, certificates, envelopes containing ballots, and all unused~~ supplies, ~~within two days~~ 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 ~~and deliver them~~, to the county board of ~~canvassers~~ supervisors.

Sec. 14. Section forty-three point forty-nine (43.49), Code 1975, is amended to read as follows:

43.49 CANVASS BY COUNTY BOARD. On the Monday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

1. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

2. The name of each person voted for and the number of votes given to each person for each different office.

If the day designated by this section for the canvass is

a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22), of the Code shall apply.

Sec. 15. Section forty-three point fifty-two (43.52), Code 1975, is amended to read as follows:

43.52 NOMINEES FOR COUNTY OFFICE. The nominee of each political party for any office to be filled by the voters of the entire county, or for the office of county supervisor elected from a district within the county, shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office, and that person shall appear as the party's candidate for the office on the general election ballot.

If no candidate receives thirty-five percent or more of the votes cast by voters of ~~his~~ the candidate's party for the office ~~he is seeking~~ sought, the primary is inconclusive and the nomination shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

When two or more nominees are required, as in the case of at-large elections, the nominees shall likewise be the required number of persons who receive the greatest number of votes cast in the primary election by the voters of the nominating party, but no candidate is nominated who fails to receive thirty-five percent of the number of votes found by dividing the number of votes cast by voters of the candidate's party for the office in question by the number of persons to be elected to that office. If the primary is inconclusive under this paragraph, the necessary number of nominations shall be made as provided by section ~~43.97~~ forty-three point seventy-eight (43.78), subsection 1, paragraphs d and e of the Code.

Sec. 16. Section forty-three point fifty-three (43.53), Code 1975, is amended to read as follows:

43.53 NOMINEES FOR SUBDIVISION OFFICE--WRITE-IN CANDIDATES. The nominee of each political party for any office to be

filled by the voters of any township or other political subdivision ~~of~~ within the county shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office and that person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless ~~he~~ that person receives the greater of at least five votes or a number of votes equal to at least five percent of the votes cast in the subdivision at the last preceding general election for the party's candidate for president of the United States or for governor, as the case may be. Nomination of a candidate for the office of county supervisor elected from a district within the county shall be governed by section forty-three point fifty-two (43.52) of the Code, and not by this section.

Sec. 17. Section forty-three point fifty-five (43.55), Code 1975, is amended to read as follows:

43.55 NOMINEE CERTIFIED. The ~~said canvassing~~ board of supervisors shall separately prepare and certify a list of the candidates of each party so nominated. It shall deliver to the ~~chairman~~ chairperson of each party central committee for the county a copy of the list of candidates nominated by ~~the~~ that party ~~he represents~~; and shall also certify and deliver to ~~such chairman~~ the chairperson a list of the offices to be filled by the voters of ~~a~~ the county for which no candidate of ~~his~~ that party was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes,~~ together with the names of all of the candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of such candidates.

Sec. 18. Section forty-three point sixty (43.60), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The county board of ~~canvassers~~ supervisors shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the state commissioner, viz:

Sec. 19. Section forty-three point sixty-two (43.62), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The published proceedings of the ~~canvassing~~ board of supervisors relative to the canvass shall be confined to a brief statement of:

Sec. 20. Section forty-three point sixty-five (43.65), Code 1975, is amended to read as follows:

43.65 WHO NOMINATED. The candidate of each political party for nomination for each office to be filled by the voters of the entire state, and for each seat in the United States house of representatives, the Iowa house of representatives and each seat in the Iowa senate which is to be filled, who receives the highest number of votes cast by the voters of that party for that nomination shall be the candidate of that party for that office in the general election. However, if there are more than two candidates for any nomination and none of the candidates receives thirty-five percent or more of the votes cast by voters of ~~his~~ that party for that nomination, the primary is inconclusive and the nomination shall be made as provided by section ~~43.104~~ forty-three point seventy-eight (43.78), subsection 1, ~~or section 43.109, subsection 1~~ paragraph a, b or c, whichever is appropriate.

Sec. 21. Section forty-three point sixty-six (43.66), Code 1975, is amended to read as follows:

43.66 WRITE-IN CANDIDATES. The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the

official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section ~~43.97, 43.101, or 43.109, whichever is applicable~~ forty-three point seventy-eight (43.78), subsection one (1) of the Code.

Sec. 22. Section forty-three point sixty-nine (43.69), Code 1975, is amended to read as follows:

43.69 CERTIFICATES IN CASE OF FAILURE TO NOMINATE. Said state board shall, at once after completing its canvass, prepare separate certificates for each political party as to each office for which no candidate was nominated ~~because of the failure of any candidate for any such office to receive the legally required number of votes cast~~ by such party ~~for such office~~. Such certificates shall show the names of the several candidates for each of ~~such~~ these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

Sec. 23. Section forty-three point seventy-six (43.76), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fifth day prior to the date of the general election by so notifying the state commissioner in writing.

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that office on or before, but not later than, the sixtieth day prior to the date of the general election by so notifying the commissioner in writing.

Sec. 24. Section forty-three point seventy-seven (43.77), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.77 WHAT CONSTITUTES A BALLOT VACANCY. A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. No person filed under section forty-three point eleven (43.11) of the Code as a candidate for the party's nomination for that office in the primary election, or all persons who filed under section forty-three point eleven (43.11) of the Code as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section forty-three point fifty-two (43.52), forty-three point fifty-three (43.53) or forty-three point sixty-five (43.65) of the Code,

whichever is applicable.

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section forty-three point seventy-six (43.76) of the Code, was found to lack the requisite qualifications for the office, or died, at a time not later than the seventy-fifth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the sixtieth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture or attorney general, under the circumstances described in section four (4) of this Act, less than seventy-five days before the primary election and not less than seventy-five days before the general election, or in the office of county supervisor or any of the offices listed in section thirty-nine point seventeen (39.17) of the Code, under the circumstances described in section five (5) of this Act, less than sixty days before the primary election and not less than sixty days before the general election.

Sec. 25. Section forty-three point seventy-eight (43.78), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.78 FILLING BALLOT VACANCIES.

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:

a. For senator in the congress of the United States or any office listed in section thirty-nine point nine (39.9) of the Code, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy

occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

b. For representative in the congress of the United States, by the party's congressional district convention, which may be convened or reconvened as appropriate by the state party chairperson.

c. For senator or representative in the general assembly, by the party precinct committee members whose precincts lie within the senatorial or representative district involved, who shall be convened or reconvened as appropriate by the state party chairperson. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any partisan city office for which candidates are nominated under this chapter, by the party's city central committee 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.

g. 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.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection one (1), paragraphs a, b or c of this section shall be submitted in writing to the state commissioner not later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election.

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. 26. Section forty-three point seventy-nine (43.79), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL. The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the fifty-ninth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the

general assembly or county supervisor, section seventy-five (75) of this Act shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter sixty-nine (69) of the Code.

Sec. 27. Section forty-three point eighty (43.80), Code 1975, is amended to read as follows:

43.80 VACANCIES IN NOMINATIONS OF PRESIDENTIAL ELECTORS. Vacancies in nominations of presidential electors shall be filled by the party central committee for the state. The party central committee may at any time nominate alternate presidential electors to serve if the nominated or elected presidential electors are for any reason unable to perform their duties.

Sec. 28. Chapter forty-three (43), Code 1975, is amended by inserting after section forty-three point ninety-two (43.92) the following new section:

NEW SECTION. PLACE OF HOLDING CAUCUS. Each precinct caucus shall be held in a building which is publicly owned or is suitable for and from time to time made available for holding public meetings wherever it is possible to do so.

Sec. 29. Section forty-three point ninety-seven (43.97), Code 1975, is amended by striking subsections one (1), two (2), three (3) and five (5) and inserting in lieu thereof the following new subsections, and by renumbering the remaining subsection accordingly.

NEW SUBSECTION. Make nominations to fill vacancies on the general election ballot as provided by law.

NEW SUBSECTION. Transact such other business as required or permitted by the political party's state constitution or bylaws, or the rules of the convention.

Sec. 30. Section forty-three point ninety-nine (43.99), Code 1975, is amended to read as follows:

43.99 PARTY COMMITTEE PERSONS. Two members of the county

central committee for each political party shall, at the precinct caucuses, be elected from each precinct. The term of office of a member shall begin ~~immediately following the adjournment of the county convention~~ at the time specified by the party's state constitution or bylaws and shall continue for two years and until his or her successor is elected and qualified, unless sooner removed by the county central committee for inattention to duty or incompetency. The party's state constitution or bylaws may permit the election of additional central committee members from each precinct in a number proportionate to the vote cast for the party's candidates for office in the respective precincts at preceding general elections.

Sec. 31. Section forty-three point one hundred (43.100), Code 1975, is amended to read as follows:

43.100 CENTRAL COMMITTEE--DUTIES. The county central committee shall organize ~~on~~ within ten days before or after the day of the county convention~~, immediately following the same~~. Each member elected to the county central committee shall receive written notice at least five days in advance of the time and place of the organizational meeting.

Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.

Vacancies in such committee may be filled by majority vote of the committee, or at a precinct caucus called pursuant to the party's state constitution or bylaws.

Sec. 32. Section forty-three point one hundred one (43.101), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.101 DISTRICT CONVENTIONS. Each political party may hold a congressional district convention upon the call of the state party chairperson to:

1. Elect or nominate members of the party's state central committee.

2. Make nominations to fill vacancies on the general election ballot as provided by law.

3. Transact such other business as required or permitted by the party's state constitution or bylaws, or the rules of the convention.

