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Place On Calendar

HOUSE FILE 2457  
BY COMMITTEE ON STATE GOVERNMENT

(Formerly House Study Bill 658)

Passed House, Date 3-20-86 (p.930) Passed Senate, Date 4-2-86 (p.1002)

Vote: Ayes 93 Nays 0 Vote: Ayes 40 Nays 0

Approved May 27, 1986

A BILL FOR

1 An Act relating to elections.

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

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HF 2457

5481  
1 Section 1. Section 43.67, unnumbered paragraph 3, Code  
2 1985, is amended to read as follows:

3 I am aware that I am required to organize a candidate's  
4 committee which shall file an organization statement and  
5 disclosure reports if it receives contributions, makes  
6 expenditures, or incurs indebtedness in excess of one two  
7 hundred fifty dollars for the purpose of supporting my  
8 candidacy for public office.

9 .....  
10 (Signed)

11 Sec. 2. Section 43.93, Code 1985, is amended to read as  
12 follows:

13 43.93 PLACE OF HOLDING CAUCUS.

14 Each precinct caucus shall be held in a building which is  
15 publicly owned or is suitable for and from time to time made  
16 available for holding public meetings wherever it is possible  
17 to do so. Upon the application of the county chairperson, the  
18 person having control of a building supported by taxation  
19 under the laws of this state shall make available the space  
20 necessary to conduct the caucus without charge. When using  
21 public buildings, the county chairpersons shall cooperate to  
22 attempt the colocation of the caucuses.

23 Sec. 3. Section 43.100, unnumbered paragraph 1, Code 1985,  
24 is amended to read as follows:

25 The county central committee shall ~~organize-within-ten-days~~  
26 ~~before-or-after-the-day-of-the-county-convention~~ elect the  
27 officers of the committee. Each member ~~elected-to-the-county~~  
28 ~~central-committee~~ shall receive be given written notice at  
29 least five days in advance of the time and place of the  
30 ~~organizational~~ any meeting scheduled for the election of  
31 officers.

32 Sec. 4. NEW SECTION. 43.100A COUNTY CENTRAL COMMITTEE  
33 OFFICERS.

34 The county central committee shall elect a chair, cochair,  
35 secretary, treasurer, and other officers as it may determine.

1 The term of office of an officer begins at the time specified  
2 by the party's state constitution or bylaws and continues for  
3 two years and until the officer's successor is elected and  
5364 4 qualified, unless the officer is sooner removed by the county  
5 central committee for inattention to duty or incompetency.

6 Sec. 5. Section 45.1, Code 1985, is amended to read as  
7 follows:

8 45.1 NOMINATIONS BY PETITION.

9 1. Nominations for candidates for president and vice  
10 president and for state offices may be made by nomination  
11 papers signed by not less than one thousand eligible electors  
12 of the state. For candidates for president and vice  
13 president, the names and addresses of the candidates for  
14 presidential electors shall be printed on the face of or  
15 attached to each page of the nomination petition.

16 2. Nominations for candidates for offices filled by the  
17 voters of a county, district, or other division may be made by  
18 papers signed by eligible electors residing in the county,  
19 district, or division equal in number to at least two percent  
20 of the total vote received by all candidates for president of  
21 the United States or governor, as the case may be, at the last  
22 preceding general election in the county, district, or  
23 division-and.

5440 24 3. Nominations for township, city or ward, may be made by  
25 papers signed by not less than twenty-five eligible electors,  
26 residents of the township, city or ward. In the case of  
27 candidates for president and vice president, the names and  
28 addresses of the candidates for presidential electors shall be  
29 printed on the face of or attached to each page of the  
30 nomination petition.

31 4. Nominations for candidates for elective offices in  
32 cities where the council has adopted nominations under this  
33 chapter may be submitted as follows:

34 a. In cities having a population of three thousand five  
35 hundred or greater according to the most recent federal

1 decennial census, nominations may be made by nomination papers  
2 signed by not less than twenty-five eligible electors who are  
3 residents of the city or ward.

4 b. In cities having a population of one hundred or  
5 greater, but less than three thousand five hundred, according  
6 to the most recent federal decennial census, nominations may  
7 be made by nomination papers signed by not less than ten  
8 eligible electors who are residents of the city or ward.

9 c. In cities having a population less than one hundred  
10 according to the most recent federal decennial census,  
11 nominations may be made by nomination papers signed by not  
12 less than five eligible electors who are residents of the  
13 city.

14 Sec. 6. Section 48.3, Code 1985, is amended to read as  
15 follows:

16 48.3 REGISTRATION FORM.

17 As an alternative to the method of registration prescribed  
18 by section 48.2, a person entitled to register under that  
19 section may cause delivery of a completed voter registration  
20 form to the commissioner of registration in the person's  
21 county of residence. A registration form or the envelope  
22 containing one or more registration forms for the use of  
23 individual registrants must be postmarked or otherwise  
24 delivered by the ~~twenty-fifth~~ fifteenth day prior to an  
25 election or the registration will not take effect for that  
26 election. A separate registration form shall be signed by  
27 each individual registrant. Within five working days after  
28 receiving a registration, the commissioner shall send the  
29 registrant a receipt of the registration by first class mail  
30 marked "do not forward". If the receipt is returned by the  
31 postal service the commissioner shall treat the registration  
32 as prescribed by section 48.31, subsection 6. An improperly  
33 addressed or delivered registration form shall be forwarded to  
34 the appropriate county commissioner of registration within two  
35 working days after it is received by any other official.

1     Sec. 7. Section 48.6, subsection 9, Code 1985, is amended  
2 to read as follows:

3     9. A certification in substantially the following form:

4     "I certify that I am a citizen of the United States, that I  
5 am or will be an eligible elector at any election at which I  
6 attempt to vote and that all of the information I have given  
7 upon this voter registration form is true. I authorize  
8 cancellation of any prior registration to vote in this or any  
9 other jurisdiction and my eligibility to vote in any  
10 jurisdiction where voter registration is not required. I am  
11 aware that fraudulently registering, or attempting to do so,  
12 is an aggravated misdemeanor under Iowa law." ~~At-the-time-the~~  
13 ~~registration-is-signed-by-the-eligible-elector-it-shall-also~~  
14 ~~be-signed-by-a-mobile-registrar,-employee-of-the~~  
15 ~~commissioner's-office,-or-other-eligible-elector.~~

16     Sec. 8. Section 48.7, subsection 1, paragraph b, Code  
17 1985, is amended to read as follows:

18     b. A qualified elector may record a change of name,  
19 telephone number, or address on election day at the polling  
20 place for the precinct in which the elector currently resides,  
21 if the elector's name or former name appears on the election  
22 register of a polling place in that county or that polling  
23 place for the election being held that day. The precinct  
24 election officials shall furnish such a qualified elector a  
25 registration form of the type prescribed for use by electors  
26 registering under section 48.3. The elector shall complete  
27 the form and submit it to the precinct election officials, who  
28 shall return it to the commissioner with the election  
29 supplies. If the qualified elector is submitting a change of  
30 address from an election register in another precinct, the  
31 elector shall cast a challenged ballot as provided in section  
32 49.81, but is not required to certify that the elector has not  
33 moved. If the qualified elector's former address and new  
34 address are in different counties, the registration form  
35 completed by the qualified elector shall be forwarded to the

1 commissioner of the elector's current county of residence by  
2 the commissioner conducting the election.

54813 Sec. 9. Section 48.27, subsection 3, paragraph d, Code  
4 1985, is amended by striking the paragraph.

5 Sec. 10. Section 49.13, subsection 4, Code 1985, is  
6 amended to read as follows:

7 4. The commissioner shall designate one member of each  
8 precinct election board as chairperson of that board, and also  
9 of the counting board authorized by chapter 51 if one is  
10 appointed, with authority over the mechanics of the work of  
11 both boards. The chairperson of the precinct election board  
12 shall be a member of the political party having the largest  
13 registration in the precinct. The chairperson of the counting  
14 board shall be a member of the political party with the  
15 largest registration in the county.

5457> 16 Sec. 11. Section 49.31, subsection 3, Code 1985, is  
17 amended to read as follows:

18 3. The ballots for any city elections, or school  
19 elections, or-any special election, or any other election at  
20 which any office is to be filled on a nonpartisan basis and  
21 the statutes governing the office to be filled are silent as  
22 to the arrangement of names on the ballot, shall contain the  
23 names of all nominees or candidates arranged in alphabetical  
24 order by surname under the heading of the office to be filled.  
25 When a city election, school election, or special election to  
26 fill-an-office, or any other election at which an office is to  
27 be filled on a nonpartisan basis, is held in more than one  
28 precinct, the candidates' names shall be rotated on the ballot  
29 from precinct to precinct in the manner prescribed by  
30 subsection 2.

31 Sec. 12. Section 49.99, Code 1985, is amended by adding  
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. If a voter writes the name of a  
34 person more than once in the proper places on a ballot or on a  
35 voting machine for an office to which more than one person is

1 to be elected, all but one of those votes for that person for  
2 that office are void and shall not be counted.

3 Sec. 13. Section 49.107, Code 1985, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. Serving as a member of a challenging  
6 committee under section 49.104, subsection 2, for the general  
7 election or the primary election by a member of a city  
8 council, a mayor, a member of the county board of supervisors,  
9 a county attorney, treasurer, sheriff, auditor, or recorder,  
10 or a state senator or representative during the person's term  
11 of office or while being a candidate for any of those offices.

12 Sec. 14. Section 50.48, subsection 1, unnumbered paragraph  
13 2, Code 1985, is amended by striking the paragraph.

5481 > 14 Sec. 15. Section 52.1, subsection 2, Code 1985, is amended  
15 by adding the following new lettered paragraph:

16 NEW LETTERED PARAGRAPH. k. "Program" means the written  
17 record of the set of instructions defining the operations to  
18 be performed by a computer in examining, counting, tabulating,  
19 and printing votes.

20 Sec. 16. Section 52.1, subsection 2, paragraph a, Code  
21 1985, is amended to read as follows:

22 a. "Voting machine" means a mechanical or electronic  
23 device, meeting the requirements of section 52.7, designated  
24 for use in casting, registering, recording, and counting votes  
25 at an election.

26 Sec. 17. Section 52.5, Code 1985, is amended to read as  
27 follows:

28 52.5 EXAMINATION OF MACHINE.

29 Any A person or corporation owning or being interested in  
30 any a voting machine or electronic voting system may request  
31 that the state commissioner call upon the said board of  
32 examiners to examine and test the said machine or system, and  
33 make. Within seven days of receiving a request for  
34 examination and test, the state commissioner shall notify the  
35 board of examiners of the request in writing and set a time

1 and place for the examination and test. The state  
2 commissioner shall formulate, with the advice and assistance  
3 of the examiners, and adopt rules governing the testing and  
4 examination of any voting machine or electronic voting system  
5 by the board of examiners. The rules shall prescribe the  
6 method to be used in determining whether the machine or system  
7 is suitable for use within the state and performance standards  
8 for voting equipment in use within the state. The rules shall  
9 include standards for determining when recertification is  
10 necessary following modifications to the equipment or to the  
11 programs used in tabulating votes, and a procedure for  
12 rescinding certification if a system or machine is found not  
13 to comply with performance standards adopted by the state  
14 commissioner. Following the examination and testing of the  
15 voting machine or system the examiners shall report to the  
16 state commissioner describing the testing and examination of  
17 the machine or system and upon the capacity of the said  
18 machine or system to register the will of voters, its accuracy  
19 and efficiency, and with respect to its mechanical perfections  
20 and imperfections. Their report shall be filed in the office  
21 of the state commissioner and shall state whether in their  
22 opinion the kind of machine or system so examined can be  
23 safely used by such voters at elections under the conditions  
24 prescribed in this chapter. If the report states that the  
25 machine or system can be so used, it shall be deemed approved  
26 by the examiners, and machines or systems of its kind may be  
27 adopted for use at elections as herein provided in this  
28 section. Any form of voting machine or system not so approved  
29 cannot be used at any election. Prior to actual purchase by  
30 any a county of any a particular electronic voting system  
31 which has been approved for use in this state, the state  
32 commissioner shall formulate, with the advice and assistance  
33 of the examiners, and adopt rules governing the development of  
34 vote counting programs and all procedures used in actual  
35 counting of votes by means of that system.

1     Sec. 18. Section 52.16, Code 1985, is amended to read as  
2 follows:

3     52.16 DUTIES OF ELECTION OFFICERS -- INDEPENDENT BALLOTS.

4     The election board of each precinct in which votes are to  
5 be cast by machine shall meet at the precinct polling place,  
6 at least one hour before the time set for the opening of the  
7 polls at each election, and shall proceed to arrange the  
8 furniture, stationery, and voting machine for the conduct of  
9 the election. The board shall cause at least two instruction  
10 cards to be posted conspicuously within the polling place. If  
11 not previously done, they shall arrange, in their proper place  
12 on the voting machine, the ballots containing the names of the  
13 offices to be filled at such the election, and the names of  
14 the candidates nominated therefor. If not previously done,  
15 the machine shall be so arranged as to show that no vote has  
16 been cast, and ~~the-same~~ shall not be thereafter operated,  
17 except by electors in voting.

