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HOUSE FILE 600
BY COMMITTEE ON STATE
GOVERNMENT

Place On Calendar

(Formerly House Study Bill 261)

Passed House, Date 3-27-87 (y. 891) Passed Senate, Date 4/21/87 (P. 143)

Vote: Ayes 94 Nays 0 Vote: Ayes 30 Nays 18

Approved June 9, 1987

A BILL FOR

3435 1 An Act relating to elections.

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

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1 Section 1. Section 48.5, subsection 2, Code 1987, is
2 amended by adding the following new lettered paragraph:

3 NEW LETTERED PARAGRAPH. e. The requester shall be able to
4 determine who voted by absentee ballot within either of the
5 two preceding primary elections or either of the preceding
6 general elections.

7 Sec. 2. Section 48.5, Code 1987, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. After each general and primary
10 election the county commissioner of registration shall update
11 the telephone numbers of qualified electors in the
12 registration records using the telephone numbers provided in
13 the declaration of eligibility under section 49.77.

14 Sec. 3. Section 48.7, subsection 1, Code 1987, is amended
15 by adding the following unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. If a change of name, telephone
17 number, or address is submitted under this subsection, the
18 commissioner shall not change any matters in the elector's
19 prior registration other than those indicated by the elector.

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20 Sec. 4. NEW SECTION. 48.20 REGISTRATION IN STATE
21 OFFICES.

22 The registration forms provided in section 48.3 shall be
23 available in the offices maintained by the state agencies
24 listed in this section. The officers and employees of those
25 agencies shall make available to each person doing business in
26 that office the opportunity to register and if the person does
27 execute the form, the form shall be sent to the appropriate
28 commissioner of registration. This section applies to the
29 state departments of human services, employment services,
30 revenue and finance, personnel, agriculture and land
31 stewardship, and transportation, and the offices of the clerks
32 of court of the district courts.

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33 Sec. 5. Section 49.53, Code 1987, is amended to read as
34 follows:

35 49.53 PUBLICATION OF BALLOT AND NOTICE.

1 The commissioner shall not less than four nor more than
2 twenty days prior to the day of each election, except those
3 for which different publication requirements are prescribed by
4 law, publish notice of the election. The notice shall contain
5 a facsimile of the portion of the ballot containing the first
6 rotation as prescribed by section 49.31, subsection 2, and
7 shall show the names of all candidates or nominees and the
8 office each seeks, and all public questions, to be voted upon
9 at the election. The sample ballot published as a part of the
10 notice may at the discretion of the commissioner be reduced in
11 size relative to the actual ballot but such reduction shall
12 not cause upper case letters appearing on the published sample
13 ballot to be less than five-thirty-sixths of an inch high in
14 candidates' names or in summaries of public measures. The
15 notice shall also state the date of the election, the hours
16 the polls will be open, the location of each polling place at
17 which voting is to occur in the election, and the names of the
18 precincts voting at each polling place, but the statement need
19 not set forth any fact which is apparent from the portion of
20 the ballot appearing as a part of the same notice. The notice
21 shall be published in at least one newspaper, as defined in
22 section 618.3, which is published in the county or other
23 political subdivision in which the election is to occur or, if
24 no newspaper is published there, in at least one newspaper of
25 substantial circulation in the county or political
26 subdivision. For the general election or the primary election
27 the foregoing notice shall be published in at least two
28 newspapers published in the county ~~representing, if possible,~~
29 ~~the two political parties whose candidates for president of~~
30 ~~the United States or for governor, as the case may be,~~
31 ~~received the largest and next largest number of votes in the~~
32 ~~county at the last preceding general election.~~ However, if
33 there is only one newspaper published in the county,
34 publication in one newspaper shall be sufficient.

35 Sec. 6. Section 49.77, subsection 1, Code 1987, is amended

1 to read as follows:

2 1. The board members of their respective precincts shall
3 have charge of the ballots and furnish them to the voters. Any
4 person desiring to vote shall sign a voter's declaration
5 provided by the officials, in substantially the following
6 form:

7 VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

17

18 Signature of Voter

19

20 Address

21

22 Telephone

23 Approved:

24

25 Board Member

26 Sec. 7. Section 49.77, Code 1987, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 5. The request for the telephone number
29 in the declaration of eligibility in subsection 1 is not
30 mandatory and the failure by the elector to provide the
31 telephone number does not affect the declaration's validity.