Sec. 33. Section forty-three point one hundred eight (43.108), Code 1975, is amended to read as follows:

43.108 ORGANIZATION--PROXIES PROHIBITED. The convention shall be called to order by the ~~chairman~~ chairperson of the state central committee, or that individual's designee, who shall thereupon present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully represented, the delegates present from such county shall cast the full vote thereof if the rules of the convention, party bylaws or constitution so allow, and there shall be no proxies.

Sec. 34. Section forty-three point one hundred nine (43.109), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

43.109 NOMINATIONS AUTHORIZED. The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

Sec. 35. Section forty-three point one hundred fifteen (43.115), Code 1975, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A candidate for precinct committee member may also file as a candidate for one additional office, any statute to the contrary notwithstanding.

Sec. 36. Section forty-three point one hundred twenty-one (43.121), Code 1975, is amended to read as follows:

43.121 NOMINATIONS BY PETITION OR NONPARTY ORGANIZATIONS. This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as ~~hereafter~~ provided in ~~this title~~ chapters forty-four (44) and forty-five (45) of the Code, but no person so nominated shall be permitted to use the name, or any part thereof, of any political party authorized or entitled under this chapter to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under this chapter.

Sec. 37. Section forty-four point three (44.3), Code 1975, is amended to read as follows:

44.3 CERTIFICATE. ~~Said~~ The certificate required by section forty-four point two (44.2) of the Code shall ~~state~~:

1. State the following information:

~~1~~ a. The name of each candidate nominated.

~~2~~ b. The office to which each candidate is nominated.

~~3~~ c. The name of the political organization making such nomination, expressed in not more than five words.

~~4~~ d. The place of residence of each nominee, with the street or number thereof, if any.

~~5~~ e. In case of presidential electors, the names of the candidates for president and vice president shall be added to the name of the organization.

~~6~~ f. The name and address of each member of the organization's executive or central committee.

~~7~~ g. The provision, if any, made for filling vacancies in nominations.

~~8~~ h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Be accompanied by an affidavit executed by the candidate nominated by the convention or caucus, 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 organization) 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.

(Signed) .....

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

.....
(Name)

.....
(Official title)"

Sec. 38. Section forty-four point nine (44.9), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any candidate named under this chapter ~~or chapter 43~~ may withdraw his or her nomination by a written request, signed and acknowledged by ~~him~~ that person before any officer empowered to take acknowledgment of deeds. Such withdrawal must be filed as follows:

Sec. 39. Section forty-four point fourteen (44.14), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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. 40. Section forty-five point two (45.2), Code 1975, is amended to read as follows:

45.2 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office in the same election.

Sec. 41. Section forty-five point three (45.3), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

45.3 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature his or her residence address and the date of signing. The person whose nomination is proposed by the petition may not sign it. Before the petition is filed, there shall be endorsed upon or attached to it:

1. The affidavit of at least one of the signers of the petition, 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

2. An affidavit executed by that candidate, 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 ....., and hereby request that my name be 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.

(Signed) .....

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

.....
(Name)

.....
(Official title)"

Sec. 42. Section forty-seven point one (47.1), Code 1975, 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 ~~to him~~ by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures ~~and~~, shall prescribe the necessary forms required for voter registration and the conduct of elections~~.--The state commissioner of elections may~~, and shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 43. Section forty-seven point two (47.2), Code 1975, is amended by striking unnumbered paragraphs three (3) and five (5).

Sec. 44. Chapter forty-seven (47), Code 1975, is amended by adding the following new section:

NEW SECTION. DATES FOR SPECIAL ELECTIONS.

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 notice shall be given at least thirty days in advance of that proposed date. 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.

2. For the purpose of this section, a conflict between two elections exists only when one of the elections would require use of precinct boundaries which differ from those to be used for the other election, or when some but not all of the qualified electors of any precinct would be entitled to vote in one of the elections and all of the qualified electors of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

Sec. 45. Section forty-eight point one (48.1), Code 1975, is amended to read as follows:

48.1 COMMISSIONER OF REGISTRATION. The commissioner of elections of each county is designated the commissioner of registration for that county~~.--He~~ , and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration, subject to the supervision of the county commissioner. The commissioner of registration or an employee of the commissioner of registration may visit each high school located in the county,

during the month of May of each year, and offer to register any person who is eligible under section forty-eight point two (48.2) of the Code to be registered.

Sec. 46. Section forty-eight point two (48.2), Code 1975, is amended to read as follows:

48.2 WHO MAY REGISTER. Any person who is an eligible elector may register to vote ~~with~~ by personally submitting a completed voter registration form to the commissioner of registration or a deputy commissioner of registration in the elector's county of ~~his~~ residence. Any person who is an eligible elector in all respects except ~~that he has not attained the~~ age ~~of eighteen~~ may, at any time during the six months next preceding his or her eighteenth birthday, register to vote in the county of his or her residence. When a person less than eighteen years of age registers, the commissioner shall ~~affix to the receipt of~~ maintain a record of the registration, ~~issued as provided by section 48.6, a date which shall be~~ so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and ~~the receipt shall state on its face~~ that the person is registered and qualifies to vote in any election held on or after ~~the~~ that date ~~affixed to the registration receipt~~.

Sec. 47. Chapter forty-eight (48), Code 1975, is amended by inserting after section forty-eight point two (48.2) the following new section:

NEW SECTION. REGISTRATION BY MAIL. As an alternative to the method of registration prescribed by section forty-eight point two (48.2) of the Code, any person entitled to register under that section may submit a completed voter registration form to the commissioner of registration in the person's county of residence by United States mail, postage paid. A registration form shall be postmarked by the twenty-fifth day prior to an election or the registration will not take effect for that election. Within five working days after receiving a registration by mail, the commissioner shall send

the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section forty-eight point thirty-one (48.31), subsection eight (8) of the Code. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 48. Section forty-eight point four (48.4), Code 1975, is amended to read as follows:

48.4 COMMISSIONER OF REGISTRATION--DUTIES. The commissioner of registration shall have complete charge of the registration of all ~~qualified voters~~ eligible electors within the county~~.--He~~, 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 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 ~~counties~~ county.

Sec. 49. Section forty-eight point five (48.5), Code 1975, 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 ~~his~~ the county. The original registration records shall not be removed from ~~his~~ that office or other designated locations except upon court order. ~~One copy of the original registration records which includes the elector's name, address, precinct, and party affiliation shall be prepared before the primary election and on August 1 preceding the general election, upon request and without charge, for the county chairman of each political party.--The county commissioner of registration shall, each week, upon demand and without charge, from August 1 until October 1, prior to the general election and each day thereafter until the close of registration, provide the county chairman of each political party a list of electors who have registered since the last such list was provided.--Additional copies may be provided to political parties at cost.~~ Duplicate registration records shall be open to inspection by the public at reasonable times.

2. Any person may request of the commissioner and shall receive, upon payment of the cost of preparation, a list of all qualified electors in the county, in accordance with the following requirements and limitations:

a. The commissioner shall draw up each list in the order and form specified by the requestor, so long as that order and form are within the capability of the record maintenance system used by the commissioner.

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

c. The commissioner shall not be required to provide lists during the fifteen days prior to the date of any 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, may request and shall receive without charge three lists during the two-year period prior to each general election, in the order and form requested. The lists 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 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. 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. Each requestor, except those who obtained 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. ~~Such lists shall not~~ 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 ~~commercial~~ purpose~~, advertising, or solicitation,~~ of any kind or nature, other than to request ~~such person's~~ a registrant's vote at a primary or general election, or any other bona fide political purpose. The commissioner shall keep a list of the name, address, telephone number, and social security number of each person who copies or ~~duplicates such~~ 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.

Sec. 50. Section forty-eight point six (48.6), Code 1975, is amended to read as follows:

48.6 FORM OF RECORDS. The registration forms shall be large enough to contain the necessary information required in legible writing, and shall be suitable for mailing. The registration form shall require the following information to be provided:

1. The name of the applicant in full. ~~Whenever any change of name shall occur, the registrant shall not be allowed to vote until the registrant has registered, and after such reregistration the previous registration record shall be removed from the files. Where the only change in the previous registration information is a legal change of surname, the registrant may effect the reregistration required by this subsection by mailing the county commissioner a written notice stating in full both the name under which the registrant was previously registered and the name under which the registrant is now to be registered, and the registrant's social security number, if available.~~

2. Residence, giving name and number of the street, avenue, or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the residence of the applicant. Post office box numbers shall not be used unless no other method of identifying the residence exists for the community.

3. Date of birth.

4. Sex.

5. Date of registration.

6. Ward, precinct, school district, and such other districts in which the registrant resides which are empowered to call special elections. To assist in making this determination the commissioner may also request other information including but not limited to telephone number, fire district number or township, range and section number of the location of the applicant's residence. The commissioner

may if necessary obtain the needed information from other sources, but shall in no case decline to register an applicant because the applicant is unable to provide any of the information referred to in this subsection.

7. ~~Last previous address if the registrant has resided at his present address for less than five years~~ Name, if different than current name, and address given on applicant's last previous registration.

8. Party affiliation. No party affiliation need be stated if the ~~registrant~~ applicant declines to make such statement.

9. An affidavit in such form as prescribed by the state commissioner of elections which states that the ~~registrant~~ applicant is, or will be ~~a qualified elector~~ on the day of the next known election in any jurisdiction in which the applicant resides, an eligible elector.