18     PARAGRAPH DIVIDED. Before the polls are open for election,  
19 the board shall carefully examine every machine and see that  
20 no vote has been cast, and the ~~same-shall-be~~ machines are  
21 subject to inspection of the election officers. If the voting  
22 machine is equipped to produce a printed record showing the  
23 status of the counters, this record shall be produced by the  
24 precinct election officials immediately before the polls are  
25 open. The inspection sheets from each machine used in the  
26 election shall be available for examination throughout  
27 election day.

28     PARAGRAPH DIVIDED. Ballots voted for any person whose name  
29 does not appear on the machine as a nominated candidate for  
30 office, are ~~herein~~ referred to in this section as independent  
31 ballots. When two or more persons are to be elected to the  
32 same office, and the machine requires that all independent  
33 ballots voted for that office be deposited in a single  
34 receptacle or device, an elector may vote in or by such the  
35 receptacle or device for one or more persons whose names do

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

10 Sec. 19. Section 52.21, Code 1985, is amended by adding  
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. In a precinct in which only one  
13 voting machine is used and that machine can deliver,  
14 immediately upon the conclusion of voting, multiple copies of  
15 a printed record of the votes cast and the totals for each  
16 candidate or question appearing on the face of the machine,  
17 one of the copies may be used in lieu of the tally sheet  
18 specified in this section for the canvasses provided under  
19 sections 50.1 and 50.24. The state commissioner of elections  
20 may adopt rules regarding the certification of the printed  
21 record to allow its use in lieu of the tally sheet.

22 Sec. 20. Section 52.21, subsection 3, Code 1985, is  
23 amended to read as follows:

24 "3. That the public counter was set at 000 and that we  
25 opened the rear of (the or each) machine and examined every  
26 registering counter and that each registered 000, or, if the  
27 machines used have a capability to produce a printed record,  
28 that an inspection sheet from each machine used at this  
29 election was produced immediately prior to any vote being cast  
30 upon it showing that all counters were set at 000.

31 Sec. 21. Section 52.23, Code 1985, is amended by adding  
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. The inspection sheets from each  
34 machine used in the election and one copy of the printed  
35 results from each machine shall be signed by all precinct

1 election officials and, with any paper or papers upon which  
2 write-in votes were recorded by voters, shall be securely  
3 sealed in an envelope marked with the name and date of the  
4 election, the precinct, and the serial numbers of the machines  
5 from which the enclosed results were removed. This envelope  
6 shall be preserved, unopened, for six months unless a recount  
7 is requested pursuant to section 50.48. The envelope shall be  
8 destroyed in the same manner as ballots pursuant to section  
9 50.13. Additional copies of the results, if any, shall be  
10 delivered to the commissioner with the other supplies from the  
11 election pursuant to section 50.17.

12 Sec. 22. Section 52.31, Code 1985, is amended to read as  
13 follows:

14 52.31 PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS.

15 Preparations for voting and voting at any election in a  
16 precinct where votes are to be received on special paper  
17 ballots shall be in accordance with the provisions of chapter  
18 49 governing voting upon conventional paper ballots:--However,  
19 before with the following exceptions:

20 1. Before entering the voting booth each voter shall be  
21 cautioned to mark the ballot only with a vote marking device  
22 provided in the booth or by the precinct election officials.

23 2. In each precinct where a portable vote tallying system  
24 is used and the ballots are tabulated by a device located in  
25 the precinct which is equipped with a mechanism which will not  
26 permit more than one ballot to be inserted at a time, the  
27 voter may personally insert the ballot into the tabulating  
28 device.

29 Sec. 23. Section 52.34, Code 1985, is amended to read as  
30 follows:

31 52.34 COUNTING CENTER ESTABLISHED.

32 Before authorizing the purchase and ordering the use of an  
33 electronic voting system under section 52.2, the county board  
34 of supervisors shall, with advice of the commissioner,  
35 determine whether counting center equipment is to be purchased

1 as a part of the system and operated by the county, or the  
2 county will enter into an arrangement to have its ballots  
3 tabulated at a counting center maintained by another county,  
4 or whether ballots will be tabulated by devices located in  
5 each of the precincts in which the board of supervisors has  
6 ordered its use. The arrangement may be reviewed and revised,  
7 with approval of the board of supervisors, at any time. If a  
8 county acquires and operates a counting center at which  
9 ballots cast in one or more other counties are tabulated, the  
10 commissioner of the county acquiring and operating the center,  
11 or that commissioner's designee, shall be responsible for and  
12 in control of the operation of that counting center at all  
13 times, regardless of the origin of the ballots being tabulated  
14 at any particular time.

15 Sec. 24. Section 52.35, unnumbered paragraph 1, Code 1985,  
16 is amended to read as follows:

17 Within five days ~~prior-to~~ before the date of any election  
18 at which votes are to be cast by means of an electronic voting  
19 system and tabulated at a counting center established under  
20 section 52.34, the commissioner in charge of the counting  
21 center where votes so cast are to be tabulated shall have the  
22 automatic tabulating equipment tested to ascertain that it  
23 will correctly count the votes cast for all offices and on all  
24 public questions. The procedure for conducting the test shall  
25 be as follows:

26 Sec. 25. NEW SECTION. 52.38 TESTING PORTABLE TABULATING  
27 DEVICES.

28 All portable tabulating devices shall be tested before any  
29 election in which they are to be used following the procedure  
30 in section 52.35, subsection 2. Testing shall be completed  
31 not later than twelve hours before the opening of the polls on  
32 the morning of the election. The portable tabulating devices  
33 shall be tested at the polling place where they are to be  
34 used. The chairperson of each political party shall be  
35 notified in writing of the time the devices will be tested so

1 that the chairperson or a representative may be present.  
2 Those present for the test shall sign a certificate which  
3 shall read substantially as follows:

4 The undersigned certify that we were present and witnessed  
5 the testing of the portable tabulating devices in the  
6 following precincts, that we believe the devices are in proper  
7 condition for use in the election of .....  
8 ....., 19...; that following the test the vote  
9 totals were erased from the memory of each portable tabulating  
10 device and a report was produced showing that all vote totals  
11 in the memory were set at 0000; that the devices were securely  
12 locked or sealed; and that the serial numbers and locations of  
13 the devices which were tested are listed below.

14 Signed .....  
15 (name and political party affiliation)

16 .....  
17 .....  
18 (name and political party affiliation)

19 .....  
20 .....

21 Voting equipment custodian

22 .....  
23 Dated ..... 19...

24 Precinct	Location	Serial Number
25 .....	.....	.....
26 .....	.....	.....
27 .....	.....	.....

28 Sec. 26. Section 53.2, Code 1985, is amended by adding the  
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. If a request for an absentee  
31 ballot is received from an eligible elector who is not a  
32 qualified elector the commissioner shall send a registration  
33 form under section 48.3 to the eligible elector. If the  
34 registration form is properly returned by the time provided by  
35 section 48.3, the commissioner shall send the absentee ballot

1 to the qualified elector.

2 Sec. 27. NEW SECTION. 53.3 SPECIAL ABSENTEE BALLOT.

3 1. As provided in this section, the commissioner shall  
4 provide special absentee ballots to be used for state general  
5 elections. A special absentee ballot shall only be provided  
6 to a qualified elector who completes an application stating  
7 both of the following to the best of the qualified elector's  
8 belief:

9 a. The qualified elector will be residing or stationed or  
10 working outside the continental United States.

11 b. The qualified elector will be unable to vote and return  
12 a regular absentee ballot by normal mail delivery within the  
13 period provided for regular absentee ballots.

14 The application for a special absentee ballot shall not be  
15 filed earlier than ninety days prior to the general election.  
16 The special absentee ballot shall list the offices and  
17 measures, if known, scheduled to appear on the general  
18 election ballot. The qualified elector may use the special  
19 absentee ballot to write in the name of any eligible candidate  
20 for each office and may vote on any measure.

21 2. With any special absentee ballot issued under this sec-  
22 tion, the commissioner shall include a listing of any  
23 candidates who have filed before the time of the application  
24 for offices that will appear on the ballot at that general  
25 election and a list of any measures that have been referred to  
26 the ballot before the time of the application.

27 3. Write-in votes on special absentee ballots shall be  
28 counted in the same manner provided by law for the counting of  
29 other write-in votes. The commissioner shall process and  
30 canvass the special absentee ballots provided under this  
31 section in the same manner as other absentee ballots.

32 4. A qualified elector who requests a special absentee  
33 ballot under this section may also make application for an  
34 absentee ballot under section 53.2 or an armed forces absentee  
35 ballot under section 53.40. If the regular absentee or armed

1 forces absentee ballot is properly voted and returned, the  
2 special absentee ballot is void and the commissioner shall  
3 reject it in whole when special absentee ballots are  
4 canvassed.

5 Sec. 28. Section 53.8, subsection 1, Code 1985, is amended  
6 to read as follows:

7 1. Upon receipt of an application for an absentee ballot  
8 and immediately after the absentee ballots are printed, ~~it~~  
9 ~~shall-be-the-duty-of~~ the commissioner ~~to~~ shall mail an  
10 absentee ballot to the applicant within twenty-four hours,  
11 except as otherwise provided in subsection 3. The absentee  
12 ballot shall be enclosed in an unsealed envelope bearing a  
13 serial number and affidavit. The absentee ballot and unsealed  
14 envelope shall be enclosed in or with a carrier envelope which  
15 bears the same serial number as the unsealed envelope. The  
16 absentee ballot, unsealed envelope, and carrier envelope shall  
17 be enclosed in a third envelope to be sent to the qualified  
18 elector.

19 Sec. 29. Section 53.43, Code 1985, is amended to read as  
20 follows:

21 53.43 IDENTIFICATION ON ENVELOPE.

22 The envelopes used in connection with voting by absent  
23 voter's ballot by voters who are members of the armed forces  
24 of the United States, shall have stamped or printed on them  
25 the words "Armed Forces or Overseas Ballot" and a designation  
26 of the election at which said ballot is to be cast, either  
27 "Primary Election" or "General Election", as the case may be.

28 Sec. 30. Section 53.49, Code 1985, is amended by adding  
29 the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. Section 53.3 applies to  
31 qualified electors who are and who are not members of the  
32 armed forces of the United States.

33 Sec. 31. Section 69.14, Code 1985, is amended to read as  
34 follows:

35 69.14 SPECIAL ELECTION TO FILL VACANCIES.

1 A special election to fill a vacancy shall be held for a  
2 representative in Congress, or senator or representative in  
3 the general assembly, when the body in which such vacancy  
4 exists is in session, or will convene prior to the next  
5 general election, and the governor shall order, not later than  
6 five days from the date the vacancy exists, a special  
7 election, giving not less than forty days' notice of such  
8 election. In the event the special election is to fill a  
9 vacancy in the general assembly while it is in session or  
10 within forty-five days of the convening of any session, the  
11 time limit herein provided shall not apply and the governor  
12 shall order such special election at the earliest practical  
13 time, giving at least ten days' notice thereof. Any special  
14 election called under this section must be held on a Tuesday  
15 and shall not be held on the same day as a school election  
16 within the district.

17 Sec. 32. Section 376.2, Code 1985, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. After the effective date of this  
20 Act, a petition submitted under this section to change the  
21 term of council members from two to four years shall specify  
22 if the terms are to be staggered or run concurrently. If the  
23 petition provides for concurrent terms and the changed term is  
24 approved by the voters, unnumbered paragraph 3 of this section  
25 shall not apply and the terms shall be concurrent. If valid  
26 petitions for staggered and concurrent terms are submitted,  
27 the first filed shall govern.

5480,5481 >  
28 Sec. 33. Section 43.17, Code 1985, is repealed.

29 Sec. 34. Section 28 of this Act, being deemed of immediate  
30 importance, takes effect from and after this Act's publication  
31 in the Iowa City Press-Citizen, a newspaper published in Iowa  
32 City, Iowa, and in the Sigourney News-Review, a newspaper  
33 published in Sigourney, Iowa; section 29 becomes effective  
34 January 1, 1988; and the balance of the bill shall take effect  
35 July 1, 1986.

EXPLANATION

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Section 1 corrects a reference to the threshold amount for campaign disclosure reporting.

Section 2 requires public buildings to be available free of charge for caucuses and encourages colocation.

Sections 3 and 4 allow party rules to determine the time of county central committee organization and provide a term of two years for those officers.

Section 5 revises the number of petition signatures needed to nominate a candidate for a city office.

Section 6 provides that postcard registrations may be used until the fifteenth day before the election.

Section 7 removes the cosignature requirement from the voter registration form.

Section 8 allows a person to transfer registration on election day if one has moved from another precinct in the county where the person was registered.

Section 9 allows a candidate to be mobile registrar.

Section 10 provides that the chairperson of the precinct election board be a member of the majority party in the precinct.

Section 11 pertains to rotating candidates' names on nonpartisan ballots.

Section 12 prevents cumulative voting for an office to which more than one person is to be elected.

Section 13 prohibits certain elected officials and candidates from serving on a challenging committee.