32 Sec. 8. Section 53.40, unnumbered paragraph 1, Code 1987,
33 is amended to read as follows:

34 Request in writing for a ballot for the primary election
35 and for the general election may be made by any member of the

1 armed forces of the United States who is or will be a
2 qualified voter on the day of the election at which the ballot
3 is to be cast, at any time prior to either of the elections;
4 ~~the request stating for which election the request is made.~~
5 Unless the request specifies otherwise, a request for the
6 primary election shall also be considered a request for the
7 general election. In the case of the general election request
8 may be made not more than seventy days before the election,
9 for and on behalf of a voter in the armed forces of the United
10 States by a spouse, parent, parent-in-law, adult brother,
11 adult sister, or adult child of the voter, residing in the
12 county of the voter's residence. However, a request made by
13 other than the voter may be required to be made on forms
14 prescribed by the state commissioner.

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15 Sec. 9. Section 618.14, unnumbered paragraph 1, Code 1987,
16 is amended to read as follows:

17 The governing body of any municipality or other political
18 subdivision of the state ~~is authorized to make publication~~ may
19 publish, as straight matter or display, of any matter of
20 general public importance, ~~not otherwise authorized or~~
21 ~~required by law, by publication~~ in one or more newspapers, as
22 defined in section 618.3 published in and having general
23 circulation in such municipality or political subdivision, at
24 the legal or appropriate commercial rate, according to the
25 character of the matter published.

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26 EXPLANATION

27 This bill makes several changes in election laws.

28 Section 1 provides that registration records shall reveal
29 previous voting by absentee ballot.

30 Section 2 requires the county commissioner of registration
31 to update telephone numbers in the registration records.

32 Section 3 provides that a commissioner of registration
33 cannot make registration changes from prior registration other
34 than those indicated by the elector.

35 Section 4 provides for voter registration forms to be kept

1 in state offices and the opportunity to register made
2 available to those there on business.

3 Sections 5 and 9 provide for more flexibility by political
4 subdivisions in the publication of ballots and other matters.

5 Section 6 adds a line for the telephone number on the
6 voter's declaration of eligibility and section 7 provides that
7 failure to fill the line does not invalidate the declaration.

8 Section 8 provides that a request for an absentee ballot
9 for the primary election, by a member of the armed forces, is
10 also deemed a request for the general election ballot.

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HOUSE FILE 600

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1 Amend House File 600 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 43.26, Code 1987, is amended
 5 to read as follows:
 6 43.26 BALLOT -- FORM.
 7 The official primary election ballot shall be
 8 prepared, arranged, and printed substantially in the
 9 following form:

PRIMARY ELECTION BALLOT

(Name of Party)

of

~~.....Township or Precinct,~~
~~.....Ward, City of.....,~~ County
 of, State of Iowa,, Rotation (if any).

Primary election held on the ... day of June, 19....

FOR UNITED STATES SENATOR

(Vote for one.)

____ Candidate's name CANDIDATE'S NAME
 ____ Candidate's name CANDIDATE'S NAME

FOR UNITED STATES REPRESENTATIVE

(Vote for one.)

____ Candidate's name CANDIDATE'S NAME
 ____ Candidate's name CANDIDATE'S NAME

FOR GOVERNOR

(Vote for one.)

____ Candidate's name CANDIDATE'S NAME
 ____ Candidate's name CANDIDATE'S NAME

(Followed by other elective state officers in the
 order in which they appear in section 39.9 and
 district officers in the order in which they appear in
 sections 39.15 and 39.16.)

FOR COUNTY AUDITOR

(Vote for one.)

____ Candidate's name CANDIDATE'S NAME
 ____ Candidate's name CANDIDATE'S NAME

(Followed by other elective county officers in the
 order in which they appear in sections 39.17 and
 39.18.)

FOR TOWNSHIP CLERK

(Vote for one.)