10. An expressed authorization to cancel all other registrations to vote.

11. The social security number of the ~~registrant~~ applicant, if available.

12. The signature of ~~registrant~~ the applicant.

A receipt of registration shall be given to each ~~registrant. If a person registers to vote while registration is closed preceding any election, the county commissioner of registration shall affix a date to the receipt which date shall be the day after the election for which registration is closed and the receipt shall state on its face that the person is registered and qualifies to vote in any election held on or after the date affixed to the registration receipt~~ applicant, indicating the date the registration will become effective.

Sec. 51. Section forty-eight point seven (48.7), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

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 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 at the polls and shall return the card to the commissioner with the election supplies.

Sec. 52. Section forty-eight point eleven (48.11), unnumbered paragraph two (2), Code 1975, 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

section forty-seven (47) of this Act.

Sec. 53. Section forty-eight point twelve (48.12), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

48.12 REGISTRATION RECEIPT. A receipt of registration shall be given or sent to each person who registers under this chapter. If any person registers to vote while registration is closed preceding any election, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the day after the election for which registration is closed and that the person is registered and qualified to vote in any election held on or after that date.

Sec. 54. Section forty-eight point fifteen (48.15), Code 1975, is amended to read as follows:

48.15 CHALLENGES. Any person may challenge a registration at any time by filing a written challenge with the commissioner of registration. The commissioner of registration shall immediately give five days' notice of a hearing by registered or certified mail to the challenger and the person challenged. If the person challenged fails to appear, his or her name shall be removed from the registration list. However, if the person challenged notifies the commissioner prior to the date set for the hearing ~~that he is unable~~ of inability to appear on the date specified, the commissioner may reschedule the hearing. At such hearing the commissioner shall hear such evidence as he or she deems to have probative value. The person challenged shall be required to sign an affidavit as provided in section 48.6, subsection ~~10~~ nine (9), and may then be questioned concerning his or her voting residence and qualifications. In all cases the commissioner shall decide the right to the entry under the evidence. Either party may appeal to the district court of the county in which the challenge is made, and a date for the hearing shall be fixed and the decision of such court shall be final.

Sec. 55. Section forty-eight point twenty-seven (48.27), subsection one (1), paragraph b, Code 1975, is amended to read as follows:

b. Each political party shall submit a list of nominees and may request not more than one person for each one thousand ~~six~~ one hundred residents or major fraction thereof in the county to be appointed as mobile deputy registrars.

Sec. 56. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph b, Code 1975, is amended to read as follows:

b. Mobile deputy registrars shall register electors on registration forms provided by the county commissioner of registration. These forms shall be as prescribed by section forty-eight point six (48.6) of the Code except that they shall be numbered and accounted for by the mobile deputy registrar to the county commissioner of registration. ~~There~~, and that there shall be provided on ~~said~~ each form a space for the mobile deputy registrar's signature ~~of the~~. The mobile deputy registrar ~~who~~ shall sign ~~same~~ the form and identify himself or herself in the presence of the voter with appropriate identity papers or badge provided by the county commissioner of registration. The mobile deputy registrar shall give the voter a receipt signed by the mobile deputy registrar stating that such person is duly registered.

Sec. 57. Section forty-eight point twenty-seven (48.27), subsection four (4), paragraph d, Code 1975, 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's office shall remain open until at least six

o'clock p.m. on that day, unless it is a Sunday or a legal holiday. Failure to ~~comply with this provision~~ return registration materials as required by this paragraph shall be a misdemeanor.

Sec. 58. Section forty-eight point twenty-nine (48.29), Code 1975, is amended to read as follows:

48.29 REMOVAL OF REGISTRATION. The county commissioner of registration who registers an elector who has changed ~~his~~ residence shall notify the county commissioner of registration of the registrant's former residence that the registrant has become a qualified elector at ~~his~~ that person's present residence. ~~The registrant shall execute an authorization to the county commissioner of registration of his former residence to remove the registrant's registration.~~ The county commissioner of registration of the former residence shall cause the registrant's record to be removed from ~~his~~ the file of valid registrations in that county.

Sec. 59. Section forty-nine point twelve (49.12), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one hundred votes were cast in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each such additional machine. Double election boards may be appointed for any precinct as provided by chapter fifty-one (51) of the Code. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one

or more qualified electors of another party or organization are qualified and willing to serve on the board. ~~Double election boards may be appointed for any precinct as provided by chapter 51.~~

Sec. 60. Section forty-nine point thirteen (49.13), Code 1975, is amended to read as follows:

49.13 COMMISSIONER TO APPOINT MEMBERS, ~~CHAIRMAN~~ CHAIRPERSON.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be qualified electors of the county, or other political subdivision within which precincts have been merged across county lines pursuant to section forty-nine point eleven (49.11), subsection one (1), of the Code, in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

2. Each election board member shall be a member of one of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the precinct at the last general election, except that persons not members of either of these parties may be appointed to serve for any election in which no candidates appear on the ballot under the heading of either of these political parties.

3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county ~~chairmen~~ chairpersons of these political parties for placement on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the

commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified and allowed two working days to designate a replacement.

4. The commissioner shall designate one member of each precinct election board as ~~chairman~~ chairperson of that board, and also of the counting board authorized by chapter 51 if one is appointed, with authority over the mechanics of the work of both boards.

Sec. 61. Section forty-nine point fifteen (49.15), Code 1975, is amended to read as follows:

49.15 COMMISSIONER TO DRAW UP ELECTION BOARD PANEL. Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years. Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county ~~chairmen~~ chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known ~~to him~~ by the commissioner to be members of these political parties, if the respective county ~~chairmen~~ chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised ~~him~~ the commissioner they are willing to serve on the election board for elections in which no candidates appear on the ballot under the heading of either of these political parties, or whom either ~~a school board or~~ the city council of a city of three thousand five hundred or less population or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for that school district or city, as the case may be, during the tenure of the election board panel

on which these names are included.

Sec. 62. Section forty-nine point sixteen (49.16), subsection four (4), Code 1975, is amended to read as follows:

4. In appointing the election board for any election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

Sec. 63. Section forty-nine point twenty-four (49.24), Code 1975, is amended to read as follows:

49.24 SCHOOLHOUSES AS POLLING PLACES. In precincts outside of cities the election shall, if practicable, be held in ~~the~~ a public school building. ~~All~~ Any damage to the building or furniture resulting from the election shall be paid by the county.

Sec. 64. Section forty-nine point twenty-five (49.25), Code 1975, is amended to read as follows:

49.25 EQUIPMENT REQUIRED AT POLLING PLACES.

1. In any county or portion of a county for which voting machines have been acquired under section 52.2 the commissioner shall determine pursuant to section 49.26, in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district, and individually for each precinct, whether voting in that election shall be by machine or by paper ballot.

2. The commissioner shall furnish to each precinct where voting machines are to be used for any election, in advance of that election, one voting machine meeting the requirements of chapter fifty-two (52) of the Code for every three hundred voters or major fraction thereof who voted in the last preceding similar election held in the precinct.

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, arrange-

ment, and construction of voting booths at the polling place in each precinct are as follows:

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

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

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

~~4~~ d. The numbering of voting booths shall not be less than one to every three hundred voters or major fraction thereof who voted at the last preceding similar election in the precinct.

~~5~~ e. The booths shall be so built and arranged, if possible, as to be permanent, so that after the election they may be taken down and deposited with the commissioner or his or her designee for safekeeping and for future use.

Sec. 65. Section forty-nine point twenty-six (49.26), Code 1975, is amended to read as follows:

49.26 COMMISSIONER TO DECIDE METHOD OF VOTING. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for ~~any school district or~~ a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

Sec. 66. Section forty-nine point twenty-eight (49.28), Code 1975, is amended to read as follows:

49.28 COMMISSIONER TO FURNISH REGISTERS AND SUPPLIES. The commissioner shall prepare and furnish to each precinct an election register, and all other books, blanks, materials, and supplies necessary to carry out the provisions of this chapter. Voter registration records shall be kept so that the election register for each precinct contains the names of no electors except those eligible to vote in that precinct. When a precinct lies in more than one political subdivision or district from which any officer is elected, the election register must clearly indicate who are the ~~eligible~~ qualified electors of each political subdivision or district in which the precinct lies~~.--The election register does not need to indicate the eligible electors of~~, including school director districts.

Sec. 67. Section forty-nine point thirty-one (49.31), Code 1975, is amended to read as follows:

49.31 ARRANGEMENT OF NAMES ON BALLOT.

1. All nominations of any political party or group of petitioners, except as provided in section 49.30, shall be placed under the party name or title of such party or group, as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except as provided in section 49.32.

2. The commissioner shall prepare a list of the election precincts of ~~his~~ the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township. ~~He~~ The commissioner shall then arrange the surnames of each political party's candidates for ~~such offices~~ each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for

each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

3. The ballots for any city elections or school elections, or any special election at which any office is to be filled on a nonpartisan basis shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election or special election to fill an office is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by ~~the preceeding paragraph~~ subsection two (2) of this section.

4. If electors in any precinct are entitled to vote for more than one nominee or candidate for a particular office, the heading for that office on the precinct ballot shall be immediately followed by a notation of the number of nominees or candidates for that office for whom each elector may vote. Provision shall be made on the ballot to allow the elector to write in the name of any person for whom he or she desires to vote for any office or nomination on the ballot.

Sec. 68. Section forty-nine point thirty-five (49.35), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.35 ORDER OF ARRANGING TICKETS ON BALLOT. Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. Each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section forty-nine point thirty-seven (49.37) of the Code by the authorities

charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

Sec. 69. Section forty-nine point thirty-seven (49.37), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.37 COLUMNS OR ROWS TO BE SEPARATED.

1. Each column or row containing a ticket or tickets, each preceded by the name of a political party or a group of petitioners, shall be separated by a distinct line appearing on the ballot. The names of candidates for nonpartisan offices shall be placed on a separate column or row on the ballot.

2. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section forty-three point seventy-three (43.73) of the Code, in that the names of the respective candidates on each political party ticket shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization tickets.

Sec. 70. Section forty-nine point forty-~~two~~ (49.42), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The ballot for the general election shall be arranged in vertical columns or horizontal rows each of which shall be substantially in the following form:

Sec. 71. Section forty-nine point forty-three (49.43), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE. In precincts using paper ballots all public measures to be voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts

using voting machines all public measures shall be placed in the question row on the machine; however if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Sec. 72. Section forty-nine point fifty-one (49.51), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.51 COMMISSIONER TO CONTROL PRINTING. The commissioner shall have charge of the printing of the ballots to be used for any election held in the county, unless the commissioner delegates that authority as permitted by this section. The commissioner may delegate this authority only to another commissioner who is responsible under section forty-seven point two (47.2) of the Code for conducting the elections held for a political subdivision which lies in more than one county, and only with respect to printing of ballots containing only public questions or the names of candidates to be voted upon by the qualified electors of that political subdivision. Only one facsimile signature, that of the commissioner under whose direction the ballot is printed, shall appear on the ballot. It is the duty of the commissioner to insure that the arrangement of any ballots printed under his or her direction conforms to all applicable requirements of this chapter.

Sec. 73. Section forty-nine point fifty-three (49.53), Code 1975, 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 ballot of the first rotation as prescribed by section 49.31, ~~second~~

~~paragraph~~ 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 be reduced in size to the extent permitted by the rules of the state commissioner. 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. 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. 74. Section forty-nine point fifty-seven (49.57), subsection five (5), Code 1975, 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, 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. 75. Section forty-nine point fifty-eight (49.58), Code 1975, is amended by striking the section and inserting

in lieu thereof the following:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES. If any candidate nominated by a political party, as defined in section forty-three point two (43.2) of the Code, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the seventy-fourth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the fifty-ninth day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter fifty (50) of the Code. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section forty-three point seventy-eight (43.78) of the Code for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall

be held and canvassed in the manner prescribed by law for the general election.

Sec. 76. Section forty-nine point seventy-three (49.73), Code 1975, is amended to read as follows:

49.73 TIME OF OPENING AND CLOSING POLLS. 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 ~~any school district or~~ a city of three thousand five hundred or less population or any school district at which ~~he~~ the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to 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 shall not do so for any election if there is filed in the commissioner's office, at least ~~twenty~~ 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 ~~not~~ 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 polling places shall be closed at ~~eight~~ nine o'clock p.m.

Sec. 77. Section forty-nine point seventy-seven (49.77), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

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 ~~he~~ that person claims ~~his~~ 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:

Sec. 78. Section forty-nine point seventy-nine (49.79), Code 1975, is amended to read as follows:

49.79 CHALLENGES. Any person offering to vote may be challenged as unqualified by any precinct election official or elector; and it is the duty of each ~~of the officials~~ official to challenge any person offering to vote whom ~~he~~ the official knows or suspects is not ~~to be~~ duly qualified. ~~At primary elections challenges may be made on the grounds stated in section 43.44. No official shall receive a~~ A ballot shall be received from a voter who is challenged, ~~until such voter shall have established his right to vote~~ but only in accordance with section forty-nine point eighty-one (49.81) of the Code.

Sec. 79. Section forty-nine point eighty (49.80), subsections two (2) and three (3), Code 1975, are amended to read as follows:

2. In case of ~~all~~ any challenges of ~~electors~~ an elector at the time he or she is offering to vote in a precinct, a precinct election official may place such person under oath and question him or her as, (a) where he or she maintains his or her home; (b) how long he or she has maintained his or her home at such place; (c) if he or she maintains a home

at any other location; (d) his or her age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts ~~that he~~ as the elector feels sustains the fact that he or she is qualified to vote. Upon completion thereof, ~~the official hearing the challenge shall determine if the challenged elector shall be allowed to vote.~~ if the challenge is withdrawn, the elector may cast his or her vote in the usual manner. If the challenge is not withdrawn, section forty-nine point eighty-one (49.81) of the Code shall apply.

3. ~~In case of a challenge on the grounds stated in section 43.44, the procedures set forth in that section shall be followed.~~ The commissioner shall send to each precinct an alphabetical list of all registrants in that precinct whose receipts were returned by the postal service pursuant to section forty-seven (47) of this Act during the period after the last election and prior to the pending election. Any person whose name appears on the list, even if that person's name also appears on the election register, shall be allowed to cast a ballot only in the manner prescribed by section forty-nine point eighty-one (49.81) of the Code.

Sec. 80. Section forty-nine point eighty-one (49.81), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST BALLOT.

1. A prospective voter who is prohibited under section forty-nine point eighty (49.80) of the Code from voting except under this section shall be permitted to cast a paper ballot, in a booth meeting the requirement of section forty-nine point twenty-five (49.25) of the Code. 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. 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 marked "challenged ballots" and shall be considered as having been cast in the special precinct established by section one hundred eighteen (118) of this Act for purposes of the post-election canvass.

2. Each person who casts a challenged ballot under this section shall receive a printed statement in substantially the following form:

"Your qualifications as an elector have been challenged for the following reasons:

1. _____.
2. _____.
3. _____.

Your right to vote will be reviewed by the special precinct counting board on _____. You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on _____ at _____. If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

Sec. 81. Section forty-nine point ninety (49.90), Code 1975, 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 ~~that~~ is, by reason of any physical disability other than intoxication, ~~he is~~ unable to cast ~~his~~ a vote without assistance, shall, upon request, be assisted by said two officers, or alternately by any other person the ~~blind~~ voter may select if the voter is blind, in casting ~~his~~ 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 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 in the same manner as challenged ballots accepted under section fifty point twenty-two (50.22) of the Code.

Sec. 82. Section forty-nine point one hundred four (49.104), subsection three (3), Code 1975, is amended to read as follows:

3. Any number of persons not exceeding three from each of such political parties, appointed and accredited in the same manner as above prescribed for challenging committees, to witness the counting of ballots. Subject to the restrictions of section fifty-one point eleven (51.11), the witnesses may observe the counting of ballots by a counting board during the hours the polls are open in any precinct for which double election boards have been appointed.

Sec. 83. Section forty-nine point one hundred twenty-five (49.125), Code 1975, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES. All election personnel attending such training course shall be paid for attending such course for a period not to exceed two hours, and shall be reimbursed for travel to and from the place where the training is given at the rate specified in section seventy-nine point nine (79.9) of the Code if the distance involved is more than five miles. The wages shall be two dollars per hour and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

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. 85. Section fifty point seventeen (50.17), Code 1975, is amended to read as follows:

50.17 RETURN OF ELECTION REGISTER. The precinct election register prepared for each election, together with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the

commissioner by one of the precinct election officials ~~within two days after~~ by noon of the day ~~of~~ following the election.

Sec. 86. Section fifty point nineteen (50.19), Code 1975, is amended to read as follows:

50.19 PRESERVATION OF BOOKS--WHEN DESTROYED. The commissioner ~~shall file~~ may destroy precinct election registers ~~and other papers pertaining to registration, together with~~, the declarations of eligibility signed by voters ~~at the~~, and other material pertaining to an election, ~~in his office and preserve the same for four years and until the determination of any contest then pending, after which they shall be destroyed~~ except the tally lists, six months after the election if no contest is pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with section forty-eight point thirty-one (48.31), subsection one (1) of the Code.

Sec. 87. Chapter fifty (50), Code 1975, is amended by inserting after section fifty point nineteen (50.19) the following new sections:

NEW SECTION. NOTICE OF NUMBER OF CHALLENGED BALLOTS. The commissioner shall compile a list of the number of challenged ballots cast under section forty-nine point eighty-one (49.81) of the Code in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section one hundred twenty (120), subsection four (4) of this Act shall have access to the affidavits while that board is in

session. Any elector may present written statements or documents, supporting or opposing the counting of any challenged ballot, at the commissioner's office until the reconvening of the special precinct board.

NEW SECTION. SPECIAL PRECINCT BOARD RECONVENED. The commissioner shall reconvene the election board of the special precinct established by section one hundred eighteen (118) of this Act at noon on the third day following each election which is required by law to be canvassed on the Monday following the election. If the canvass of the election is required at any earlier time, the special precinct election board shall be reconvened at noon on the day following the election. If no challenged ballots were cast in the county pursuant to section forty-nine point eighty-one (49.81) of the Code at any election, the special precinct election board need not be so reconvened. If the number of challenged ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, but in so doing shall observe the requirements of sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code.

NEW SECTION. SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES. Upon being reconvened, the special precinct election board shall review the affidavits 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, 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 section fifty-three point twenty-five (53.25) of the Code, and the affidavit envelope shall be preserved unsealed 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. 88. Section fifty point twenty-three (50.23), Code 1975, is amended to read as follows:

50.23 MESSENGERS FOR MISSING TALLY LISTS. The commissioner shall~~,--on-the-fourth-day-following-an-election,~~ send messengers for all tally lists not ~~then~~ received ~~by-him~~ in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county.