Section 14 allows recounts in city primaries.

Section 15, 16, 17, 18, 20, 21, 22, 23, 24, and 25 pertain to the use of electronic voting machines and their testing, use and tabulation.

Section 19 allows the printed record of a voting machine to be used in lieu of the tally sheet in those precincts in which only one voting machine is used.

Section 26 requires the commissioner to send out a postcard

1 registration form and hold the absentee ballot request when an  
2 unregistered voter requests an absentee ballot.

3 Sections 27 and 30 provide a special absentee ballot for  
4 those who will be overseas or outside of normal mail delivery.

5 Section 28 pertains to the absentee ballot carrier  
6 envelope.

7 Section 29 relabels the armed forces ballot.

8 Section 31 prohibits a special election for congress or the  
9 general assembly being held on the same day as a school  
10 election in the district.

11 Section 32 allows a city to put its council members on  
12 four-year concurrent terms.

13 Section 33 eliminates the affidavit to the nomination  
14 petitions for primary elections.

15 Section 34 provides effective dates.

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## HOUSE FILE 2457

H-5481

1 Amend House File 2457 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 43.16, Code 1985, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:

7 43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

8 After a nomination paper has been filed, it shall  
9 not be returned to the person who has filed the paper,  
10 nor shall any signature or other information be added  
11 to the nomination paper.

12 A person who has filed nomination petitions with  
13 the state commissioner may withdraw as a candidate not  
14 later than the sixty-second day before the primary  
15 election by notifying the commissioner in writing.

16 A person who has filed nomination papers with the  
17 commissioner may withdraw as a candidate not later  
18 than the fifty-third day before the primary election  
19 by notifying the commissioner in writing.

20 The name of a candidate who has withdrawn or died  
21 at a time in accordance with this section shall be  
22 omitted from the certificate furnished by the state  
23 commissioner under section 43.22 and omitted from the  
24 primary election ballot.

25 Sec. 2. Section 43.23, Code 1985, is amended to  
26 read as follows:

27 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

28 1. When any person who has filed nomination papers  
29 with the state commissioner nomination-papers as a  
30 candidate in a primary election dies or withdraws on  
31 or-after-the-seventy-fifth up to the sixty-second day  
32 prior-to before the primary election, the appropriate  
33 convention or central committee of that person's  
34 political party may designate one additional primary  
35 election candidate for the nomination that person was  
36 seeking, if the designation is submitted to the state  
37 commissioner in writing by five o'clock p.m. on the  
38 sixtieth fifty-seventh day prior-to before the date of  
39 the primary election. The name of any candidate so  
40 submitted shall be included in the appropriate  
41 certificate or certificates furnished by the state  
42 commissioner under section 43.22.

43 2. When any person who has filed nomination papers  
44 with the commissioner nomination-papers as a candidate  
45 in a primary election dies or withdraws on-or-after  
46 the-sixtieth up to the fifty-third day prior-to before  
47 the primary election, the appropriate convention or  
48 central committee of that person's political party may  
49 designate one additional primary election candidate  
50 for the nomination that person was seeking, if the

H-5481

Page Two

1 designation is submitted to the commissioner in  
2 writing by five o'clock p.m. on the forty-ninth day  
3 ~~prior to~~ before the primary election. The name of any  
4 candidate so submitted shall be placed on the  
5 appropriate ballot or ballots by the commissioner."

6 2. Page 5, line 3, by inserting after the words  
7 "paragraph d," the following: "and subsection 4,  
8 paragraph e,".

9 3. Page 5, by striking line 4 and inserting the  
10 following: "1985, are amended by striking the  
11 paragraphs."

12 4. Page 6, by inserting after line 13 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 50.48, Code 1985, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. If the election is an election  
17 held by a city which is not the final election for the  
18 office in question, the recount shall progress  
19 according to the times provided by this subsection.  
20 If this subsection applies the canvass shall be held  
21 by the second day after the election, the request for  
22 a recount must be made by the third day after the  
23 election, the board shall convene to conduct the  
24 recount by the sixth day after the election, and the  
25 report shall be filed by the eleventh day after the  
26 election."

27 5. Page 15, by inserting after line 27 the  
28 following:

29 "Sec. \_\_\_\_\_. Section 376.4, unnumbered paragraph  
30 one, Code 1985, is amended to read as follows:

31 An eligible elector of a city may become a  
32 candidate for an elective city office by filing with  
33 the city clerk a valid petition requesting that the  
34 elector's name be placed on the ballot for that  
35 office. The petition must be filed not more than  
36 ~~sixty-five~~ seventy-two days nor less than ~~forty~~ forty-  
37 seven days before the date of the election, and must  
38 be signed by eligible electors equal in number to at  
39 least two percent of those who voted to fill the same  
40 office at the last regular city election, but not less  
41 than ten persons. Nomination petitions shall be filed  
42 not later than five o'clock p.m. on the last day for  
43 filing.

44 Sec. \_\_\_\_\_. Section 376.7, unnumbered paragraph one,  
45 Code 1985, is amended to read as follows:

46 If a primary election is necessary, it shall be  
47 held on the Tuesday ~~three~~ four weeks before the date  
48 of the regular city election. The county board of  
49 supervisors shall publicly canvass the tally lists of  
50 the vote cast in the primary election, following the

H-5481

Page Three

1 procedures prescribed in section 50.24, at a meeting  
2 to be held beginning at one o'clock in the afternoon  
3 on the second day following the primary election.  
4 Sec. \_\_\_\_\_. Section 376.9, unnumbered paragraph two,  
5 Code 1985, is amended to read as follows:  
6 Runoff elections shall be held three four weeks  
7 after the date of the regular city election and shall  
8 be conducted in the same manner as regular city  
9 elections."

H-5481 FILED MARCH 19, 1986 BY ARNOULD of Scott  
*Adopted 3/20 (p. 928)*

## HOUSE FILE 2457

H-5480

1 Amend House File 2457 as follows:  
2 1. Page 15, by inserting after line 27 the  
3 following:  
4 "Sec. \_\_\_\_\_. 1986 Iowa Acts, Senate File 540,  
5 section 9, is amended to read as follows:  
6 SEC. 9. Section 56.6, subsection 3, Code 1985, is  
7 amended by adding the following new lettered  
8 paragraphs:  
9 NEW LETTERED PARAGRAPH. If a person listed under  
10 paragraph "b", "d", "e", or "f" as making a  
11 contribution or loan to or purchase from a candidate's  
12 committee is related to the candidate within the third  
13 degree of consanguinity or affinity, the existence of  
14 that person's family relationship shall be indicated  
15 on the report.  
16 NEW LETTERED PARAGRAPH. The name and mailing  
17 address of each person with whom a candidate's  
18 committee has entered into a contract during the  
19 reporting period for future or continuing performance  
20 and the nature of the performance, period of  
21 performance and total, anticipated compensation for  
22 performance. For a report filed under subsection 1,  
23 paragraph "b", this paragraph also requires the  
24 reporting of estimates of performance which the  
25 candidate's committee reasonably expects to contract  
26 for during the balance of the reporting period running  
27 until thirty days after the election."

H-5480 FILED MARCH 19, 1986 BY HALVORSON of Webster  
*Adopted 3/20 (p. 930)*

HOUSE FILE 2457

H-5354

- 1 Amend House File 2457 as follows:
- 2 1. Page 2, line 4, by inserting after the word
- 3 "officer" the words "dies, resigns or".

H-5354 FILED MARCH 14, 1986 BY SPEAR of Lee

*Adopted 3/20 (p. 929)*

HOUSE FILE 2457

H-5440

- 1 Amend House File 2457 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "for" the words "an office filled by the voters of a".

H-5440 FILED MARCH 17, 1986 BY SPEAR of Lee

*Adopted 3/26 (p. 929)*

HOUSE FILE 2457

H-5457

- 1 Amend House File 2457 as follows:
- 2 1. Page 5, by inserting after line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 49.31, subsection 2, Code 1985,
- 5 is amended to read as follows:
- 6 2. The commissioner shall prepare a list of the
- 7 election precincts of the county, by arranging the
- 8 various townships and cities in the county in
- 9 alphabetical order, and the wards or precincts in each
- 10 city or township in numerical order under the name of
- 11 such city or township. The commissioner shall then
- 12 arrange the surnames of each political party's
- 13 candidates for each office to which two or more
- 14 persons are to be elected at large alphabetically for
- 15 the respective offices for the first precinct on the
- 16 list; thereafter, for each political party and for
- 17 each succeeding precinct, the names appearing first
- 18 for the respective offices in the last preceding
- 19 precinct shall be placed last, so that the names that
- 20 were second before the change shall be first after the
- 21 change. The commissioner may also rotate the names of
- 22 candidates of a political party in the reverse order
- 23 of that provided in this subsection or alternate the
- 24 rotation so that the candidates of different parties
- 25 shall not be paired as they proceed through the
- 26 rotation. The procedure for arrangement of names on
- 27 ballots provided in this section shall likewise be
- 28 substantially followed in elections in political
- 29 subdivisions of less than a county."

H-5457 FILED MARCH 18, 1986 BY HAMMOND of Story

*Adopted 3/26 (p. 929)*

HOUSE FILE 2457  
BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House March 21, 1986)

By Passed House, Date 4-24-86 (p. 1262) Passed Senate, Date 4-2-86 (p. 1002)  
Vote: Ayes 95 Nays 1 Vote: Ayes 40 Nays 0

Approved May 27, 1986

~~By~~

*Motion to reconsider (p. 1012) adopted 4/16*  
*Repassed Senate 4-16-86 (p. 1250)*  
36-18  
*Repassed Senate 4-25-86 (p. 1463)*  
35-14

A BILL FOR

1 An Act relating to elections.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 43.16, Code 1985, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

5 After a nomination paper has been filed, it shall not be  
6 returned to the person who has filed the paper, nor shall any  
7 signature or other information be added to the nomination  
8 paper.

9 A person who has filed nomination petitions with the state  
10 commissioner may withdraw as a candidate not later than the  
11 sixty-second day before the primary election by notifying the  
12 commissioner in writing.

13 A person who has filed nomination papers with the  
14 commissioner may withdraw as a candidate not later than the  
15 fifty-third day before the primary election by notifying the  
16 commissioner in writing.

17 The name of a candidate who has withdrawn or died at a time  
18 in accordance with this section shall be omitted from the  
19 certificate furnished by the state commissioner under section  
20 43.22 and omitted from the primary election ballot.

21 Sec. 2. Section 43.23, Code 1985, is amended to read as  
22 follows:

23 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

24 1. When any person who has filed nomination papers with  
25 the state commissioner nomination-papers as a candidate in a  
26 primary election dies or withdraws ~~on-or-after-the-seventy-~~  
27 ~~fifth~~ up to the sixty-second day ~~prior-to~~ before the primary  
28 election, the appropriate convention or central committee of  
29 that person's political party may designate one additional  
30 primary election candidate for the nomination that person was  
31 seeking, if the designation is submitted to the state  
32 commissioner in writing by five o'clock p.m. on the ~~sixtieth~~  
33 ~~fifty-seventh~~ day ~~prior-to~~ before the date of the primary  
34 election. The name of any candidate so submitted shall be  
35 included in the appropriate certificate or certificates

1 furnished by the state commissioner under section 43.22.  
 2 2. When any person who has filed nomination papers with  
 3 the commissioner nomination-papers as a candidate in a primary  
 4 election dies or withdraws on-or-after-the-sixtieth up to the  
 5 fifty-third day prior-to before the primary election, the  
 6 appropriate convention or central committee of that person's  
 7 political party may designate one additional primary election  
 8 candidate for the nomination that person was seeking, if the  
 9 designation is submitted to the commissioner in writing by  
 10 five o'clock p.m. on the forty-ninth day prior-to before the  
 11 primary election. The name of any candidate so submitted  
 12 shall be placed on the appropriate ballot or ballots by the  
 13 commissioner.

14 Sec. 3. Section 43.67, unnumbered paragraph 3, Code 1985,  
 15 is amended to read as follows:

16 I am aware that I am required to organize a candidate's  
 17 committee which shall file an organization statement and  
 18 disclosure reports if it receives contributions, makes  
 19 expenditures, or incurs indebtedness in excess of one two  
 20 hundred fifty dollars for the purpose of supporting my  
 21 candidacy for public office.

22 .....  
 23 (Signed)

24 Sec. 4. Section 43.93, Code 1985, is amended to read as  
 25 follows:

26 43.93 PLACE OF HOLDING CAUCUS.

27 Each precinct caucus shall be held in a building which is  
 28 publicly owned or is suitable for and from time to time made  
 29 available for holding public meetings wherever it is possible  
 30 to do so. Upon the application of the county chairperson, the  
 31 person having control of a building supported by taxation  
 32 under the laws of this state shall make available the space  
 33 necessary to conduct the caucus without charge. When using  
 34 public buildings, the county chairpersons shall cooperate to  
 35 attempt the colocation of the caucuses.