____ Candidate's name CANDIDATE'S NAME
 ____ Candidate's name CANDIDATE'S NAME

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

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| | | | |
|---|-------|------------------|------------------|
| 1 | _____ | Candidate's-name | CANDIDATE'S NAME |
| 2 | _____ | Candidate's-name | CANDIDATE'S NAME |
| 3 | _____ | Candidate's-name | CANDIDATE'S NAME |
| 4 | _____ | | |

5 Sec. 2. Section 43.45, subsections 4 through 7,
6 Code 1987, are amended to read as follows:

7 4. ~~Seal~~ Place the ballots cast on behalf of each
8 of the parties in separate envelopes, ~~and on the~~
9 ~~outside of such envelope write or print the names of~~
10 ~~said party's candidates for all offices and opposite~~
11 ~~each name enter the number of votes cast for such~~
12 ~~candidate in said precinct. Seal each envelope and~~
13 ~~place the signature of all board members of the~~
14 ~~precinct across the seal of the envelope so that it~~
15 ~~cannot be opened without breaking the seal.~~

16 5. ~~Seal all the envelopes of all political parties~~
17 ~~in one large envelope and on the outside thereof, or~~
18 ~~on a paper attached thereto, On the outside of each~~
19 ~~envelope enter the number of votes ballots cast by~~
20 ~~each party in said the precinct and contained in the~~
21 ~~envelope.~~

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

31 7. ~~Enter at the bottom of each party column on~~
32 ~~said the envelope the total vote cast by said party in~~
33 ~~said number of voters of each party who cast ballots~~
34 ~~in the precinct.~~

35 Sec. 3. Section 44.4, subsection 3, Code 1987, is
36 amended to read as follows:

37 3. Those filed with the city clerk, at least
38 ~~thirty forty-two~~ days prior to the municipal election.

39 Sec. 4. Section 44.9, Code 1987, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 6. In the office of the proper
42 city clerk, at least forty-two days before the
43 regularly scheduled city election.

44 Sec. 5. Section 44.9, subsection 3, Code 1987, is
45 amended to read as follows:

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

50 Sec. 6. Section 45.3, subsection 1, Code 1987, is

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1 amended by striking the subsection."

2. Page 1, by inserting after line 32 the following:

4 "Sec. ____ . Section 49.12, unnumbered paragraph 1,
5 Code 1987, is amended to read as follows:

6 There shall be appointed in each election precinct
7 an election board which shall ordinarily consist of
8 five precinct election officials. However, in
9 precincts using only one voting machine at any one
10 time, and in precincts voting by paper ballot where no
11 more than one-hundred-votes-were-cast three hundred
12 fifty persons cast ballots in the last preceding
13 similar election, the board shall consist of three
14 precinct election officials; and in precincts using
15 more than two voting machines one additional precinct
16 election official may be appointed for each such
17 additional machine. At the commissioner's discretion,
18 additional precinct election officials may be
19 appointed to work at any election. Double election
20 boards may be appointed for any precinct as provided
21 by chapter 51. Not more than a simple majority of the
22 members of the election board in any precinct, or of
23 the two combined boards in any precinct for which a
24 double election board is appointed, shall be members
25 of the same political party or organization if one or
26 more qualified electors of another party or
27 organization are qualified and willing to serve on the
28 board.

29 Sec. ____ . Section 49.31, subsection 3, Code 1987,
30 is amended to read as follows:

31 3. The ballots for any city elections, school
32 elections, special election, or any other election at
33 which any office is to be filled on a nonpartisan
34 basis and the statutes governing the office to be
35 filled are silent as to the arrangement of names on
36 the ballot, shall contain the names of all nominees or
37 candidates arranged in alphabetical order by surname
38 under the heading of the office to be filled. When a
39 city election, school election, special election, or
40 any other election at which an office is to be filled
41 on a nonpartisan basis, is held in more than one
42 precinct, the candidates' names shall be rotated on
43 the ballot from precinct to precinct in the manner
44 prescribed by subsection 2 unless there are no more
45 candidates for an office than the number of persons to
46 be elected to that office.

47 Sec. ____ . Section 49.31, subsection 4, Code 1987,
48 is amended to read as follows:

49 4. If electors in any precinct are entitled to
50 vote for more than one nominee or candidate for a

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1 particular office, the heading for that office on the
2 precinct ballot shall be immediately followed by a
3 notation of the maximum number of nominees or
4 candidates for that office for whom each elector may
5 vote. Provision shall be made on the ballot to allow
6 the elector to write in the name of any person for
7 whom the elector desires to vote for any office or
8 nomination on the ballot."