Sec. 89. Section fifty point twenty-four (50.24), Code 1975, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS. The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass~~,--and~~ . If that Monday is a public holiday, the provisions of section four point one (4.1), subsection twenty-two (22) of the Code shall control. Upon convening, the board shall open and canvass the tally lists~~.--The-board~~ and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office

or on each question on the ballot for the election. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 90. Section fifty-one point eleven (51.11), Code 1975, is amended to read as follows:

51.11 PRESENCE OF PERSONS. No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board and the witnesses appointed and accredited under section forty-nine point one hundred four (49.104), subsection three (3) of the Code. It shall be unlawful for any witness to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 91. Section fifty-two point one (52.1), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

52.1 ALTERNATIVE VOTING SYSTEMS--DEFINITIONS.

1. At all elections conducted under chapter forty-nine (49) of the Code, and at any other election unless specifically prohibited by the statute authorizing the election, votes may be cast, registered, recorded and counted by means of either voting machines or electronic voting systems, in accordance with this chapter.

2. As used in this chapter, unless the context otherwise requires:

a. "Voting machine" means a mechanical device, meeting the requirements of section fifty-two point seven (52.7) of the Code, designated for use in casting, registering, recording and counting votes at an election.

b. "Electronic voting system" means a system employing special paper ballots or ballot cards and ballot labels, under

which votes are:

(1) Cast by voters by marking special paper ballots with a vote marking device, or by marking ballot cards by use of a voting punch device; and

(2) Thereafter counted by use of automatic tabulating equipment.

c. "Special paper ballot" means a printed ballot designed to be marked by a voter with a vote marking device.

d. "Vote marking device" means a pen, pencil or similar writing tool for use in marking a special paper ballot, so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

e. "Ballot card" means a tabulating card on which votes may be recorded by a voter by use of a voting punch device.

f. "Ballot label" means the cards, papers, booklet, pages or other material on which appear the names of offices and candidates and the statements of public questions to be voted on at any election by means of ballot cards.

g. "Voting punch device" means an apparatus to which is affixed a ballot label, and in which a ballot card may be inserted and marked by the voter by piercing the ballot card at appropriate points with a stylus provided for the purpose. The hole or mark made by the stylus may be round, square, rectangular or any other shape that will clearly indicate the intent of the voter.

h. "Ballot" includes a special paper ballot and a ballot card and its associated ballot label. In appropriate contexts, "ballot" also includes conventional paper ballots.

i. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots or ballot cards have been marked by voters, and count the votes marked thereon.

j. "Counting center" means any place selected by the com-

missioner where automatic tabulating equipment is available, or is placed, for the purpose of counting votes marked on ballots cast in two or more precincts.

Sec. 92. Section fifty-two point two (52.2), Code 1975, is amended to read as follows:

52.2 PURCHASE. The board of supervisors of any county may, by a majority vote, authorize, purchase, and order the use of either voting machines or an electronic voting system in any one or more voting precincts within said county until otherwise ordered by said board of supervisors. Voting machines and an electronic voting system may be used concurrently at different precincts within any county, but not at the same precinct.

Sec. 93. Section fifty-two point three (52.3), Code 1975, is amended to read as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The county board of supervisors, on the adoption and purchase of a voting machine or an electronic voting system, may provide for the payment therefor in such manner as they may deem for the best interest of the county, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the county, or levy not to exceed thirteen and one-half cents per thousand dollars of assessed value. Any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county. Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the county board may determine, but shall not be issued or sold at less than par.

Sec. 94. Section fifty-two point four (52.4), Code 1975, is amended to read as follows:

52.4 COMMISSIONERS--TERM--REMOVAL. The governor shall appoint three ~~commissioners~~ members to a board of examiners for voting machines and electronic voting systems, not more than two of whom shall be from the same political party.

The ~~said commissioners~~ examiners shall hold office for the term of five years, subject to removal at the pleasure of the governor.

Sec. 95. Section fifty-two point five (52.5), Code 1975, is amended to read as follows:

52.5 EXAMINATION OF MACHINE. Any person or corporation owning or being interested in any voting machine or electronic voting system may call upon the said ~~commissioners~~ examiners to examine the said machine or system, and make report to the state commissioner upon the capacity of the said machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by such voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the ~~commissioners~~ examiners, and machines or systems of its kind may be adopted for use at elections as herein provided. Any form of voting machine or system not so approved cannot be used at any election. Prior to actual purchase by any county of any particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual county of votes by means of that system.

Sec. 96. Section fifty-two point six (52.6), Code 1975, is amended to read as follows:

52.6 COMPENSATION. Each ~~commissioner~~ examiner is entitled to one hundred fifty dollars for his or her compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination. No ~~commissioner~~ examiner shall have any interest

whatever in any machine or system reported upon. Provided that ~~said commissioner~~ each examiner shall ~~not~~ receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned into the state treasury.

Sec. 97. Section fifty-two point seven (52.7), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

A voting machine approved by the state board of examiners for voting ~~machine commissioners~~ machines and electronic voting systems must be so constructed as to provide facilities for voting for the candidates of at least seven different parties or organizations, must permit a voter to vote for any person for any office although not nominated as a candidate by any party or organization, and must permit voting in absolute secrecy.

Sec. 98. Section fifty-two point eight (52.8), Code 1975, is amended to read as follows:

52.8 EXPERIMENTAL USE. The board of supervisors of any county may provide for the experimental use at an election in one or more districts, of a voting machine or electronic voting system which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 99. Section fifty-two point nine (52.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

It shall be the duty of the commissioner or ~~his~~ the commissioner's duly authorized agent ~~when so requested by the county chairman of one of the political parties referred to in section 49.13,~~ to examine and test the voting machines to be used at any election after the machines have been prepared for the election and not less than twelve hours before the opening of the polls on the morning of the election. ~~If voting machines are to be so examined and tested, the~~

~~chairman~~ The county chairperson of each political party referred to in section forty-nine point thirteen (49.13) of the Code shall be notified in writing of the time said machines shall be examined and tested so that they may be present, or have a representative present. Those present for the examination and testing shall sign a certificate which shall read substantially as follows:

Sec. 100. Section fifty-two point eighteen (52.18), Code 1975, is amended to read as follows:

52.18 METHOD OF VOTING. After the opening of the polls, the precinct election officials shall not allow any voter to enter the voting machine booth until they ascertain that he is duly entitled to vote. Only one voter at a time shall be permitted to enter the voting machine booth to vote. The operating of the voting machine by the elector while voting shall be secret and obscured from all other persons, except as provided by ~~this chapter~~ sections forty-nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code in cases of voting by assisted electors. No voter shall remain within the voting machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes, he shall be removed by the officials.

Sec. 101. Section fifty-two point twenty-two (52.22), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The precinct election officials shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain until thirty days after the proclamation of the results of said election, except that it shall remain locked only ten days after a primary election, ~~including~~ and only two days after a city primary election, if such election is not contested.

In cities in which the council has chosen a runoff election in lieu of a primary pursuant to section three hundred seventy-

six point nine (376.9) of the Code, the machine shall remain locked only two days after the regular city election if the canvass shows that a runoff election is required, and the election is not contested. However, if the machines in any precinct are so constructed as to deliver, immediately upon conclusion of the voting at any election, 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 machines may be unlocked immediately following the canvass of votes by the county board of supervisors unless the precinct election board informs the commissioner that the printed record produced by the machine is smeared, torn or otherwise unreadable. In the latter case, the machines shall be kept locked for the period of time prescribed for machines which do not print such a record.

Sec. 102. Section fifty-two point twenty-five (52.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least two places within the voting precinct and on the left-hand side inside the curtain of each voting machine, said printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the inserts used in said voting machines, except that: (1) in the case of the question of a constitutional convention, or of an amendment or measure to be voted on in ~~more than one county~~ the entire state, the summary to be placed in the voting machine inserts shall be worded by the state commissioner of elections as required by section 49.44; and (2) in the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section forty-seven point two (47.2) of the Code for conducting that election.

Sec. 103. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. AUTHORIZED ELECTRONIC VOTING SYSTEM. Every electronic voting system approved by the state board of examiners for voting machines and electronic voting systems shall:

1. Provide for voting in secrecy, except as to persons entitled by sections forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code to assistance.

2. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

3. Permit a voter to vote for any person for any office on the ballot at that election, whether or not the person's name is printed on the ballot.

4. Be so constructed or designed that, when voting in a primary election in which candidates are nominated by political parties, a voter is limited to the candidates for the nominations of the political party with which that voter is affiliated.

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations, and to permit

voting for all of the candidates of any one political party or organization by a single mark or punch, at any one election.

7. The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section one hundred seven (107), paragraph four (4) of this Act.

Sec. 104. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT. The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an electronic voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct special paper ballots and vote marking devices, or ballot cards, ballot labels and voting punch devices, as the case may be, in appropriate numbers. The commissioner shall have custody of all equipment required for use of the electronic voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. All provisions of chapter forty-nine (49) of the Code relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of electronic voting systems, when applicable.

Sec. 105. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ELECTRONIC VOTING SYSTEM BALLOT FORMS.

1. The commissioner of each county in which the use of an electronic voting system in one or more precincts has been authorized shall determine the arrangement of candidates names and public questions upon the ballot or ballots used with the system. The ballot information, whether placed on the special paper ballot, the ballot card or the ballot label, shall be arranged as required by chapters forty-three (43)

and forty-nine (49) of the Code, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the electronic voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of electronic voting system ballots.

2. Where voting is to occur by use of ballot cards, ballot labels and a voting punch device, the ballot labels must be arranged on or in the voting punch device in the places provided for that purpose. Voting squares may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of electronic voting system in use in that county. Ballots and ballot labels shall be printed in as plain and clear type and size as the space available will reasonably permit. Ballot cards shall be provided with tear-off stubs which shall be of a size suitable for the ballots or ballot cards used and for the requirements of the voting punch device. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where ballots or ballot cards are bound into pads, they may be bound at the top or bottom or at either side.