1 Sec. 5. Section 43.100, unnumbered paragraph 1, Code 1985,  
2 is amended to read as follows:

3 The county central committee shall ~~organize-within-ten-days~~  
4 ~~before-or-after-the-day-of-the-county-convention~~ elect the  
5 officers of the committee. Each member ~~elected-to-the-county~~  
6 ~~central-committee~~ shall receive be given written notice at  
7 least five days in advance of the time and place of ~~the~~  
8 ~~organizational~~ any meeting scheduled for the election of  
9 officers.

10 Sec. 6. NEW SECTION. 43.100A COUNTY CENTRAL COMMITTEE  
11 OFFICERS.

12 The county central committee shall elect a chair, cochair,  
13 secretary, treasurer, and other officers as it may determine.  
14 The term of office of an officer begins at the time specified  
15 by the party's state constitution or bylaws and continues for  
16 two years and until the officer's successor is elected and  
17 qualified, unless the officer dies, resigns or is sooner  
18 removed by the county central committee for inattention to  
19 duty or incompetency.

20 Sec. 7. Section 45.1, Code 1985, is amended to read as  
21 follows:

22 45.1 NOMINATIONS BY PETITION.

23 1. Nominations for candidates for president and vice  
24 president and for state offices may be made by nomination  
25 papers signed by not less than one thousand eligible electors  
26 of the state~~7~~. For candidates for president and vice  
27 president, the names and addresses of the candidates for  
28 presidential electors shall be printed on the face of or  
29 attached to each page of the nomination petition.

30 2. Nominations for candidates for offices filled by the  
31 voters of a county, district, or other division may be made by  
32 papers signed by eligible electors residing in the county,  
33 district, or division equal in number to at least two percent  
34 of the total vote received by all candidates for president of  
35 the United States or governor, as the case may be, at the last

1 preceding general election in the county, district, or  
2 division, and.

3 3. Nominations for an office filled by the voters of a  
4 township, city or ward, may be made by papers signed by not  
5 less than twenty-five eligible electors, residents of the  
6 township, city or ward. In the case of candidates for  
7 president and vice-president, the names and addresses of the  
8 candidates for presidential electors shall be printed on the  
9 face of or attached to each page of the nomination petition.

10 4. Nominations for candidates for elective offices in  
11 cities where the council has adopted nominations under this  
12 chapter may be submitted as follows:

13 a. In cities having a population of three thousand five  
14 hundred or greater according to the most recent federal  
15 decennial census, nominations may be made by nomination papers  
16 signed by not less than twenty-five eligible electors who are  
17 residents of the city or ward.

18 b. In cities having a population of one hundred or  
19 greater, but less than three thousand five hundred, according  
20 to the most recent federal decennial census, nominations may  
21 be made by nomination papers signed by not less than ten  
22 eligible electors who are residents of the city or ward.

23 c. In cities having a population less than one hundred  
24 according to the most recent federal decennial census,  
25 nominations may be made by nomination papers signed by not  
26 less than five eligible electors who are residents of the  
27 city.

28 Sec. 8. Section 48.3, Code 1985, is amended to read as  
29 follows:

30 48.3 REGISTRATION FORM.

31 As an alternative to the method of registration prescribed  
32 by section 48.2, a person entitled to register under that  
33 section may cause delivery of a completed voter registration  
34 form to the commissioner of registration in the person's  
35 county of residence. A registration form or the envelope

1 containing one or more registration forms for the use of  
2 individual registrants must be postmarked or otherwise  
3 delivered by the ~~twenty-fifth~~ fifteenth day prior to an  
4 election or the registration will not take effect for that  
5 election. A separate registration form shall be signed by  
6 each individual registrant. Within five working days after  
7 receiving a registration, the commissioner shall send the  
8 registrant a receipt of the registration by first class mail  
9 marked "do not forward". If the receipt is returned by the  
10 postal service the commissioner shall treat the registration  
11 as prescribed by section 48.31, subsection 6. An improperly  
12 addressed or delivered registration form shall be forwarded to  
13 the appropriate county commissioner of registration within two  
14 working days after it is received by any other official.

15 Sec. 9. Section 48.6, subsection 9, Code 1985, is amended  
16 to read as follows:

17 9. A certification in substantially the following form:

18 "I certify that I am a citizen of the United States, that I  
19 am or will be an eligible elector at any election at which I  
20 attempt to vote and that all of the information I have given  
21 upon this voter registration form is true. I authorize  
22 cancellation of any prior registration to vote in this or any  
23 other jurisdiction and my eligibility to vote in any  
24 jurisdiction where voter registration is not required. I am  
25 aware that fraudulently registering, or attempting to do so,  
26 is an aggravated misdemeanor under Iowa law." ~~At-the-time-the~~  
27 ~~registration-is-signed-by-the-eligible-electer-it-shall-also~~  
28 ~~be-signed-by-a-mobile-registrar, employee-of-the~~  
29 ~~commissioner's-office, or-other-eligible-electer.~~

30 Sec. 10. Section 48.7, subsection 1, paragraph b, Code  
31 1985, is amended to read as follows:

32 b. A qualified elector may record a change of name,  
33 telephone number, or address on election day at the polling  
34 place for the precinct in which the elector currently resides,  
35 if the elector's name or former name appears on the election

1 register of a polling place in that county or that polling  
2 place for the election being held that day. The precinct  
3 election officials shall furnish such a qualified elector a  
4 registration form of the type prescribed for use by electors  
5 registering under section 48.3. The elector shall complete  
6 the form and submit it to the precinct election officials, who  
7 shall return it to the commissioner with the election  
8 supplies. If the qualified elector is submitting a change of  
9 address from an election register in another precinct, the  
10 elector shall cast a challenged ballot as provided in section  
11 49.81, but is not required to certify that the elector has not  
12 moved. If the qualified elector's former address and new  
13 address are in different counties, the registration form  
14 completed by the qualified elector shall be forwarded to the  
15 commissioner of the elector's current county of residence by  
16 the commissioner conducting the election.

<sup>5463</sup>17 Sec. 11. Section 48.27, subsection 3, paragraph d, and  
18 subsection 4, paragraph e, Code 1985, are amended by striking  
19 the paragraphs.

<sup>5669</sup>20 Sec. 12. Section 49.13, subsection 4, Code 1985, is  
21 amended to read as follows:

<sup>5597</sup>22 4. The commissioner shall designate one member of each  
23 precinct election board as chairperson of that board, and also  
24 of the counting board authorized by chapter 51 if one is  
25 appointed, with authority over the mechanics of the work of  
26 both boards. The chairperson of the precinct election board  
27 shall be a member of the political party having the largest  
28 registration in the precinct. The chairperson of the counting  
29 board shall be a member of the political party with the  
30 largest registration in the county.

31 Sec. 13. Section 49.31, subsection 2, Code 1985, is  
32 amended to read as follows:

33 2. The commissioner shall prepare a list of the election  
34 precincts of the county, by arranging the various townships  
35 and cities in the county in alphabetical order, and the wards

1 or precincts in each city or township in numerical order under  
2 the name of such city or township. The commissioner shall then  
3 arrange the surnames of each political party's candidates for  
4 each office to which two or more persons are to be elected at  
5 large alphabetically for the respective offices for the first  
6 precinct on the list; thereafter, for each political party and  
7 for each succeeding precinct, the names appearing first for  
8 the respective offices in the last preceding precinct shall be  
9 placed last, so that the names that were second before the  
10 change shall be first after the change. The commissioner may  
11 also rotate the names of candidates of a political party in  
12 the reverse order of that provided in this subsection or  
13 alternate the rotation so that the candidates of different  
14 parties shall not be paired as they proceed through the  
15 rotation. The procedure for arrangement of names on ballots  
16 provided in this section shall likewise be substantially  
17 followed in elections in political subdivisions of less than a  
18 county.

19 Sec. 14. Section 49.31, subsection 3, Code 1985, is  
20 amended to read as follows:

21 3. The ballots for any city elections, or school  
22 elections, ~~or~~ any special election, or any other election at  
23 which any office is to be filled on a nonpartisan basis and  
24 the statutes governing the office to be filled are silent as  
25 to the arrangement of names on the ballot, shall contain the  
26 names of all nominees or candidates arranged in alphabetical  
27 order by surname under the heading of the office to be filled.  
28 When a city election, school election, ~~or~~ special election to  
29 fill an office, or any other election at which an office is to  
30 be filled on a nonpartisan basis, is held in more than one  
31 precinct, the candidates' names shall be rotated on the ballot  
32 from precinct to precinct in the manner prescribed by  
33 subsection 2.

34 Sec. 15. Section 49.99, Code 1985, is amended by adding  
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. If a voter writes the name of a  
2 person more than once in the proper places on a ballot or on a  
3 voting machine for an office to which more than one person is  
4 to be elected, all but one of those votes for that person for  
5 that office are void and shall not be counted.

6 Sec. 16. Section 49.107, Code 1985, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. Serving as a member of a challenging  
9 committee under section 49.104, subsection 2, for the general  
10 election or the primary election by a member of a city  
11 council, a mayor, a member of the county board of supervisors,  
12 a county attorney, treasurer, sheriff, auditor, or recorder,  
13 or a state senator or representative during the person's term  
14 of office or while being a candidate for any of those offices.

15 Sec. 17. Section 50.48, subsection 1, unnumbered paragraph  
16 2, Code 1985, is amended by striking the paragraph.

17 Sec. 18. Section 50.48, Code 1985, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. If the election is an election held by a  
20 city which is not the final election for the office in  
21 question, the recount shall progress according to the times  
22 provided by this subsection. If this subsection applies the  
23 canvass shall be held by the second day after the election,  
24 the request for a recount must be made by the third day after  
25 the election, the board shall convene to conduct the recount  
26 by the sixth day after the election, and the report shall be  
27 filed by the eleventh day after the election.

28 Sec. 19. Section 52.1, subsection 2, Code 1985, is amended  
29 by adding the following new lettered paragraph:

30 NEW LETTERED PARAGRAPH. k. "Program" means the written  
31 record of the set of instructions defining the operations to  
32 be performed by a computer in examining, counting, tabulating,  
33 and printing votes.

34 Sec. 20. Section 52.1, subsection 2, paragraph a, Code  
35 1985, is amended to read as follows:

1 a. "Voting machine" means a mechanical or electronic  
2 device, meeting the requirements of section 52.7, designated  
3 for use in casting, registering, recording, and counting votes  
4 at an election.

5 Sec. 21. Section 52.5, Code 1985, is amended to read as  
6 follows:

7 52.5 EXAMINATION OF MACHINE.

8 Any A person or corporation owning or being interested in  
9 any a voting machine or electronic voting system may request  
10 that the state commissioner call upon the said board of  
11 examiners to examine and test the said machine or system,--and  
12 make. Within seven days of receiving a request for  
13 examination and test, the state commissioner shall notify the  
14 board of examiners of the request in writing and set a time  
15 and place for the examination and test. The state  
16 commissioner shall formulate, with the advice and assistance  
17 of the examiners, and adopt rules governing the testing and  
18 examination of any voting machine or electronic voting system  
19 by the board of examiners. The rules shall prescribe the  
20 method to be used in determining whether the machine or system  
21 is suitable for use within the state and performance standards  
22 for voting equipment in use within the state. The rules shall  
23 include standards for determining when recertification is  
24 necessary following modifications to the equipment or to the  
25 programs used in tabulating votes, and a procedure for  
26 rescinding certification if a system or machine is found not  
27 to comply with performance standards adopted by the state  
28 commissioner. Following the examination and testing of the  
29 voting machine or system the examiners shall report to the  
30 state commissioner describing the testing and examination of  
31 the machine or system and upon the capacity of the said  
32 machine or system to register the will of voters, its accuracy  
33 and efficiency, and with respect to its mechanical perfections  
34 and imperfections. Their report shall be filed in the office  
35 of the state commissioner and shall state whether in their

1 opinion the kind of machine or system so examined can be  
2 safely used by ~~such~~ voters at elections under the conditions  
3 prescribed in this chapter. If the report states that the  
4 machine or system can be so used, it shall be deemed approved  
5 by the examiners, and machines or systems of its kind may be  
6 adopted for use at elections as ~~herein~~ provided in this  
7 section. Any form of voting machine or system not so approved  
8 cannot be used at any election. Prior to actual purchase by  
9 any a county of any a particular electronic voting system  
10 which has been approved for use in this state, the state  
11 commissioner shall formulate, with the advice and assistance  
12 of the examiners, and adopt rules governing the development of  
13 vote counting programs and all procedures used in actual  
14 counting of votes by means of that system.

15 Sec. 22. Section 52.16, Code 1985, is amended to read as  
16 follows:

17 52.16 DUTIES OF ELECTION OFFICERS -- INDEPENDENT BALLOTS.

18 The election board of each precinct in which votes are to  
19 be cast by machine shall meet at the precinct polling place,  
20 at least one hour before the time set for the opening of the  
21 polls at each election, and shall proceed to arrange the  
22 furniture, stationery, and voting machine for the conduct of  
23 the election. The board shall cause at least two instruction  
24 cards to be posted conspicuously within the polling place. If  
25 not previously done, they shall arrange, in their proper place  
26 on the voting machine, the ballots containing the names of the  
27 offices to be filled at ~~such~~ the election, and the names of  
28 the candidates nominated ~~therefor~~. If not previously done,  
29 the machine shall be so arranged as to show that no vote has  
30 been cast, and ~~the-same~~ shall not be thereafter operated,  
31 except by electors in voting.