9 3. Page 4, by inserting after line 14 the
10 following:

11 "Sec. ____ . Section 49.81, subsection 4, Code 1987,
12 is amended by striking the subsection and inserting in
13 lieu thereof the following:

14 4. The individual envelopes used for each paper
15 ballot cast pursuant to subsection 1 shall have
16 printed on them the format of the face of the
17 registration form under section 48.3 and the
18 following:

19 I believe I am a qualified elector of this
20 precinct. I registered to vote in
21 county on or about
22 at My name at that time was
23 I have not moved to a different county since that
24 time. I am a United States citizen, at least eighteen
25 years of age.
26 (signature of elector)
27 (date)

28 The following information is to be provided by the
29 precinct election official:

30 Reason for challenge:

31
32
33
34 (signature of precinct election official)

35 Sec. ____ . Section 50.12, Code 1987, is amended to
36 read as follows:

37 50.12 RETURN AND PRESERVATION OF BALLOTS.

38 Immediately after making such proclamation, and
39 before separating, the board members of each precinct
40 in which votes have been received by paper ballot
41 shall ~~fold-in-two-folds,-and-string-closely-upon-a~~
42 single-piece-of-flexible-wire, enclose in an envelope
43 or other container all ballots which have been counted
44 by them, except those endorsed "Rejected as double",
45 "Defective", or "Objected to", unite-the-ends-of-such
46 wire-in-a-firm-knot,-seal-the-knot-in-such-a-manner
47 that-it-cannot-be-untied-without-breaking-the-seal,-
48 enclose-the-ballots-so-strung-in-an-envelope, and
49 securely seal such envelope. The signatures of all
50 board members of the precinct shall be placed across

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the seal or the opening of the container so that it cannot be opened without breaking the seal. The

precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months.

Sec. ____ . Section 50.21, Code 1987, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED.

The commissioner shall reconvene the election board of the special precinct established by section 53.20 at not earlier than noon on the third second day following each election which is required by law to be canvassed on the Monday following the election. If the third second day following such an election is a legal holiday the special precinct election board shall may be convened at noon on the second day following the election, and if the canvass of the election is required at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

PARAGRAPH DIVIDED. If no challenged ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of challenged ballots cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required, ~~but in so doing shall observe the requirements of sections 49.12 and 49.13.~~ If the number of challenged ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

Sec. ____ . Section 53.2, Code 1987, is amended to read as follows:

53.2 APPLICATION FOR BALLOT.

Any qualified elector, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, make written application to the commissioner for an absentee ballot. The state commissioner shall prescribe a form for absentee ballot applications. However, if an elector submits an application that includes all of the information required in this section, the prescribed form is not required.

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1 This section does not require that a written
2 communication mailed to the commissioner's office to
3 request an absentee ballot, or any other document be
4 notarized as a prerequisite to receiving or marking an
5 absentee ballot or returning to the commissioner an
6 absentee ballot which has been voted.

7 Each application shall contain the name and
8 signature of the qualified elector, the address at
9 which the elector is qualified to vote, and the name
10 or date of the election for which the absentee ballot
11 is requested, and such other information as may be
12 necessary to determine the correct absentee ballot for
13 the qualified elector. If insufficient information
14 has been provided, the commissioner shall, by the best
15 means available, obtain the additional necessary
16 information.

17 If the application is for a primary election ballot
18 and the request is for a ballot of a party different
19 from that recorded on the qualified elector's voter
20 registration record, the requested ballot shall be
21 mailed or given to the applicant together with a
22 "Change or Declaration of Party Affiliation" form as
23 prescribed in section 43.42, to be completed by the
24 qualified elector at the time of voting. Upon receipt
25 of the properly completed form, the commissioner shall
26 approve the change or declaration and enter a notation
27 of the change on the registration records.

28 If a request an application for an absentee ballot
29 is received from an eligible elector who is not a
30 qualified elector the commissioner shall send a
31 registration form under section 48.3 and an absentee
32 ballot to the eligible elector. If the application is
33 received so late that it is unlikely that the
34 registration form can be returned in time to be
35 effective on election day, the commissioner shall
36 enclose with the absentee ballot a notice to that
37 effect, informing the voter of the registration time
38 limits in sections 48.3 and 48.11. The commissioner
39 shall record on the elector's application that the
40 elector is not currently registered to vote. If the
41 registration form is properly returned by the time
42 provided by section 48.3, the commissioner shall send
43 the absentee ballot to the qualified elector record on
44 the elector's application the date of receipt of the
45 registration form and enter a notation of the
46 registration on the registration records.