Sec. 106. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS. The commissioner shall provide for each precinct where an electronic voting system is in use at least four sample special paper ballots, or combinations of ballot cards and ballot labels, as the case may be, which shall be exact copies of the official ballots as printed for that precinct. The sample ballots shall be arranged in the form of a diagram showing the special paper ballot or the front of the voting punch device, as the case may be, as it will appear to the voter

in that precinct on election day. The sample ballots shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day.

Sec. 107. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON BALLOT CARDS. The provisions of this section shall apply to any precinct for those elections at which votes are to be received on ballot cards in that precinct.

1. The commissioner shall cause the voting punch devices to be put in order, set, adjusted and made ready for voting when delivered to the precinct polling places. Before the opening of the polls, the precinct election officials shall compare the ballot cards and ballot labels with the sample ballots furnished, and see that the names, numbers and letters thereon agree and shall so certify on forms provided for this purpose. The certification shall be filed with the election returns.

2. Each voter shall be instructed how to use the voting punch device before entering the voting booth. In addition to the instructions printed on the ballot cards or ballot labels, instructions to voters shall be posted in each voting booth or place on the voting punch device. Any voter who requests further instructions as to the manner of voting, after entering the voting booth, shall receive the instructions from two precinct election officials, who shall not be members of the same political party if the election is one in which candidates are to be nominated or elected upon a partisan ballot. The precinct election officials shall give the necessary instruction without attempting in any manner to influence the voter to vote for any particular candidate or ticket, or for or against any public question. After receiving such instructions, the voter shall vote without further assistance, except as otherwise provided by sections forty-

nine point eighty-nine (49.89), forty-nine point ninety (49.90) and forty-nine point ninety-one (49.91) of the Code.

3. A separate write-in ballot, which may be in the form of a paper ballot or ballot card, or may be printed on the envelope in which the voter places his ballot card after voting, shall be provided where necessary to permit voters to write in the names of persons whose names are not printed on the ballot. If a separate write-in ballot is used, it must be placed by the voter in the same envelope with the regular ballot card.

4. A voter who spoils or defaces a ballot card or marks it erroneously shall return the card to the precinct election officials with stub folded so as not to disclose any choices made. The precinct election officials shall deliver to the voter another ballot card, but no voter may receive more than three ballot cards including the one originally delivered to the voter. Upon return of a defective ballot card, a precinct election official shall cancel it by writing in ink on the back the word "spoiled". The canceled ballot card shall be placed, without detaching the ballot stub, with spoiled ballots to be returned to the commissioner.

5. After marking the ballot card, the voter shall place it inside the ballot envelope and return it to the election official, who shall remove the stub and deposit the envelope with the ballot inside it in the ballot box. Ballot cards from which the stub has been removed by anyone except a precinct election official shall not be deposited in the ballot box, but shall be marked "spoiled" and returned to the commissioner.

Sec. 108. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS. Preparations for voting and voting at any election in a precinct where votes are to be received on special paper ballots shall be in accordance with the provisions of

chapter forty-nine (49) governing voting upon conventional paper ballots. However, before entering the voting booth each voter shall be cautioned to mark the ballot only with a vote marking device provided in the booth.

Sec. 109. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. PROCEDURE UPON CLOSING POLLS IN ELECTRONIC VOTING SYSTEM PRECINCTS. The provisions of this section shall apply, in lieu of sections fifty point one (50.1) through fifty point twelve (50.12), inclusive, of the Code, to any precinct for those elections at which voting is conducted by means of an electronic voting system.

1. At the time for closing of the polls, or as soon thereafter as all persons entitled under section forty-nine point seventy-four (49.74) of the Code to do so have cast their votes, the precinct election officials in each precinct where voting punch devices are in use shall secure the devices against further voting. They shall then open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine whether the number of ballots cast exceeds the number of declarations of eligibility signed as required by section forty-nine point seventy-seven (49.77) of the Code. If so, that fact shall be reported in writing to the commissioner together with the number of excess ballots and the reason for the excess, if known.

2. The precinct election officials shall next count the write-in votes cast in the precinct, if any. If ballot cards are used, and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed

by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

3. The precinct election officials shall place all ballots that have been cast in a container provided by the commissioner for the purpose, which shall be sealed in the presence of all of the precinct election officials. They shall then each affix their signatures to a statement attesting that the requirements of this section have been complied with, and the statement shall be returned to the commissioner with the election register as required by section fifty point seventeen (50.17) of the Code.

Sec. 110. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. ABSENTEE VOTING BY ELECTRONIC VOTING SYSTEM. In any county in which the board of supervisors has adopted voting by means of an electronic voting system, the commissioner may elect to also conduct absentee voting by use of such a system if the system so used is compatible with the counting center serving the precinct polling places in the county where voting is by means of an electronic voting system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an electronic voting system. All provisions of chapter fifty-three (53) of the Code shall apply to such absentee voting, so far as applicable. When a ballot card is used for voting by mail it shall be accompanied by a stylus, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each candidate or public question. The card shall be mounted on material suitable to receive the punched out chip. In counties where absentee voting is conducted by use of an electronic voting system, the special precinct counting board shall, at the time required by chapter fifty-three (53) of the Code, prepare absentee ballots for delivery to the counting center in the

manner prescribed by this chapter.

Sec. 111. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER ESTABLISHED. Before authorizing the purchase and ordering the use of an electronic voting system under section fifty-two point two (52.2) of the Code, the county board of supervisors shall, with advice of the commissioner, determine whether counting center equipment is to be purchased as a part of the system and operated by the county, or the county will enter into an arrangement to have its ballots tabulated at a counting center maintained by another county. The arrangement may be reviewed and revised, with approval of the board of supervisors, at any time. If a county acquires and operates a counting center at which ballots cast in one or more other counties are tabulated, the commissioner of the county acquiring and operating the center, or that commissioner's designee, shall be responsible for and in control of the operation of that counting center at all times, regardless of the origin of the ballots being tabulated at any particular time.

Sec. 112. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER EQUIPMENT TESTED. Within five days prior to the date of any election at which votes are to be cast by means of an electronic voting system, the commissioner in charge of the counting center where votes so cast are to be tabulated shall have the automatic tabulating equipment tested to ascertain that it will correctly count the votes cast for all offices and on all public questions. The procedure for conducting the test shall be as follows:

1. The county chairperson of each political party shall be notified in writing of the time the test will be conducted, so that they may be present or have a representative present. The commissioner may also include such notice in the notice of the election published as required by section forty-nine point fifty-three (49.53) of the Code. The test shall be open to the public.

2. The test shall be conducted by processing a preaudited group of ballots punched or marked so as to record a predetermined number of valid votes for each candidate, and on each public question, on the ballot. The test group shall include for each office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. The county chairperson of a political party may submit an additional test group of ballots which, if so submitted, shall also be tested. If any error is detected, its cause shall be ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and sent immediately to the state commissioner.

3. The test group of ballots used for the test shall be clearly labeled as such, and retained in the counting center. The test prescribed in subsection two (2) of this section shall be repeated immediately before the start of the official tabulation of ballots cast in the election, and again immediately after the tabulation is completed. The test group of ballots and the programs used for the counting procedure shall be sealed, retained for the time required for and disposed of in the same manner as ballots cast in the election.

Sec. 113. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COMMISSIONER IN CHARGE OF COUNTING CENTER. All proceedings at the counting center shall be under the direction of the commissioner and open to the public. The proceedings shall be under the observation of at least one member of each of the political parties referred to in section forty-nine point thirteen (49.13) of the Code, designated

by the county chairperson or, if the chairperson fails to make a designation, by the commissioner. No person except those employed and authorized by the commissioner for the purpose shall touch any ballot or ballot container.

Sec. 114. Chapter fifty-two (52), Code 1975, is amended by adding the following new section:

NEW SECTION. COUNTING CENTER TABULATION PROCEDURE. The tabulation of ballots cast by means of an electronic voting system, at a counting center established pursuant to this chapter, shall be conducted as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received and the condition of the seal upon receipt.

2. After the record required by subsection one (1) of this section has been made, the ballot container shall be opened. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made in the presence of witnesses and substituted for the damaged or defective ballot, or the valid votes on a defective ballot may be manually counted at the counting center by at least two employees of the commissioner, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.

3. The record printed by the automatic tabulating equipment, with the addition of a record of any write-in or

other votes manually counted pursuant to this chapter, shall constitute the official return of the precinct. Upon completion of the tabulation of the votes from each individual precinct, the result shall be announced and reported in substantially the manner required by section fifty point eleven (50.11) of the Code.

4. If for any reason it becomes impracticable to count all or any part of the ballots with the automatic tabulation equipment, the commissioner may direct that they be counted manually, in accordance with chapter fifty (50) of the Code so far as applicable.

Sec. 115. Section fifty-three point one (53.1), subsection two (2), Code 1975, is amended to read as follows:

2. When, through illness or physical disability, ~~he~~ the elector expects to be prevented from going to the polls and voting on election day.

Sec. 116. Section fifty-three point eight (53.8), Code 1975, is amended to read as follows:

53.8 BALLOT MAILED.

1. Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, it shall be the duty of the commissioner to mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection three (3) of this section. The absentee ballot shall be enclosed in an unsealed envelope bearing a serial number and affidavit. The absentee ballot and unsealed envelope shall be enclosed in a carrier envelope which bears the same serial number as the unsealed envelope. The absentee ballot, unsealed envelope, and carrier envelope shall be enclosed in a third envelope to be sent to the qualified elector.

2. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect. The

statement shall also point out that it is possible for the applicant to personally deliver his completed absentee ballot to the office of the commissioner at any time before ~~eight o'clock p.m.~~ the closing of the polls on election day.