32 PARAGRAPH DIVIDED. Before the polls are open for election,  
33 the board shall carefully examine every machine and see that  
34 no vote has been cast, and the ~~same-shall-be~~ machines are  
35 subject to inspection of the election officers. If the voting

1 machine is equipped to produce a printed record showing the  
2 status of the counters, this record shall be produced by the  
3 precinct election officials immediately before the polls are  
4 open. The inspection sheets from each machine used in the  
5 election shall be available for examination throughout  
6 election day.

7 PARAGRAPH DIVIDED. Ballots voted for any person whose name  
8 does not appear on the machine as a nominated candidate for  
9 office, are herein referred to in this section as independent  
10 ballots. When two or more persons are to be elected to the  
11 same office, and the machine requires that all independent  
12 ballots voted for that office be deposited in a single  
13 receptacle or device, an elector may vote in or by such the  
14 receptacle or device for one or more persons whose names do  
15 not appear upon the machine with or without the names of one  
16 or more persons whose names do so appear. With that  
17 exception, and except for presidential electors, no  
18 independent ballot shall be voted for any person for any  
19 office whose name appears on the machine as a nominated  
20 candidate for that office; any independent ballot so voted  
21 shall not be counted. An independent ballot must be cast in  
22 its appropriate place on the machine, or it shall be void and  
23 not counted.

24 Sec. 23. Section 52.21, Code 1985, is amended by adding  
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. In a precinct in which only one  
27 voting machine is used and that machine can deliver,  
28 immediately upon the conclusion of voting, multiple copies of  
29 a printed record of the votes cast and the totals for each  
30 candidate or question appearing on the face of the machine,  
31 one of the copies may be used in lieu of the tally sheet  
32 specified in this section for the canvasses provided under  
33 sections 50.1 and 50.24. The state commissioner of elections  
34 may adopt rules regarding the certification of the printed  
35 record to allow its use in lieu of the tally sheet.

1 Sec. 24. Section 52.21, subsection 3, Code 1985, is  
2 amended to read as follows:

3 "3. That the public counter was set at 000 and that we  
4 opened the rear of (the or each) machine and examined every  
5 registering counter and that each registered 000, or, if the  
6 machines used have a capability to produce a printed record,  
7 that an inspection sheet from each machine used at this  
8 election was produced immediately prior to any vote being cast  
9 upon it showing that all counters were set at 000.

10 Sec. 25. Section 52.23, Code 1985, is amended by adding  
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. The inspection sheets from each  
13 machine used in the election and one copy of the printed  
14 results from each machine shall be signed by all precinct  
15 election officials and, with any paper or papers upon which  
16 write-in votes were recorded by voters, shall be securely  
17 sealed in an envelope marked with the name and date of the  
18 election, the precinct, and the serial numbers of the machines  
19 from which the enclosed results were removed. This envelope  
20 shall be preserved, unopened, for six months unless a recount  
21 is requested pursuant to section 50.48. The envelope shall be  
22 destroyed in the same manner as ballots pursuant to section  
23 50.13. Additional copies of the results, if any, shall be  
24 delivered to the commissioner with the other supplies from the  
25 election pursuant to section 50.17.

26 Sec. 26. Section 52.31, Code 1985, is amended to read as  
27 follows:

28 52.31 PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS.

29 Preparations for voting and voting at any election in a  
30 precinct where votes are to be received on special paper  
31 ballots shall be in accordance with the provisions of chapter  
32 49 governing voting upon conventional paper ballots--~~However,~~  
33 before with the following exceptions:

34 1. Before entering the voting booth each voter shall be  
35 cautioned to mark the ballot only with a vote marking device

1 provided in the booth or by the precinct election officials.

2 2. In each precinct where a portable vote tallying system  
3 is used and the ballots are tabulated by a device located in  
4 the precinct which is equipped with a mechanism which will not  
5 permit more than one ballot to be inserted at a time, the  
6 voter may personally insert the ballot into the tabulating  
7 device.

8 Sec. 27. Section 52.34, Code 1985, is amended to read as  
9 follows:

10 52.34 COUNTING CENTER ESTABLISHED.

11 Before authorizing the purchase and ordering the use of an  
12 electronic voting system under section 52.2, the county board  
13 of supervisors shall, with advice of the commissioner,  
14 determine whether counting center equipment is to be purchased  
15 as a part of the system and operated by the county, or the  
16 county will enter into an arrangement to have its ballots  
17 tabulated at a counting center maintained by another county,  
18 or whether ballots will be tabulated by devices located in  
19 each of the precincts in which the board of supervisors has  
20 ordered its use. The arrangement may be reviewed and revised,  
21 with approval of the board of supervisors, at any time. If a  
22 county acquires and operates a counting center at which  
23 ballots cast in one or more other counties are tabulated, the  
24 commissioner of the county acquiring and operating the center,  
25 or that commissioner's designee, shall be responsible for and  
26 in control of the operation of that counting center at all  
27 times, regardless of the origin of the ballots being tabulated  
28 at any particular time.

29 Sec. 28. Section 52.35, unnumbered paragraph 1, Code 1985,  
30 is amended to read as follows:

31 Within five days ~~prior-to~~ before the date of any election  
32 at which votes are to be cast by means of an electronic voting  
33 system and tabulated at a counting center established under  
34 section 52.34, the commissioner in charge of the counting  
35 center where votes so cast are to be tabulated shall have the

1 automatic tabulating equipment tested to ascertain that it  
2 will correctly count the votes cast for all offices and on all  
3 public questions. The procedure for conducting the test shall  
4 be as follows:

5 Sec. 29. NEW SECTION. 52.38 TESTING PORTABLE TABULATING  
6 DEVICES.

7 All portable tabulating devices shall be tested before any  
8 election in which they are to be used following the procedure  
9 in section 52.35, subsection 2. Testing shall be completed  
10 not later than twelve hours before the opening of the polls on  
11 the morning of the election. The portable tabulating devices  
12 shall be tested at the polling place where they are to be  
13 used. The chairperson of each political party shall be  
14 notified in writing of the time the devices will be tested so  
15 that the chairperson or a representative may be present.  
16 Those present for the test shall sign a certificate which  
17 shall read substantially as follows:

18 The undersigned certify that we were present and witnessed  
19 the testing of the portable tabulating devices in the  
20 following precincts, that we believe the devices are in proper  
21 condition for use in the election of .....  
22 ....., 19...; that following the test the vote  
23 totals were erased from the memory of each portable tabulating  
24 device and a report was produced showing that all vote totals  
25 in the memory were set at 0000; that the devices were securely  
26 locked or sealed; and that the serial numbers and locations of  
27 the devices which were tested are listed below.

28 Signed .....  
29 (name and political party affiliation)  
30  
31 .....  
32 (name and political party affiliation)  
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34 .....  
35 Voting equipment custodian

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Dated ..... 19...

Precinct	Location	Serial Number
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Sec. 30. Section 53.2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a request for an absentee

ballot is received from an eligible elector who is not a qualified elector the commissioner shall send a registration form under section 48.3 to the eligible elector. If the registration form is properly returned by the time provided by section 48.3, the commissioner shall send the absentee ballot to the qualified elector.

Sec. 31. NEW SECTION. 53.3 SPECIAL ABSENTEE BALLOT.

1. As provided in this section, the commissioner shall provide special absentee ballots to be used for state general elections. A special absentee ballot shall only be provided to a qualified elector who completes an application stating both of the following to the best of the qualified elector's belief:

a. The qualified elector will be residing or stationed or working outside the continental United States.

b. The qualified elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot shall not be filed earlier than ninety days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot. The qualified elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

2. With any special absentee ballot issued under this sec-

1 tion, the commissioner shall include a listing of any  
2 candidates who have filed before the time of the application  
3 for offices that will appear on the ballot at that general  
4 election and a list of any measures that have been referred to  
5 the ballot before the time of the application.

6 3. Write-in votes on special absentee ballots shall be  
7 counted in the same manner provided by law for the counting of  
8 other write-in votes. The commissioner shall process and  
9 canvass the special absentee ballots provided under this  
10 section in the same manner as other absentee ballots.

11 4. A qualified elector who requests a special absentee  
12 ballot under this section may also make application for an  
13 absentee ballot under section 53.2 or an armed forces absentee  
14 ballot under section 53.40. If the regular absentee or armed  
15 forces absentee ballot is properly voted and returned, the  
16 special absentee ballot is void and the commissioner shall  
17 reject it in whole when special absentee ballots are  
18 canvassed.

5463 19 Sec. 32. Section 53.8, subsection 1, Code 1985, is amended  
20 to read as follows:

21 1. Upon receipt of an application for an absentee ballot  
22 and immediately after the absentee ballots are printed, it  
23 ~~shall be the duty of~~ the commissioner to shall mail an  
24 absentee ballot to the applicant within twenty-four hours,  
25 except as otherwise provided in subsection 3. The absentee  
26 ballot shall be enclosed in an unsealed envelope bearing a  
27 serial number and affidavit. The absentee ballot and unsealed  
28 envelope shall be enclosed in or with a carrier envelope which  
29 bears the same serial number as the unsealed envelope. The  
30 absentee ballot, unsealed envelope, and carrier envelope shall  
31 be enclosed in a third envelope to be sent to the qualified  
32 elector.

33 Sec. 33. Section 53.43, Code 1985, is amended to read as  
34 follows:

35 53.43 IDENTIFICATION ON ENVELOPE.

1 The envelopes used in connection with voting by absent  
2 voter's ballot by voters who are members of the armed forces  
3 of the United States, shall have stamped or printed on them  
4 the words "Armed Forces or Overseas Ballot" and a designation  
5 of the election at which said ballot is to be cast, either  
6 "Primary Election" or "General Election", as the case may be.

7 Sec. 34. Section 53.49, Code 1985, is amended by adding  
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Section 53.3 applies to  
10 qualified electors who are and who are not members of the  
11 armed forces of the United States.

12 Sec. 35. Section 69.14, Code 1985, is amended to read as  
13 follows:

14 69.14 SPECIAL ELECTION TO FILL VACANCIES.

15 A special election to fill a vacancy shall be held for a  
16 representative in Congress, or senator or representative in  
17 the general assembly, when the body in which such vacancy  
18 exists is in session, or will convene prior to the next  
19 general election, and the governor shall order, not later than  
20 five days from the date the vacancy exists, a special  
21 election, giving not less than forty days' notice of such  
22 election. In the event the special election is to fill a  
23 vacancy in the general assembly while it is in session or  
24 within forty-five days of the convening of any session, the  
25 time limit herein provided shall not apply and the governor  
26 shall order such special election at the earliest practical  
27 time, giving at least ten days' notice thereof. Any special  
28 election called under this section must be held on a Tuesday  
29 and shall not be held on the same day as a school election  
30 within the district.

31 Sec. 36. Section 376.2, Code 1985, is amended by adding  
32 the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. After the effective date of this  
34 Act, a petition submitted under this section to change the  
35 term of council members from two to four years shall specify

1 if the terms are to be staggered or run concurrently. If the  
2 petition provides for concurrent terms and the changed term is  
3 approved by the voters, unnumbered paragraph 3 of this section  
4 shall not apply and the terms shall be concurrent. If valid  
5 petitions for staggered and concurrent terms are submitted,  
6 the first filed shall govern.

7 Sec. 37. Section 376.4, unnumbered paragraph one, Code  
8 1985, is amended to read as follows:

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

20 Sec. 38. Section 376.7, unnumbered paragraph one, Code  
21 1985, is amended to read as follows:

22 If a primary election is necessary, it shall be held on the  
23 Tuesday ~~three~~ four weeks before the date of the regular city  
24 election. The county board of supervisors shall publicly  
25 canvass the tally lists of the vote cast in the primary  
26 election, following the procedures prescribed in section  
27 50.24, at a meeting to be held beginning at one o'clock in the  
28 afternoon on the second day following the primary election.

29 Sec. 39. Section 376.9, unnumbered paragraph two, Code  
30 1985, is amended to read as follows:

31 Runoff elections shall be held ~~three~~ four weeks after the  
32 date of the regular city election and shall be conducted in  
33 the same manner as regular city elections.

34 Sec. 40. 1986 Iowa Acts, Senate File 540, section 9, is  
35 amended to read as follows:

1 SEC. 9. Section 56.6, subsection 3, Code 1985, is amended  
2 by adding the following new lettered paragraphs:

3 NEW LETTERED PARAGRAPH. If a person listed under paragraph  
4 "b", "d", "e", or "f" as making a contribution or loan to or  
5 purchase from a candidate's committee is related to the  
6 candidate within the third degree of consanguinity or  
7 affinity, the existence of that person's family relationship  
8 shall be indicated on the report.