47 A qualified elector who has not moved from the
48 county in which the elector is registered to vote may
49 submit a change of name, telephone number, or address
50 on the form prescribed in section 48.3 when casting an

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1 absentee ballot. Upon receipt of a properly completed
2 form, the commissioner shall enter a notation of the
3 change on the registration records.

4 Sec. ____ . Section 53.22, Code 1987, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 4. The commissioner shall mail an
7 absentee ballot to a qualified elector who has applied
8 for an absentee ballot and who is a patient or
9 resident of a hospital or health care facility outside
10 the county in which the elector is qualified to vote.

11 NEW SUBSECTION. 5. If the qualified elector
12 becomes a patient or resident of a hospital or health
13 care facility outside the county where the elector is
14 registered to vote within three days before the date
15 of any election, the elector may designate a person to
16 deliver and return the absentee ballot. The designee
17 may be any person the elector chooses except that no
18 candidate for any office to be voted upon for the
19 election for which the ballot is requested may deliver
20 a ballot under this subsection. The request for an
21 absentee ballot may be made by telephone to the office
22 of the commissioner not later than four hours before
23 the close of the polls. If the requester is found to
24 be a qualified elector of that county, the ballot
25 shall be delivered by mail or by the person designated
26 by the elector. An application form shall be included
27 with the absentee ballot and shall be signed by the
28 voter and returned with the ballot.

29 Sec. ____ . Section 53.22, subsection 2, Code 1987,
30 is amended to read as follows:

31 2. Any qualified elector who becomes a patient or
32 resident of a hospital or health care facility in the
33 county where the elector is qualified to vote within
34 three days prior to the date of any election may
35 request an absentee ballot during that period or on
36 election day. As an alternative to the application
37 procedure prescribed by section 53.2, the qualified
38 elector may make the request directly to the officers
39 who are delivering and returning absentee ballots
40 under this section. Alternatively, the request may be
41 made by telephone to the office of the commissioner
42 not later than four hours before the close of the
43 polls. If the requester is found to be a qualified
44 elector of that county, these officers shall deliver
45 the appropriate absentee ballot to the qualified
46 elector in the manner prescribed by this section.

47 Sec. ____ . NEW SECTION. 53.45 SPECIAL ABSENTEE
48 BALLOT.

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

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

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

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

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

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

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

33 4. Notwithstanding the provisions of section
34 53.49, a qualified elector who requests a special
35 absentee ballot under this section may also make
36 application for an absentee ballot under section 53.2
37 or an armed forces absentee ballot under section
38 53.40. If the regular absentee or armed forces
39 absentee ballot is properly voted and returned, the
40 special absentee ballot is void and the commissioner
41 shall reject it in whole when special absentee ballots
42 are canvassed.

43 Sec. _____. Section 53.49, unnumbered paragraph 2,
44 code 1987, is amended by striking the paragraph.

45 Sec. _____. Section 69.12, subsection 1, paragraphs
46 a and b, Code 1987, are amended to read as follows:

47 a. A vacancy shall be filled at the next pending
48 election if it occurs:

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

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(2) Fifty-two or more days prior to the election
 2 if it is a regularly scheduled or special city
 3 election.

4 ~~(2)~~ (3) Forty-five or more days prior to the
 5 election, if it is a regularly scheduled school or
 6 city election.

7 ~~(3)~~ (4) Forty or more days prior to the election,
 8 if it is a special election.

9 b. Nomination papers on behalf of candidates for a
 10 vacant office to be filled pursuant to paragraph "a"
 11 of this subsection shall be filed, in the form and
 12 manner prescribed by applicable law, by five o'clock
 13 p.m. on:

14 (1) The fifty-fifth day prior to a general or
 15 primary election.

16 (2) The forty-seventh day prior to a regularly
 17 scheduled or special city election.

18 ~~(2)~~ (3) The fortieth day prior to a regularly
 19 scheduled school or city election.

20 ~~(3)~~ (4) The twenty-fifth day prior to a special
 21 election.