3. 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.

Nothing in this subsection nor in section one hundred nineteen (119) of this Act shall be construed to prohibit a qualified elector who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section fifty-three point eleven (53.11) of the Code.

Sec. 117. Section fifty-three point seventeen (53.17), Code 1975, is amended by striking unnumbered paragraphs two (2) and three (3).

Sec. 118. Chapter fifty-three (53), Code 1975, is amended by inserting after section fifty-three point nineteen (53.19) the following new section:

NEW SECTION. SPECIAL PRECINCT ESTABLISHED. There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its

jurisdiction shall be coterminous with the borders of the county, for the purposes specified by sections one hundred nineteen (119), and one hundred twenty (120) of this Act, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section forty-nine point fifteen (49.15) of the Code, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel.

Sec. 119. Section fifty-three point twenty-two (53.22), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

53.22 BALLOTING BY CONFINED PERSONS.

1. 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 (103) 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. 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. The special precinct election officers shall both notarize each absentee ballot delivered by them as required by this chapter; 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 ballots 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 the Code, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant may assist the applicant in filling out the ballot as permitted by section forty-nine point ninety (49.90) of the Code. The voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day.

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility within three days prior to the date of any election may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section fifty-three point two (53.2) of the Code, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the

office of the commissioner not later than four hours before the close of the polls. If the requestor is found to be a qualified elector of that county, these officers shall deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 120. Section fifty-three point twenty-three (53.23), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

53.23 SPECIAL PRECINCT ELECTION BOARD.

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections forty-nine point twelve (49.12) and forty-nine point thirteen (49.13) of the Code, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by ten o'clock p.m. on election day.

2. The board's powers and duties shall be the same as those provided in chapter fifty (50) of the Code for precinct election officials in regular precinct polling places. However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten o'clock p.m. on election day. The commissioner may direct the board to meet on the day prior to the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes if in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received,

but under no circumstances shall a sealed ballot envelope be opened before the board convenes on election day.

4. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter forty-five (45) of the Code or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

5. The special precinct election board shall not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of challenged ballots accepted and counted under chapter fifty (50) of the Code until that count has been completed.

Sec. 121. Section fifty-three point thirty-eight (53.38), Code 1975, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION. Whenever ~~registration is required in order to vote at either the primary election or general election, in the case of voters~~ a ballot is requested pursuant to section fifty-three point thirty-nine (53.39) of the Code on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, ~~otherwise qualified~~ if he or she is found to be an eligible elector of the county to which the

ballot is submitted, shall constitute a sufficient registration~~, if registration is required~~ under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if it does not already appear there.

Sec. 122. Section sixty-nine point twelve (69.12), subsection one (1), paragraphs a and b, Code 1975, are amended to read as follows:

a. A vacancy occurring ~~forty~~ fifty or more days prior to the next pending election that is not a general election or sixty or more days prior to a general election shall be filled at that election. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

b. A vacancy occurring less than ~~forty~~ fifty days prior to the next pending election that is not a general election or less than sixty days prior to a general election shall be filled by appointment as provided by law until the succeeding pending election.

Sec. 123. Section sixty-nine point fourteen (69.14), Code 1975, is amended to read as follows:

69.14 SPECIAL ELECTION TO FILL VACANCIES. A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten days' notice thereof. Any special election called under this

section must be held on a Tuesday.

Sec. 124. Chapter one hundred thirty-five C (135C), Code 1975, is amended by adding the following new section:

NEW SECTION. LICENSE LIST TO COUNTY COMMISSIONER OF ELECTIONS. To facilitate the implementation of section fifty-three point eight (53.8), subsection three (3) of the Code and section one hundred nineteen (119) of this Act, the commissioner shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility.

Sec. 125. Section one hundred forty-five A point eleven (145A.11), Code 1975, is amended to read as follows:

145A.11 TERMS OF MEMBERS. The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five ~~qualified~~ eligible electors from the area ~~district, and shall be filed with the board. When nominations are complete, the board shall certify the names of the nominees to each county auditor of the respective area districts.~~

Sec. 126. Section two hundred seventy-five point twelve (275.12), subsection two (2), paragraphs b, c and d, Code 1975, are amended to read as follows:

b. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts

shall be represented on the school board by one director who shall be a resident of such director district but who shall be elected by the vote of the electors of the entire school district. The school district shall be divided into the same number of director districts as the number of school directors the district is authorized by law. The boundaries of such director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the annual school election. Insofar as may be practicable, the boundaries of such districts shall follow established political or natural geographical divisions.

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member director districts into which the entire school district shall be divided on the basis of population. In such case, all directors shall be elected by the electors of the entire school district.

d. Division of the entire school district into designated geographical subdistricts on the basis of population, to be known as director districts, each of which director districts shall be represented on the school board by one director who shall be a resident of such director district and who shall be elected by the voters of said director district. Place of voting in such director districts shall be designated by the ~~county board~~ commissioner.

Sec. 127. Section two hundred seventy-five point twenty-five (275.25), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Provided, however, in cases involving two districts only, where the population of the new district does not exceed the population of the more populous of said districts by more

than twenty-five percent, the incumbent board members of said more populous district shall continue to hold office as the directors of the new district for the remainder of their elective terms. Section forty-nine point eight (49.8), subsection four (4) of the Code shall not be construed to permit a director to remain on the board of any school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board ~~caused by change in boundaries~~ shall be filled in the manner provided in sections 279.6 and 279.7.

Sec. 128. Section two hundred seventy-five point thirty-five (275.35), Code 1975, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS. Any existing or hereafter created or enlarged school district may change the number of directors ~~from~~ to either five ~~to~~ or seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election and describing the boundaries of the proposed director districts if any, by the school board of such district to the electors at any regular or special school election. The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 to 53 by the county commissioner of elections. Such proposal shall be adopted:

~~1.--If, in a district where the existing method of election of school directors is by election at large, it is approved by a majority of the votes cast on the proposition;~~

~~2.--If, in a district which is subdivided into director districts for the election of all or part of the school directors,~~ if it is approved by a majority of the votes cast on the proposition.

Sec. 129. Section two hundred seventy-seven point six

(277.6), Code 1975, is amended to read as follows:

277.6 TERRITORY OUTSIDE CITY OR COUNTY. If there is within a school corporation any territory not within the limits of the ~~city or~~ county whose county commissioner of elections is responsible under section forty-seven point two (47.2) of the Code for conducting that school corporation's elections, the ~~county~~ commissioner ~~of elections~~ may divide the territory which lies outside the ~~city or~~ county but within the school district into additional precincts, or may attach the various parts thereof to ~~such~~ contiguous ~~city or county~~ precincts within the responsible commissioner's county in accordance with section forty-nine point three (49.3) of the Code, and as will best serve the convenience of the electors of said territory in voting on school matters.

Sec. 130. Section two hundred seventy-seven point twenty-nine (277.29), Code 1975, is amended to read as follows:

277.29 VACANCIES. Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing his or her residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, his office, or the decision of a competent tribunal declaring his office vacant; the conviction of incumbent of an infamous crime or of any public offense involving the violation of his oath of office, shall constitute a vacancy.

Sec. 131. Section two hundred seventy-seven point thirty (277.30), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

277.30 VACANCIES FILLED BY ELECTION. When vacancies are to be filled by election, the provisions of section sixty-nine point twelve (69.12) of the Code shall control.

Sec. 132. Section two hundred seventy-eight point one

(278.1), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

9. Authorize a change ~~from~~ to either five ~~to~~ or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by section two hundred seventy-five point twelve (275.12), subsection two (2) of the Code is to be used if the change is approved by the voters.

10. Authorize the establishment or abandonment of director districts or a change of boundaries of director districts. If a proposition submitted to the voters under this subsection is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this subsection within the next six years.

Sec. 133. Section two hundred seventy-eight point two (278.2), Code 1975, is amended to read as follows:

278.2 SUBMISSION OF PROPOSITION. The board may, and upon the written request of twenty-five ~~voters~~ eligible electors of any district having a population of five thousand or less, or of fifty ~~voters~~ eligible electors of any other district, shall direct the county commissioner of elections to provide in the notice of the regular election for submitting any proposition authorized by law to the voters. However, when the board has directed the commissioner to submit to the voters a proposition authorized by section two hundred seventy-eight point one (278.1), subsections nine (9) or ten (10), it shall not thereafter direct him to submit at the same election any other proposition under either of these subsections.

Sec. 134. Section two hundred seventy-nine point three (279.3), Code 1975, is amended to read as follows:

279.3 APPOINTMENT OF SECRETARY AND TREASURER. At the meeting of the board the first secular day after the seventh

day in July the board shall appoint a secretary who shall not be a teacher or other employee of the board. It shall also~~, except in districts composed in whole or in part of a city,~~ appoint a treasurer. ~~Such~~ These officers shall be appointed from outside the membership of the board for terms of one year beginning with the first secular day after the seventh day in July which appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following ~~their~~ appointment by taking the oath of office in the manner required by section 277.28 and filing a bond as required by section 291.2 and shall hold office until their successors are appointed and qualified.