9 NEW LETTERED PARAGRAPH. The name and mailing address of  
10 each person with whom a candidate's committee has entered into  
11 a contract during the reporting period for future or  
12 continuing performance and the nature of the performance,  
13 period of performance and total, anticipated compensation for  
14 performance. For a report filed under subsection 1, paragraph  
15 "b", this paragraph also requires the reporting of estimates  
16 of performance which the candidate's committee reasonably  
17 expects to contract for during the balance of the reporting  
18 period running until thirty days after the election.

19 Sec. 41. Section 43.17, Code 1985, is repealed.

5669, 5463 20 Sec. 42. Section 32 of this Act, being deemed of immediate  
21 importance, takes effect from and after this Act's publication  
22 in the Iowa City Press-Citizen, a newspaper published in Iowa  
23 City, Iowa, and in the Sigourney News-Review, a newspaper  
24 published in Sigourney, Iowa; section 33 becomes effective  
25 January 1, 1988; and the balance of the bill shall take effect  
26 July 1, 1986.

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HOUSE FILE 2457

S-5463

- 1 Amend House File 2457 as amended, passed and  
2 reprinted by the House as follows:  
3 1. By striking page 5, line 30 through page 6,  
4 line 16.  
5 2. Page 6, by striking lines 17 through 19.  
6 3. Page 16, by striking lines 19 through 32.  
7 4. Page 19, by striking line 19.  
8 5. Page 19, by striking lines 20 through 25 and  
9 inserting the following:  
10 "Sec. \_\_\_\_ . Section 33 takes effect January 1, 1988  
11 and the remaining sections take effect".

S-5463 Filed March 26, 1986

BY COMM. ON STATE GOV'T, CARR, CHAIR

*A - Adopted, B - w/d, C - Lost 4/2 (p. 1001)*

HOUSE FILE 2457

S-5473

- 1 Amend House File 2457 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 2, by striking line 33 and inserting in  
4 lieu thereof the following: "necessary to conduct the  
5 caucus at a charge not greater than that made for its  
6 use by other groups. When using".

S-5473 Filed March 27, 1986 BY BRUNER

*Adopted 4/2 (p. 1001)*

HOUSE FILE 2457

S-5546

- 1 Amend House File 2457 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 5, by inserting before line 30 the following:  
4 "Sec. \_\_\_\_ . Section 48.6, subsection 10, Code 1985  
5 is amended by striking the subsection."

S-5546 Filed and lost April 2, 1986 BY GENTLEMAN

*(p. 1002)*

HOUSE FILE 2457

S-5597

- 1 Amend House File 2457 as amended, passed and re-  
2 printed by the House as follows:  
3 1. Page 6, by striking the lines 26 through 30 and  
4 inserting in lieu thereof the words: "both boards."

S-5597 Filed April 4, 1986

BY JENSEN

*Placed o/o 4/16 (p. 1250)*

S-5602

1 Amend House File 2457 as amended, passed and  
2 reprinted by the House as follows:  
3 1. Page 5, by inserting after line 29 the  
4 following:  
5 "Sec. 9. Section 48.6, subsection 10, Code 1985,  
6 is amended to read as follows:  
7 "10. The social security number of the  
8 applicant, if available. However, the social  
9 security number so obtained shall be used only for  
10 maintenance of voter registration records and the  
11 voter registration list and determination of voter  
12 eligibility. It shall not be available through  
13 lists provided under 48.5 of the Iowa Code or  
14 otherwise made available or otherwise provided for  
15 purposes other than those delineated in this sub-  
16 section."

S-5602 Filed April 4, 1986  
BY BRUNER, MANN

*Adopted 4/16/86 (p. 1250)*

HOUSE FILE 2457

S-5669

1 Amend House File 2457 as amended, passed, and re-  
2 printed by the House as follows:  
3 1. Page 6, by striking lines 20 through 30.  
4 2. Page 19, by striking lines 20 through 24 and  
5 inserting in lieu thereof the following:  
6 "Sec. 42. Section 33 becomes effective".

S-5669 Filed April 9, 1986  
BY BRUNER

re

*Adopted 4/16 (p. 1250)*

SENATE AMENDMENT TO HOUSE FILE 2457

H-5855

1 Amend House File 2457 as amended, passed and  
2 reprinted by the House as follows:

*5884*  
*all*  
3 1. Page 2, by striking line 33 and inserting in  
4 lieu thereof the following: "necessary to conduct the  
5 caucus at a charge not greater than that made for its  
6 use by other groups. When using".

7 2. Page 5, by inserting after line 29 the  
8 following:

9 "Sec. \_\_\_\_ . Section 48.6, subsection 10, Code 1985,  
10 is amended to read as follows:

11 10. The social security number of the applicant,  
12 if available. However, the social security number so  
13 obtained shall be used only for maintenance of voter  
14 registration records and the voter registration list  
15 and determination of voter eligibility. It shall not  
16 be available through lists provided under 48.5 of the  
17 Iowa Code or otherwise made available or otherwise  
18 provided for purposes other than those delineated in  
19 this subsection."

20 3. By striking page 5, line 30 through page 6,  
21 line 16.

22 4. Page 6, by striking lines 17 through 19.

23 5. Page 6, by striking lines 20 through 30.

24 6. Page 19, by striking lines 20 through 24 and  
25 inserting in lieu thereof the following:

26 "Sec. 42. Section 33 becomes effective".

27 7. By renumbering, relettering, or redesignating  
28 and correcting internal references as necessary.

H-5855 FILED APRIL 18, 1986 RECEIVED FROM THE SENATE

*House amended (5884) and*  
*concurred 4/24 (p. 1761)*

HOUSE FILE 2457

H-5884

1 Amend the Senate amendment, H-5855, to House File  
2 2457 as amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 through 6 and  
5 inserting the following:

6 "1. Page 2, line 33, by inserting after the word  
7 "charge" the following: "during presidential election  
8 years and at a charge not greater than that made for  
9 its use by other groups during other years"."

10 2. Page 1, by striking lines 7 through 19.

11 3. Page 1, by striking lines 20 and 21.

H-5884 FILED APRIL 22, 1986 BY ARNOULD of Scott

*Adopted 4/24 (p. 1761)*

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2457

S-5755

1 Amend the Senate amendment, H-5855, to House File  
2 2457 as amended, passed and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 through 6 and  
5 inserting the following:

6 "1. Page 2, line 33, by inserting after the word  
7 "charge" the following: "during presidential election  
8 years and at a charge not greater than that made for  
9 its use by other groups during other years"."

10 2. Page 1, by striking lines 7 through 19.

11 3. Page 1, by striking lines 20 and 21.

S-5755 Filed April 25, 1986 REC'D FROM THE HOUSE

*Senate concurred 4/25 (p. 1403)*

NSB 658

Study Bill 658

State Government: Arnould, Chair; Buhr and Renken.

STATE GOVERNMENT

SENATE/HOUSE FILE 2457  
BY (PREFILED SECRETARY OF  
STATE BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to election laws.

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

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1 Section 1. Section 43.16, Code 1985, is amended by  
2 striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

5 After a nomination paper has been filed, it shall not be  
6 returned to the person who has filed the paper, nor shall any  
7 signature or other information be added to the nomination  
8 paper.

9 A person who has filed nomination petitions with the state  
10 commissioner may withdraw as a candidate not later than the  
11 sixtieth day before the primary election by notifying the  
12 commissioner in writing.

13 A person who has filed nomination papers with the  
14 commissioner may withdraw as a candidate not later than the  
15 fiftieth day before the primary election by notifying the  
16 commissioner in writing.

17 The name of a candidate who has withdrawn or died at a time  
18 in accordance with this section shall be omitted from the  
19 certificate furnished by the state commissioner under section  
20 43.22 and omitted from the primary election ballot.

21 Sec. 2. Section 43.23, Code 1985, is amended to read as  
22 follows:

23 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

24 1. When any person who has filed nomination papers with  
25 the state commissioner nomination-papers as a candidate in a  
26 primary election dies or withdraws on or after the seventy-  
27 fifth eighty-fifth day prior-to before the primary election,  
28 the appropriate convention or central committee of that  
29 person's political party may designate one additional primary  
30 election candidate for the nomination that person was seeking,  
31 if the designation is submitted to the state commissioner in  
32 writing by five o'clock p.m. on the sixtieth fifty-seventh day  
33 prior-to before the date of the primary election. The name of  
34 any candidate so submitted shall be included in the  
35 appropriate certificate or certificates furnished by the state

1 commissioner under section 43.22.

2 2. When any person who has filed nomination papers with  
3 the commissioner ~~nomination-papers~~ as a candidate in a primary  
4 election dies or withdraws ~~on-or-after-the-sixtieth up to the~~  
5 fiftieth day ~~prior-to~~ before the primary election, the  
6 appropriate convention or central committee of that person's  
7 political party may designate one additional primary election  
8 candidate for the nomination that person was seeking, if the  
9 designation is submitted to the commissioner in writing by  
10 five o'clock p.m. on the forty-ninth day ~~prior-to~~ before the  
11 primary election. The name of any candidate so submitted shall  
12 be placed on the appropriate ballot or ballots by the  
13 commissioner.

14 Sec. 3. Section 43.67, unnumbered paragraph 3, Code 1985,  
15 is amended to read as follows:

16 I am aware that I am required to organize a candidate's  
17 committee which shall file an organization statement and  
18 disclosure reports if it receives contributions, makes  
19 expenditures, or incurs indebtedness in excess of one two  
20 hundred fifty dollars for the purpose of supporting my  
21 candidacy for public office.

22 .....  
23 (Signed)

24 Sec. 4. Section 45.1, Code 1985, is amended to read as  
25 follows:

26 45.1 NOMINATIONS BY PETITION.

27 1. Nominations for candidates for president and vice  
28 president and for state offices may be made by nomination  
29 papers signed by not less than one thousand eligible electors  
30 of the state. For candidates for president and vice  
31 president, the names and addresses of the candidates for  
32 presidential electors shall be printed on the face of or  
33 attached to each page of the nomination petition.

34 PARAGRAPH DIVIDED. 2. Nominations for candidates for  
35 offices filled by the voters of a county, district, or other

1 division may be made by papers signed by eligible electors  
2 residing in the county, district, or division equal in number  
3 to at least two percent of the total vote received by all  
4 candidates for president of the United States or governor, as  
5 the case may be, at the last preceding general election in the  
6 county, district, or division ~~and.~~

7 PARAGRAPH DIVIDED. 3. Nominations for township, city or  
8 ward, may be made by papers signed by not less than twenty-  
9 five eligible electors, residents of the township, city or  
10 ward. ~~In the case of candidates for president and vice~~  
11 ~~president, the names and addresses of the candidates for~~  
12 ~~presidential electors shall be printed on the face of or~~  
13 ~~attached to each page of the nomination petition.~~

14 4. Nominations for candidates for elective offices in  
15 cities where the council has adopted nominations under this  
16 chapter may be submitted as follows:

17 a. In cities having a population of three thousand five  
18 hundred or greater according to the most recent federal  
19 decennial census, nominations may be made by nomination papers  
20 signed by not less than twenty-five eligible electors who are  
21 residents of the city or ward.

22 b. In cities having a population of one hundred or  
23 greater, but less than three thousand five hundred, according  
24 to the most recent federal decennial census, nominations may  
25 be made by nomination papers signed by not less than ten  
26 eligible electors who are residents of the city or ward.

27 c. In cities having a population less than one hundred  
28 according to the most recent federal decennial census,  
29 nominations may be made by nomination papers signed by not  
30 less than five eligible electors who are residents of the  
31 city.

32 Sec. 5. Section 49.31, subsection 3, Code 1985, is amended  
33 to read as follows:

34 3. The ballots for any city elections, or school  
35 elections, or any special election, or any other election at

1 which any office is to be filled on a nonpartisan basis and  
2 the statutes governing the office to be filled are silent as  
3 to the arrangement of names on the ballot, shall contain the  
4 names of all nominees or candidates arranged in alphabetical  
5 order by surname under the heading of the office to be filled.  
6 When a city election, school election, or special election to  
7 fill-an-office, or any other election at which an office is to  
8 be filled on a nonpartisan basis, is held in more than one  
9 precinct, the candidates' names shall be rotated on the ballot  
10 from precinct to precinct in the manner prescribed by  
11 subsection 2.

12 Sec. 6. Section 49.99, Code 1985, is amended by adding the  
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. If a voter writes the name of a  
15 person more than once in the proper places on a ballot or on a  
16 voting machine for an office to which more than one person is  
17 to be elected, those votes for that person for that office are  
18 void and shall not be counted.

19 Sec. 7. Section 52.1, subsection 2, Code 1985, is amended  
20 by adding the following new lettered paragraph:

21 NEW LETTERED PARAGRAPH. k. "Program" means the written  
22 record of the set of instructions defining the operations to  
23 be performed by a computer in examining, counting, tabulating,  
24 and printing votes.

25 Sec. 8. Section 52.1, subsection 2, paragraph a, Code  
26 1985, is amended to read as follows:

27 a. "Voting machine" means a mechanical or electronic  
28 device, meeting the requirements of section 52.7, designated  
29 for use in casting, registering, recording, and counting votes  
30 at an election.