22 Sec. ____ . Section 277.4, unnumbered paragraph 1,
 23 Code 1987, is amended to read as follows:

24 Nomination papers for all candidates for election
 25 to office in each school district shall be filed with
 26 the secretary of the school board not more than sixty-
 27 five days, nor less than forty days prior to the
 28 election. Nomination petitions shall be filed not
 29 later than five o'clock p.m. on the last day for
 30 filing. If the school board secretary is not readily
 31 available during normal office hours, the secretary
 32 may designate a full-time employee of the school
 33 district who is ordinarily available to accept
 34 nomination papers under this section. Each candidate
 35 shall be nominated by a petition signed by not less
 36 than ten eligible electors of the district. To each
 37 ~~such petition shall be attached the affidavit of an~~
 38 ~~eligible elector of the district that all of the~~
 39 ~~signers thereof are electors of such district and that~~
 40 ~~the signatures thereto are genuine. The candidate~~
 41 ~~being nominated by the petition may sign the affidavit~~
 42 ~~only if the candidate personally circulated the~~
 43 ~~petition. If the affiant also signed the nomination~~
 44 ~~petition, that signature shall not be counted toward~~
 45 ~~the total required by this section.~~ The petition
 46 shall include the affidavit of the candidate being
 47 nominated, stating the candidate's name, place of
 48 residence, that such person is a candidate and is
 49 eligible for the office the candidate seeks, and that
 if elected the candidate will qualify for the office.

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- 1 Sec. ____ . Section 376.4, unnumbered paragraph 4,
- 2 Code 1987, is amended by striking the paragraph."
- 3 4. Page 4, by inserting after line 25 the
- 4 following:
- 5 "Sec. ____ . Section 53.3, Code 1987, is repealed."

H-3429 FILED MARCH 26, 1987 BY RUNNING of Linn

Adopted 3/27/89 (p. 840)

HOUSE FILE 600

H-3421

- A 1 Amend House File 600 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "the" the word "two".
- 4 2. Page 1, by striking lines 25 and 26 and
- β 5 inserting the following: "agencies shall offer to
- 6 each person doing business in that office the
- 7 opportunity to register, unless the officer or
- 8 employee is reasonably certain that a person doing
- 9 business in the office has already been offered a
- 10 registration form within the previous twelve-month
- 11 period. If the person does".

H-3421 FILED MARCH 26, 1987 BY RUNNING of Linn

A. H/D 3/27 (p. 879)

B. Adopted 3/27 (p. 890)

1 Amend House File 600 as follows:

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

4 "Sec. 4. Section 48.7, subsection 1, paragraph b,
5 Code 1987, is amended to read as follows:

6 b. A qualified elector of any precinct in the
7 county of the elector's current residence may record a
8 change of name, telephone number, or address on
9 election day at the polling place for the precinct in
10 which the elector currently resides,--if-the-elector's
11 name-or-former-name-appears-on-the-election-register
12 of-a-polling-place-in-that-county-or-that-polling
13 place-for-the-election-being-held-that-day. The If
14 the qualified elector is submitting a change of name,
15 telephone number, or address from within the precinct,
16 the precinct election officials shall furnish such-a
17 the qualified elector a registration form of the type
18 prescribed for use by electors registering under
19 section 48.3. The elector shall complete the form and
20 submit it to the precinct election officials, who
21 shall return it to the commissioner with the election
22 supplies. If the qualified elector is submitting a
23 change of address from an-election-register-in another
24 precinct within the county, the qualified elector may
25 vote in the ordinary manner if the precinct election
26 officials have verified the qualified elector's
27 registration in the county by communicating with the
28 commissioner's office or by reviewing a county
29 registration list provided by the commissioner. The
30 commissioner may provide county registration lists to
31 some or all the precincts in the county. If the
32 qualified elector's registration in the county is not
33 verified by a precinct election official, the elector
34 shall cast a challenged ballot as provided in section
35 49.81,--but-is-not-required-to-certify-that-the-elector
36 has-not-moved. If the name, telephone number, or
37 address provided by the qualified elector on the
38 challenged ballot envelope is different from the
39 information on the elector's last previous
40 registration, the commissioner shall change the
41 registration records accordingly.