Sec. 135. Section two hundred seventy-nine point six (279.6), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until ~~the organization of the board the third Monday in September immediately following the next regular election and until his~~ a successor is elected and qualified pursuant to section sixty-nine point twelve (69.12) of the Code. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until his successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

Sec. 136. Section two hundred eighty A point twelve (280A.12), Code 1975, is amended to read as follows:

280A.12 GOVERNING BOARD. The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors

shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Terms of members of the board of directors shall be three years except that members of the initial board of directors elected at the special election shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year. Vacancies on the board which occur more than ninety days prior to the next ~~annual~~ regular school election ~~shall~~ may be filled at the next regular meeting of the board by appointment by the remaining members of the board. ~~The~~ A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until ~~the next annual school election, at which election~~ a member shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29. No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 137. Section two hundred eighty A point twenty-three (280A.23), subsection two (2), Code 1975, is amended to read as follows:

2. Change boundaries of director districts in merged areas after each decennial census, or after any change in boundaries of the merged area, to compensate for changes in population if such population changes have taken place, or at any time for the purpose of causing the boundaries of director districts to coincide, where feasible, with the boundary lines of election precincts established pursuant to sections forty-nine point three (49.3) through forty-nine point six (49.6), inclusive, of the Code. However, the director districts shall in all cases be of approximately equal population within each merged area.

Sec. 138. Section two hundred eighty A point thirty-nine (280A.39), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

Any merged area may combine with any adjacent area after a favorable vote by the electors of each of the areas involved. If the boards of directors of two or more merged areas agree to a combination, the question shall be submitted to the electors of each area at a special election to be held on the same day in each area. The special election shall not be held within thirty days of any general election. Prior to the special election, the board of each merged area shall notify the county commissioner of elections of the county in which the greatest proportion of the merged area's taxable base is located who shall publish notice of the election ~~at least three times, no oftener than once a week, in one or more newspapers of general circulation within the merged area~~ according to section forty-nine point fifty-three (49.53) of the Code. The two respective county commissioners of elections shall conduct the election pursuant to the provisions of chapters 39 to 53. The votes cast in the election shall be canvassed by the county board of supervisors and the county commissioners of elections who conducted the election shall certify the results to the board of directors of each merged area.

Sec. 139. Section two hundred ninety-six point four (296.4), Code 1975, is amended to read as follows:

296.4 NOTICE--BALLOTS. Notice of the election shall be given by the county commissioner of elections by publication ~~once each week for four weeks in some newspaper of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted, and shall be in lieu of any other notice, any other statute to the contrary notwithstanding~~ in accordance with section forty-nine point fifty-three (49.53) of the Code.

The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors.

Sec. 140. Section two hundred ninety-eight point eighteen (298.18), unnumbered paragraph five (5), Code 1975, is amended to read as follows:

Notice of the election shall be given by the county commissioner of elections ~~by-publication-once-each-week-for four-consecutive-weeks-in-a-newspaper-of-general-circulation in-the-school-corporation.--Such-notice-shall-state-the-date of-the-election,-the-hours-of-opening-and-closing-the-polls and-the-exact-location-thereof,-and-the-question-to-be submitted~~ according to section forty-nine point fifty-three (49.53) of the Code. The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice. ~~Such-notice-shall-be-sufficient and-shall-be-in-lieu-of-any-other-notice-required-by-any-other statute.~~ At such election the ballot used for the submission of said proposition shall be in substantially the form for submitting special questions at general elections. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 to 53 and certify the results to the board of directors. Such proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against said proposition at said election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

Sec. 141. Section three hundred three B point two (303B.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The regional library system shall consist of seven regional

boards of library trustees which shall serve respectively the seven geographic regions specified in this section. Each region shall be divided into geographic districts, which shall be drawn along county lines and which shall be represented on regional boards by trustees elected to the boards in the following numbers and from the following districts:

Sec. 142. Section three hundred three B point four (303B.4), Code 1975, is amended to read as follows:

303B.4 TERMS. Regional library trustees shall take office on the first day of January following the general election and shall serve terms of four years, except that trustees elected to the initial board in the year 1974 shall determine their respective terms by lot so that three members shall serve terms of two years and four members shall serve terms of four years. A vacancy shall be filled when it occurs not less than ninety days before the next general election by appointment by the regional board for the unexpired term. No trustee shall serve on a local library board or be employed by a library during his or her term of office as a regional library trustee.

Sec. 143. Section three hundred six C point ten (306C.10), Code 1975, is amended by adding the following new subsection:

NEW SUBSECTION. "Political sign" means an outdoor sign of a temporary nature, not larger than thirty-two square feet in surface area, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nominaton or election or any public question on the ballot in an election held under the laws of this state.

Sec. 144. Chapter three hundred six C (306C), Code 1975, is amended by adding the following new section:

NEW SECTION. It shall be lawful to place political signs on private property with permission of the owner or person in charge of the property at any time during the period beginning forty-five days before the date of the election to

which the signs pertain and ending on the day of the election, even if such placement would otherwise be a violation of this chapter. This section shall not be construed to authorize placement of any political sign at any location where it may, because of its size, location, content or coloring constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by detracting from the visibility of any traffic control device or by being confused with an authorized traffic control device. The exemption from provisions of this chapter granted by this section for political signs shall expire on the seventh day following the date of the election to which the signs pertain. A municipal corporation shall adopt no ordinance which prohibits the placement of political signs on private property as permitted by this section during the period beginning twenty-one days before the date of the election to which the signs pertain, nor requires removal of the political signs so placed less than seven days after the date of that election.

Sec. 145. Section three hundred forty-seven point ten (347.10), Code 1975, is amended to read as follows:

347.10 VACANCIES. Vacancies in the board of trustees ~~shall~~ may be filled by an appointment to fill the vacancy by the remaining members of the board of trustees~~.--In the event that~~ or, if fewer than four trustees remain on the board, ~~the vacancies shall be filled~~ by the board of supervisors, for the period until the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code. Should any board member be absent for four consecutive regular board meetings, without prior excuse, his position shall be declared vacant and filled as set out above.

Sec. 146. Section three hundred forty-seven point twenty-five (347.25), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The election of hospital trustees whose offices are established by this chapter or chapter one hundred forty-five A (145A) or three hundred forty-seven A (347A) of the Code shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by ~~qualified~~ eligible electors of the county equal in number to one percent of the vote cast for president of the United States or governor, as the case may be, by both political parties in the last previous general election, and shall be filed with the county commissioner of elections at least fifty-five days prior to the date of said general election. A plurality shall be sufficient to elect hospital trustees, it being the intent that there be no primary election.

Sec. 147. Section three hundred forty-seven A point one (347A.1), Code 1975, is amended as follows:

1. By striking from line thirty-two (32) the word "shall" and inserting in lieu thereof the word "may".

2. By striking from line thirty-four (34) the words "next succeeding general election" and inserting in lieu thereof the words "the vacancies are filled pursuant to section sixty-nine point twelve (69.12) of the Code".

Sec. 148. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Vacancies in the office of trustee of a sanitary district ~~shall~~ may be filled by the remaining members of the board for the period ~~extending to the second secular day of January following the next biennial election, when~~ until a trustee shall be elected pursuant to section sixty-nine point twelve (69.12) of the Code to fill such vacancy for the unexpired term.

Sec. 149. Section three hundred sixty-four point two (364.2), subsection four (4), paragraph c, Code 1975, is amended to read as follows:

c. Notice of the election shall be given by publication ~~once each week for four consecutive weeks~~ as prescribed in section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The election shall be held on a day not less than five nor more than twenty days after the last publication of notice.~~

Sec. 150. Section three hundred seventy-two point thirteen (372.13), subsection two (2), Code 1975, is amended to read as follows:

2. A vacancy in an elective city office during a term of office ~~must~~ may be filled by the council for the period of time until ~~the next regular city election~~ it is filled pursuant to section sixty-nine point twelve (69.12) of the Code.

Sec. 151. Section three hundred seventy-six point four (376.4), unnumbered paragraph seven (7), Code 1975, is amended to read as follows:

The city clerk 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 day before the election~~ as prescribed in section forty-four point nine (44.9) of the Code.

Sec. 152. Section three hundred eighty-four point twenty-six (384.26), subsection three (3), Code 1975, is amended to read as follows:

3. Notice of the election must be given by publication ~~once each week for at least three consecutive weeks~~ as required by section forty-nine point fifty-three (49.53) of the Code in a newspaper of general circulation in the city. ~~The notice must state the date of the election, the hours of opening and closing the polls and the location thereof, and the question to be submitted. The election must be held on a date not less than four nor more than twenty days after the last publication of the notice. Such notice is sufficient and is in lieu of any other notice required by any other statute.~~ At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

Sec. 153. Section three hundred ninety-four point two (394.2), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular municipal election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published ~~once each week for at least four consecutive weeks in a newspaper published in the county, which notice shall state the date of the election, the hours of opening and closing the polls and the location thereof, the question to be submitted, and~~ as required by section forty-nine point fifty-three (49.53) of the Code. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens. ~~The election shall be held on a date not less than four nor more than twenty days after the last publication of the notice.~~

Sec. 154. Sections forty-three point forty-four (43.44), forty-three point fifty-nine (43.59), forty-three point seventy (43.70), forty-three point seventy-four (43.74), forty-three point eighty-one (43.81), forty-three point eighty-two (43.82), forty-three point eighty-four (43.84), forty-three point eighty-six (43.86), forty-three point eighty-seven (43.87), forty-three point one hundred two (43.102), forty-three point one hundred five (43.105), forty-three point one hundred ten (43.110), forty-three point one hundred thirteen (43.113),

forty-nine point thirty-four (49.34), forty-nine point forty-nine (49.49), forty-nine point fifty-nine (49.59), forty-nine point sixty (49.60), forty-nine point sixty-one (49.61), forty-nine point sixty-two (49.62), two hundred seventy-seven point twenty-six (277.26) and two hundred ninety-six point five (296.5), Code 1975, are repealed.

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 700, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____ _____, 1975

ROBERT D. RAY
Governor