31 Sec. 9. Section 52.5, Code 1985, is amended to read as  
32 follows:

33 52.5 EXAMINATION OF MACHINE.

34 Any A person or corporation owning or being interested in  
35 any a voting machine or electronic voting system may request

1 that the state commissioner call upon the said board of  
2 examiners to examine and test the said machine or system, and  
3 make. Within seven days of receiving a request for  
4 examination and test, the state commissioner shall notify the  
5 board of examiners of the request in writing and set a time  
6 and place for the examination and test. The state  
7 commissioner shall formulate, with the advice and assistance  
8 of the examiners, and adopt rules governing the testing and  
9 examination of any voting machine or electronic voting system  
10 by the board of examiners. The rules shall prescribe the  
11 method to be used in determining whether the machine or system  
12 is suitable for use within the state and performance standards  
13 for voting equipment in use within the state. The rules shall  
14 include standards for determining when recertification is  
15 necessary following modifications to the equipment or to the  
16 programs used in tabulating votes, and a procedure for  
17 rescinding certification if a system or machine is found not  
18 to comply with performance standards adopted by the state  
19 commissioner. Following the examination and testing of the  
20 voting machine or system the examiners shall report to the  
21 state commissioner describing the testing and examination of  
22 the machine or system and upon the capacity of the said  
23 machine or system to register the will of voters, its accuracy  
24 and efficiency, and with respect to its mechanical perfections  
25 and imperfections. Their report shall be filed in the office  
26 of the state commissioner and shall state whether in their  
27 opinion the kind of machine or system so examined can be  
28 safely used by such voters at elections under the conditions  
29 prescribed in this chapter. If the report states that the  
30 machine or system can be so used, it shall be deemed approved  
31 by the examiners, and machines or systems of its kind may be  
32 adopted for use at elections as herein provided in this  
33 section. Any form of voting machine or system not so approved  
34 cannot be used at any election. Prior to actual purchase by  
35 any a county of any a particular electronic voting system

1 which has been approved for use in this state, the state  
2 commissioner shall formulate, with the advice and assistance  
3 of the examiners, and adopt rules governing the development of  
4 vote counting programs and all procedures used in actual  
5 counting of votes by means of that system.

6 Sec. 10. Section 52.16, Code 1985, is amended to read as  
7 follows:

8 52.16 DUTIES OF ELECTION OFFICERS -- INDEPENDENT BALLOTS.

9 The election board of each precinct in which votes are to  
10 be cast by machine shall meet at the precinct polling place,  
11 at least one hour before the time set for the opening of the  
12 polls at each election, and shall proceed to arrange the  
13 furniture, stationery, and voting machine for the conduct of  
14 the election. The board shall cause at least two instruction  
15 cards to be posted conspicuously within the polling place. If  
16 not previously done, they shall arrange, in their proper place  
17 on the voting machine, the ballots containing the names of the  
18 offices to be filled at such the election, and the names of  
19 the candidates nominated therefor. If not previously done,  
20 the machine shall be so arranged as to show that no vote has  
21 been cast, and ~~the-same~~ shall not be thereafter operated,  
22 except by electors in voting.

23 PARAGRAPH DIVIDED. Before the polls are open for election,  
24 the board shall carefully examine every machine and see that  
25 no vote has been cast, and ~~the same-shall-be~~ machines are  
26 subject to inspection of the election officers. If the voting  
27 machine is equipped to produce a printed record showing the  
28 status of the counters, this record shall be produced by the  
29 precinct election officials before the polls are open. The  
30 inspection sheets from each machine used in the election shall  
31 be available for examination throughout election day.

32 PARAGRAPH DIVIDED. Ballots voted for any person whose name  
33 does not appear on the machine as a nominated candidate for  
34 office, are herein referred to in this section as independent  
35 ballots. When two or more persons are to be elected to the

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

14 Sec. 11. Section 52.21, subsection 3, Code 1985, is  
15 amended to read as follows:

16 "3. That the public counter was set at 000 and that we  
17 opened the rear of (the or each) machine and examined every  
18 registering counter and that each registered 000, or, if the  
19 machines used have a capability to produce a printed record,  
20 that an inspection sheet from each machine used at this  
21 election was produced prior to any vote being cast upon it  
22 showing that all counters were set at 000.

23 Sec. 12. Section 52.23, Code 1985, is amended by adding  
24 the following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. The inspection sheets from each  
26 machine used in the election and one copy of the printed  
27 results from each machine shall be signed by all precinct  
28 election officials and, with any paper or papers upon which  
29 write-in votes were recorded by voters, shall be securely  
30 sealed in an envelope marked with the name and date of the  
31 election, the precinct, and the serial numbers of the machines  
32 from which the enclosed results were removed. This envelope  
33 shall be preserved, unopened, for six months unless a recount  
34 is requested pursuant to section 50.48. The envelope shall be  
35 destroyed in the same manner as ballots pursuant to section

1 50.13. Additional copies of the results, if any, shall be  
2 delivered to the commissioner with the other supplies from the  
3 election pursuant to section 50.17.

4 Sec. 13. Section 52.25, Code 1985, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 3. If a public measure is sufficiently  
7 brief so that it can be printed using type having capital  
8 letters not smaller than one eighth of an inch high and can be  
9 included in its entirety on the ballot insert of the voting  
10 machine to be used at the election at which the question is to  
11 be voted upon, it is not necessary to post an additional copy  
12 of the question on the left-hand side, inside the voting  
13 machine.

14 Sec. 14. Section 52.31, Code 1985, is amended to read as  
15 follows:

16 52.31 PROCEDURE WHERE VOTES CAST ON SPECIAL PAPER BALLOTS.

17 Preparations for voting and voting at any election in a  
18 precinct where votes are to be received on special paper  
19 ballots shall be in accordance with the provisions of chapter  
20 49 governing voting upon conventional paper ballots---However,  
21 before with the following exceptions:

22 PARAGRAPH DIVIDED. 1. Before entering the voting booth  
23 each voter shall be cautioned to mark the ballot only with a  
24 vote marking device provided in the booth or by the precinct  
25 election officials.

26 2. In each precinct where a portable vote tallying system  
27 is used and the ballots are tabulated by a device located in  
28 the precinct which is equipped with a mechanism which will not  
29 permit more than one ballot to be inserted at a time, the  
30 voter may personally insert the ballot into the tabulating  
31 device.

32 Sec. 15. Section 52.34, Code 1985, is amended to read as  
33 follows:

34 52.34 COUNTING CENTER ESTABLISHED.

35 Before authorizing the purchase and ordering the use of an

1 electronic voting system under section 52.2, the county board  
2 of supervisors shall, with advice of the commissioner,  
3 determine whether counting center equipment is to be purchased  
4 as a part of the system and operated by the county, or the  
5 county will enter into an arrangement to have its ballots  
6 tabulated at a counting center maintained by another county,  
7 or whether ballots will be tabulated by devices located in  
8 each of the precincts in which the board of supervisors has  
9 ordered its use. The arrangement may be reviewed and revised,  
10 with approval of the board of supervisors, at any time. If a  
11 county acquires and operates a counting center at which  
12 ballots cast in one or more other counties are tabulated, the  
13 commissioner of the county acquiring and operating the center,  
14 or that commissioner's designee, shall be responsible for and  
15 in control of the operation of that counting center at all  
16 times, regardless of the origin of the ballots being tabulated  
17 at any particular time.

18 Sec. 16. Section 52.35, unnumbered paragraph 1, Code 1985,  
19 is amended to read as follows:

20 Within five days ~~prior-to~~ before the date of any election  
21 at which votes are to be cast by means of an electronic voting  
22 system and tabulated at a counting center established under  
23 section 52.34, the commissioner in charge of the counting  
24 center where votes so cast are to be tabulated shall have the  
25 automatic tabulating equipment tested to ascertain that it  
26 will correctly count the votes cast for all offices and on all  
27 public questions. The procedure for conducting the test shall  
28 be as follows:

29 Sec. 17. NEW SECTION. 52.38 TESTING PORTABLE TABULATING  
30 DEVICES.

31 All portable tabulating devices shall be tested before any  
32 election in which they are to be used following the procedure  
33 in section 52.35, subsection 2. Testing shall be completed  
34 not later than twelve hours before the opening of the polls on  
35 the morning of the election. The portable tabulating devices

1 shall be tested at the polling place where they are to be  
2 used. The chairperson of each political party shall be  
3 notified in writing of the time the devices will be tested so  
4 that the chairperson or a representative may be present.  
5 Those present for the test shall sign a certificate which  
6 shall read substantially as follows:

7 The undersigned certify that we were present and witnessed  
8 the testing of the portable tabulating devices in the  
9 following precincts, that we believe the devices are in proper  
10 condition for use in the election of .....

11 ....., 19...; that following the test the vote  
12 totals were erased from the memory of each portable tabulating  
13 device and a report was produced showing that all vote totals  
14 in the memory were set at 0000; that the devices were securely  
15 locked or sealed; and that the serial numbers and locations of  
16 the devices which were tested are listed below.

17 Signed .....  
18 (name and political party affiliation)

19 .....  
20 .....  
21 (name and political party affiliation)

22 .....  
23 .....  
24 Voting equipment custodian

25 .....  
26 Dated ..... 19...

27 Precinct	Location	Serial Number
28 .....	.....	.....
29 .....	.....	.....
30 .....	.....	.....

31 EXPLANATION

32 This bill contains several changes in election laws  
33 recommended by the secretary of state.

34 Sections 1 and 2 revise the times for the removal and re-  
35 placement of a candidate from the primary ballot because of

1 death or withdrawal. Section 3 corrects a codified form.  
2 Section 4 alters the nomination requirements for independent  
3 candidates in municipal elections. Section 5 refers to the  
4 order of names on the ballot in nonpartisan elections.  
5 Section 6 voids multiple votes for one person for an office to  
6 which more than one person is to be elected.

7 Sections 7 through 12 and 14 through 17 pertain to elec-  
8 tronic voting machines, the testing of the machines by the  
9 board of voting machine examiners, and certification of the  
10 counters, tabulation devices, and counting centers.

11 Section 13 dispenses with the copy of a public measure on  
12 the left-hand side of the voting booth if the measure is brief  
13 enough to be printed on the ballot insert.

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HOUSE FILE 2457

AN ACT

RELATING TO ELECTIONS.

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

Section 1. Section 43.16, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

43.16 RETURN OF PAPERS, ADDITIONS NOT ALLOWED.

After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the sixty-second day before the primary election by notifying the commissioner in writing.

A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the fifty-third day before the primary election by notifying the commissioner in writing.

The name of a candidate who has withdrawn or died at a time in accordance with this section shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

Sec. 2. Section 43.23, Code 1985, is amended to read as follows:

43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When any person who has filed nomination papers with the state commissioner ~~nomination-papers~~ as a candidate in a primary election dies or withdraws ~~on-or-after-the-seventy-fifth up to the sixty-second~~ day ~~prior-to before~~ 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~~ fifty-seventh day ~~prior-to before~~ 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 43.22.

2. When any person who has filed nomination papers with the commissioner ~~nomination-papers~~ as a candidate in a primary election dies or withdraws ~~on-or-after-the-sixtieth up to the~~ fifty-third day ~~prior-to before~~ 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 before~~ the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

Sec. 3. Section 43.67, unnumbered paragraph 3, Code 1985, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives contributions, makes expenditures, or incurs indebtedness in excess of one two hundred fifty dollars for the purpose of supporting my candidacy for public office.

.....  
(Signed)

Sec. 4. Section 43.93, Code 1985, is amended to read as follows:

43.93 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

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to do so. Upon the application of the county chairperson, the person having control of a building supported by taxation under the laws of this state shall make available the space necessary to conduct the caucus without charge during presidential election years and at a charge not greater than that made for its use by other groups during other years. When using public buildings, the county chairpersons shall cooperate to attempt the collocation of the caucuses.

Sec. 5. Section 43.100, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The county central committee shall ~~organize within ten days before or after the day of the county convention~~ elect the officers of the committee. Each member elected to the county central committee shall receive be given written notice at least five days in advance of the time and place of the organizational any meeting scheduled for the election of officers.

Sec. 6. NEW SECTION. 43.100A COUNTY CENTRAL COMMITTEE OFFICERS.

The county central committee shall elect a chair, cochair, secretary, treasurer, and other officers as it may determine. The term of office of an officer begins at the time specified by the party's state constitution or bylaws and continues for two years and until the officer's successor is elected and qualified, unless the officer dies, resigns or is sooner removed by the county central committee for inattention to duty or incompetency.

Sec. 7. Section 45.1, Code 1985, is amended to read as follows:

45.1 NOMINATIONS BY PETITION.

1. Nominations for candidates for president and vice president and for state offices may be made by nomination papers signed by not less than one thousand eligible electors of the state. For candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

2. Nominations for candidates for offices filled by the voters of a county, district, or other division may be made by papers signed by eligible electors residing in the county, district, or division equal in number to at least two percent of the total vote received by all candidates for president of the United States or governor, as the case may be, at the last preceding general election in the county, district, or division, and.