42 PARAGRAPH DIVIDED. If the qualified elector's name
43 or former name appears on the election register in the
44 polling place for the election being held that day,
45 the elector may record a change of name, telephone
46 number, or address and cast a ballot in the usual
47 manner if the qualified elector currently resides in
48 that precinct. If the qualified elector's former
49 address and new address are in different counties, the
50 registration form completed by the qualified elector

Page 2

1 shall be forwarded to the commissioner of the
2 elector's current county of residence by the
3 commissioner conducting the election."

BY RUNNING of Linn
HANSON of Delaware
BUHR of Polk
VAN CAMP of Scott
HALVORSON of Webster
BLANSHAN of Greene

Adopted 3/27/87 (p. 880)
H-3342 FILED MARCH 24, 1987

HOUSE FILE 600

H-3341

1 Amend House File 600 as follows:

2 1. Page 4, by inserting after line 14 the
3 following:

4 "Sec. ____ . Section 56.14, Code 1987, is amended to
5 read as follows:

6 56.14 POLITICAL ADVERTISEMENTS.

7 A person who causes the publication or distribution
8 of published material after July 1, 1984, designed to
9 promote or defeat the nomination or election of a
10 candidate for public office or the passage of a
11 constitutional amendment or public measure shall
12 include conspicuously on the published material the
13 identity and address of the person responsible for the
14 material. If the person responsible is an
15 organization, the name of one officer of the
16 organization shall appear on the material. However,
17 if the organization is a committee which has filed a
18 statement of organization under this chapter, only the
19 name of the committee is required to be included on
20 the published material. In addition to the
21 identification requirement, material subject to this
22 section designed to promote the nomination or election
23 of a candidate shall state whether or not the
24 candidate is seeking reelection. This section does
25 not apply to the editorials or news articles of a
26 newspaper or magazine which are not political
27 advertisements. For the purpose of this
28 section, "published material" means any newspaper,
29 magazine, shopper, outdoor advertising facility,
30 poster, yard sign including hand lettered signs,
31 direct mailing, brochure, or any other form of printed
32 general public political advertising, however, the
33 identification need not be conspicuous on posters and
34 yard signs including hand lettered signs. This
35 section does not apply to bumper stickers, pins,
36 buttons, pens, matchbooks and similar small items upon
37 which the inclusion of the disclaimer would be
38 impracticable or to published material which is
39 subject to federal regulations regarding a disclaimer
40 requirement."

H-3341 FILED MARCH 24, 1987 BY SCHNEKLOTH of Scott

Scott 3/27/87 (p. 881)

H-3435

1 Amend House File 600 as follows:

2 1. Page 1, line 4, by striking the word "either"
3 and inserting the word "each".4 2. Page 1, line 18, by striking the words "any
5 matters" and inserting the following: "the party
6 affiliation".7 3. Page 1, line 32, by inserting after the word
8 "courts." the following: "This section does not
9 prevent the officers or employees of any other state
10 agency from offering voter registration forms to
11 persons in those offices."12 4. Page 4, by inserting after line 25 the
13 following:14 "Sec. 10. Section 721.2, Code 1987, is amended by
15 adding the following new subsection:16 NEW SUBSECTION. 8. Permits persons to use the
17 property owned by the state or a subdivision or agency
18 of the state to operate a political phone bank for any
19 of the following purposes:20 a. To poll voters on their preferences for
21 candidates or ballot measures at an election; however,
22 this paragraph does not apply to authorized research
23 at an educational institution.24 b. To solicit funds for a political candidate or
25 organization.26 c. To urge support for a candidate or ballot
27 measure to voters."28 5. Title page, line 1, by inserting after the
29 word "elections" the following: "and political
30 activity and subjecting violators to a penalty".

H-3435 FILED MARCH 26, 1987 BY RUNNING of Linn

Adopted as amended by 3441 3/27 (p. 878)

HOUSE FILE 600

H-3441

1 Amend the amendment, H-3435, to House File 600 as
2 follows:3 1. Page 1, by inserting after line 3 the
4 following:5 "2. Page 1, line 5, by striking the words "either
6 of the" and inserting the words "each of the two"."7 2. Page 1, by inserting after line 6 the follow-
8 ing:9 "4. Page 1, line 19, by striking the word "those"
10 and inserting the word "that"."