3. Nominations for an office filled by the voters of a township, city or ward, may be made by papers signed by not less than twenty-five eligible electors, residents of the township, city or ward. In the case of candidates for president and vice president, the names and addresses of the candidates for presidential electors shall be printed on the face of or attached to each page of the nomination petition.

4. Nominations for candidates for elective offices in cities where the council has adopted nominations under this chapter may be submitted as follows:

a. In cities having a population of three thousand five hundred or greater according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than twenty-five eligible electors who are residents of the city or ward.

b. In cities having a population of one hundred or greater, but less than three thousand five hundred, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ten eligible electors who are residents of the city or ward.

c. In cities having a population less than one hundred according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than five eligible electors who are residents of the city.

Sec. 8. Section 48.3, Code 1985, is amended to read as follows:

48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked or otherwise delivered by the twenty-fifth fifteenth day prior to an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, 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 48.31, subsection 6. 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. 9. Section 48.6, subsection 9, Code 1985, is amended to read as follows:

9. A certification in substantially the following form:

"I certify that I am a citizen of the United States, that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or attempting to do so, is an aggravated misdemeanor under Iowa law." ~~At-the-time-the registration-is-signed-by-the-eligible-elector-it-shall-also be-signed-by-a-mobile-registrar, employee-of-the commissioner's-office, or-other-eligible-elector.~~

Sec. 10. Section 48.7, subsection 1, paragraph b, Code 1985, is amended to read as follows:

b. A qualified elector may record a change of name, telephone number, or address on election day at the polling place for the precinct in which the elector currently resides, if the elector's name or former name appears on the election register of a polling place in that county or that polling place for the election being held that day. The precinct election officials shall furnish such a qualified elector a registration form of the type prescribed for use by electors registering under section 48.3. The elector shall complete the form and submit it to the precinct election officials, who shall return it to the commissioner with the election supplies. If the qualified elector is submitting a change of address from an election register in another precinct, the elector shall cast a challenged ballot as provided in section 49.81, but is not required to certify that the elector has not moved. If the qualified elector's former address and new address are in different counties, the registration form completed by the qualified elector shall be forwarded to the commissioner of the elector's current county of residence by the commissioner conducting the election.

Sec. 11. Section 49.31, subsection 2, Code 1985, is amended to read as follows:

2. The commissioner shall prepare a list of the election precincts of 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. The commissioner shall then arrange the surnames of each political party's candidates for each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a

political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation. The procedure for arrangement of names on ballots provided in this section shall likewise be substantially followed in elections in political subdivisions of less than a county.

Sec. 12. Section 49.31, subsection 3, Code 1985, is amended to read as follows:

3. The ballots for any city elections, or school elections, ~~or any special election, or any other election~~ at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. When a city election, school election, or special election ~~to fill an office, or any other election at which an office is to be filled on a nonpartisan basis,~~ is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2.

Sec. 13. Section 49.99, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a voter writes the name of a person more than once in the proper places on a ballot or on a voting machine for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

Sec. 14. Section 49.107, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. Serving as a member of a challenging committee under section 49.104, subsection 2, for the general election or the primary election by a member of a city council, a mayor, a member of the county board of supervisors, a county attorney, treasurer, sheriff, auditor, or recorder,

or a state senator or representative during the person's term of office or while being a candidate for any of those offices.

Sec. 15. Section 50.48, subsection 1, unnumbered paragraph 2, Code 1985, is amended by striking the paragraph.

Sec. 16. Section 50.48, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. If the election is an election held by a city which is not the final election for the office in question, the recount shall progress according to the times provided by this subsection. If this subsection applies the canvass shall be held by the second day after the election, the request for a recount must be made by the third day after the election, the board shall convene to conduct the recount by the sixth day after the election, and the report shall be filed by the eleventh day after the election.

Sec. 17. Section 52.1, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. k. "Program" means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

Sec. 18. Section 52.1, subsection 2, paragraph a, Code 1985, is amended to read as follows:

a. "Voting machine" means a mechanical or electronic device, meeting the requirements of section 52.7, designated for use in casting, registering, recording, and counting votes at an election.

Sec. 19. Section 52.5, Code 1985, is amended to read as follows:

52.5 EXAMINATION OF MACHINE.

Any a person or corporation owning or being interested in any a voting machine or electronic voting system may request that the state commissioner call upon the said board of examiners to examine and test the said machine or system, and make. Within seven days of receiving a request for examination and test, the state commissioner shall notify the

board of examiners of the request in writing and set a time and place for the examination and test. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner. Following the examination and testing of the voting machine or system the examiners shall report to the state commissioner describing the testing and examination of the machine or system and 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 examiners, and machines or systems of its kind may be adopted for use at elections as herein provided in this section. Any form of voting machine or system not so approved cannot be used at any election. Prior to actual purchase by any a county of any a particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with the 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.

Sec. 20. Section 52.16, Code 1985, is amended to read as follows:

52.16 DUTIES OF ELECTION OFFICERS -- INDEPENDENT BALLOTS.

The election board of each precinct in which votes are to be cast by machine shall meet at the precinct polling place, at least one hour before the time set for the opening of the polls at each election, and shall proceed to arrange the furniture, stationery, and voting machine for the conduct of the election. The board shall cause at least two instruction cards to be posted conspicuously within the polling place. If not previously done, they shall arrange, in their proper place on the voting machine, the ballots containing the names of the offices to be filled at such the election, and the names of the candidates nominated therefor. If not previously done, the machine shall be so arranged as to show that no vote has been cast, and ~~the same~~ shall not be thereafter operated, except by electors in voting.

PARAGRAPH DIVIDED. Before the polls are open for election, the board shall carefully examine every machine and see that no vote has been cast, and the ~~same shall be~~ machines are subject to inspection of the election officers. If the voting machine is equipped to produce a printed record showing the status of the counters, this record shall be produced by the precinct election officials immediately before the polls are open. The inspection sheets from each machine used in the election shall be available for examination throughout election day.

PARAGRAPH DIVIDED. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to in this section as independent ballots. When two or more persons are to be elected to the same office, and the machine requires that all independent ballots voted for that office be deposited in a single receptacle or device, an elector may vote in or by such the receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one

or more persons whose names do so appear. With that exception, and except for presidential electors, no independent ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any independent ballot so voted shall not be counted. An independent ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 21. Section 52.21, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In a precinct in which only one voting machine is used and that machine can deliver, immediately upon the conclusion of 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, one of the copies may be used in lieu of the tally sheet specified in this section for the canvasses provided under sections 50.1 and 50.24. The state commissioner of elections may adopt rules regarding the certification of the printed record to allow its use in lieu of the tally sheet.

Sec. 22. Section 52.21, subsection 3, Code 1985, is amended to read as follows:

"3. That the public counter was set at 000 and that we opened the rear of (the or each) machine and examined every registering counter and that each registered 000, or, if the machines used have a capability to produce a printed record, that an inspection sheet from each machine used at this election was produced immediately prior to any vote being cast upon it showing that all counters were set at 000.

Sec. 23. Section 52.23, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely

sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed. This envelope shall be preserved, unopened, for six months unless a recount is requested pursuant to section 50.48. The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered to the commissioner with the other supplies from the election pursuant to section 50.17.

Sec. 24. Section 52.31, Code 1985, is amended to read as follows:

52.31 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 49 governing voting upon conventional paper ballots---~~However,~~ before with the following exceptions:

1. Before entering the voting booth each voter shall be cautioned to mark the ballot only with a vote marking device provided in the booth or by the precinct election officials.

2. In each precinct where a portable vote tallying system is used and the ballots are tabulated by a device located in the precinct which is equipped with a mechanism which will not permit more than one ballot to be inserted at a time, the voter may personally insert the ballot into the tabulating device.

Sec. 25. Section 52.34, Code 1985, is amended to read as follows:

52.34 COUNTING CENTER ESTABLISHED.

Before authorizing the purchase and ordering the use of an electronic voting system under section 52.2, 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,

or whether ballots will be tabulated by devices located in each of the precincts in which the board of supervisors has ordered its use. 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. 26. Section 52.35, unnumbered paragraph 1, Code 1985, is amended to read as follows:

Within five days prior to before the date of any election at which votes are to be cast by means of an electronic voting system and tabulated at a counting center established under section 52.34, 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:

Sec. 27. NEW SECTION. 52.38 TESTING PORTABLE TABULATING DEVICES.

All portable tabulating devices shall be tested before any election in which they are to be used following the procedure in section 52.35, subsection 2. Testing shall be completed not later than twelve hours before the opening of the polls on the morning of the election. The portable tabulating devices shall be tested at the polling place where they are to be used. The chairperson of each political party shall be notified in writing of the time the devices will be tested so that the chairperson or a representative may be present. Those present for the test shall sign a certificate which shall read substantially as follows:

The undersigned certify that we were present and witnessed the testing of the portable tabulating devices in the following precincts, that we believe the devices are in proper condition for use in the election of .....  
....., 19...; that following the test the vote totals were erased from the memory of each portable tabulating device and a report was produced showing that all vote totals in the memory were set at 0000; that the devices were securely locked or sealed; and that the serial numbers and locations of the devices which were tested are listed below.

Signed .....  
(name and political party affiliation)

.....  
(name and political party affiliation)

.....  
Voting equipment custodian

Dated ..... 19...

Precinct	Location	Serial Number
.....	.....	.....
.....	.....	.....
.....	.....	.....

Sec. 28. Section 53.2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a request for an absentee ballot is received from an eligible elector who is not a qualified elector the commissioner shall send a registration form under section 48.3 to the eligible elector. If the registration form is properly returned by the time provided by section 48.3, the commissioner shall send the absentee ballot to the qualified elector.

Sec. 29. NEW SECTION. 53.3 SPECIAL ABSENTEE BALLOT.

1. As provided in this section, the commissioner shall provide special absentee ballots to be used for state general

elections. A special absentee ballot shall only be provided to a qualified elector who completes an application stating both of the following to the best of the qualified elector's belief:

- a. The qualified elector will be residing or stationed or working outside the continental United States.
- b. The qualified elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot shall not be filed earlier than ninety days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot. The qualified elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

2. With any special absentee ballot issued under this section, the commissioner shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that general election and a list of any measures that have been referred to the ballot before the time of the application.

3. Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes. The commissioner shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots.

4. A qualified elector who requests a special absentee ballot under this section may also make application for an absentee ballot under section 53.2 or an armed forces absentee ballot under section 53.40. If the regular absentee or armed forces absentee ballot is properly voted and returned, the special absentee ballot is void and the commissioner shall reject it in whole when special absentee ballots are canvassed.

Sec. 30. Section 53.8, subsection 1, Code 1985, is amended to read as follows:

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 shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. 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 or with 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.

Sec. 31. Section 53.43, Code 1985, is amended to read as follows:

53.43 IDENTIFICATION ON ENVELOPE.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which said ballot is to be cast, either "Primary Election" or "General Election", as the case may be.

Sec. 32. Section 53.49, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Section 53.3 applies to qualified electors who are and who are not members of the armed forces of the United States.

Sec. 33. Section 69.14, Code 1985, 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 and shall not be held on the same day as a school election within the district.

Sec. 34. Section 376.2, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After the effective date of this Act, a petition submitted under this section to change the term of council members from two to four years shall specify if the terms are to be staggered or run concurrently. If the petition provides for concurrent terms and the changed term is approved by the voters, unnumbered paragraph 3 of this section shall not apply and the terms shall be concurrent. If valid petitions for staggered and concurrent terms are submitted, the first filed shall govern.

Sec. 35. Section 376.4, unnumbered paragraph 1, Code 1985, is amended to read as follows:

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

Sec. 36. Section 376.7, unnumbered paragraph 1, Code 1985, is amended to read as follows:

If a primary election is necessary, it shall be held on the Tuesday ~~three~~ four weeks before the date of the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held beginning at one o'clock in the afternoon on the second day following the primary election.

Sec. 37. Section 376.9, unnumbered paragraph 2, Code 1985, is amended to read as follows:

Runoff elections shall be held ~~three~~ four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

Sec. 38. 1986 Iowa Acts, Senate File 540, section 9, is amended to read as follows:

SEC. 9. Section 56.6, subsection 3, Code 1985, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. If a person listed under paragraph "b", "d", "e", or "f" as making a contribution or loan to or purchase from a candidate's committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person's family relationship shall be indicated on the report.

NEW LETTERED PARAGRAPH. The name and mailing address of each person with whom a candidate's committee has entered into a contract during the reporting period for future or continuing performance and the nature of the performance, period of performance and total, anticipated compensation for performance. For a report filed under subsection 1, paragraph "b", this paragraph also requires the reporting of estimates of performance which the candidate's committee reasonably expects to contract for during the balance of the reporting period running until thirty days after the election.

Sec. 39. Section 43.17, Code 1985, is repealed.

Sec. 40. Section 30 becomes effective January 1, 1988; and the balance of the bill shall take effect July 1, 1986.

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DONALD D. AVENSON  
Speaker of the House

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ROBERT T. ANDERSON  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2457, Seventy-first General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 27, 1986

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TERRY E. BRANSTAD  
Governor