H-3441 FILED MARCH 27, 1987 BY RUNNING of Linn

ADOPTED (p. 878)

*House State Book 3/31/87
Amend (3488) & Be Pass 4/9/87 (p 1189)*

HOUSE FILE 600
BY COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House March 27, 1987)

Passed House, Date 5/6/87 (p 2077) Passed Senate, Date 4/21/87 (p 1430)
Vote: Ayes 74 Nays 20 Vote: Ayes 30 Nays 18
Approved June 9, 1987
Approved Senate 5/7/87 (p 1757)

A BILL FOR

*38-10
Motion to Reconsider (p 1740)
adopted 5/8*

1 An Act relating to elections and political activity and
2 subjecting violators to a penalty.

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

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House Amendments _____
Deleted Language *

*Conference Committee Appointed
Senator Brunel (Chair) Carr, Dickerson, Gentlemen, Corning 5/8/87 (p 1804)
Representative Bruning (Chair) Blanskar, Halvorson, Hanson, Skewing (p 2221)*

*Passed per Conference Committee Report
House 5/9/87 (p 2256) Senate 5/9/87 (p 1855)
96-0 35-9*

1 Section 1. Section 43.26, Code 1987, is amended to read as
2 follows:

3 43.26 BALLOT -- FORM.

4 The official primary election ballot shall be prepared,
5 arranged, and printed substantially in the following form:

6 PRIMARY ELECTION BALLOT

7 (Name of Party)

8 of

9Township-or-Precinct,

10Ward,-City-of-..... County

11 of, State of Iowa,Rotation (if any).

12 Primary election held on the ... day of June, 19....

13 FOR UNITED STATES SENATOR

14 (Vote for one.)

15 _____ Candidate's-name CANDIDATE'S NAME

16 _____ Candidate's-name CANDIDATE'S NAME

17 _____

18 FOR UNITED STATES REPRESENTATIVE

19 (Vote for one.)

20 _____ Candidate's-name CANDIDATE'S NAME

21 _____ Candidate's-name CANDIDATE'S NAME

22 _____

23 FOR GOVERNOR

24 (Vote for one.)

25 _____ Candidate's-name CANDIDATE'S NAME

26 _____ Candidate's-name CANDIDATE'S NAME

27 _____

28 (Followed by other elective state officers in the order in
29 which they appear in section 39.9 and district officers in the
30 order in which they appear in sections 39.15 and 39.16.)

31 FOR COUNTY AUDITOR

32 (Vote for one.)

33 _____ Candidate's-name CANDIDATE'S NAME

34 _____ Candidate's-name CANDIDATE'S NAME

35 _____

1 (Followed by other elective county officers in the order in
2 which they appear in sections 39.17 and 39.18.)

3 FOR TOWNSHIP CLERK

4 (Vote for one.)

5 _____ Candidate's name CANDIDATE'S NAME

6 _____ Candidate's name CANDIDATE'S NAME

7 _____

8 FOR TOWNSHIP TRUSTEES

9 (Vote for no more than two.)

10 _____ Candidate's name CANDIDATE'S NAME

11 _____ Candidate's name CANDIDATE'S NAME

12 _____ Candidate's name CANDIDATE'S NAME

13 _____

14 Sec. 2. Section 43.45, subsections 4 through 7, Code 1987,
15 are amended to read as follows:

16 4. Seal Place the ballots cast on behalf of each of the
17 parties in separate envelopes, and on the outside of such
18 envelope write or print the names of said party's candidates
19 for all offices and opposite each name enter the number of
20 votes cast for such candidate in said precinct. Seal each
21 envelope and place the signature of all board members of the
22 precinct across the seal of the envelope so that it cannot be
23 opened without breaking the seal.

24 5. Seal all the envelopes of all political parties in one
25 large envelope and on the outside thereof, or on a paper
26 attached thereto, On the outside of each envelope enter the
27 number of votes ballots cast by each party in said the
28 precinct and contained in the envelope.

29 6. Seal the precinct election register and the tally
30 sheets and certificates of the precinct election officials in
31 an envelope, or other secure container, on the outside of
32 which are written or printed in perpendicular columns the
33 names of the several political parties with the names of the
34 candidates for the different offices under their party name,
35 and opposite each candidate's name enter the number of votes

1 cast for such candidate in said precinct.

2 7. Enter at-the-bottom-of-each-party-column on said the
3 envelope the total vote-cast-by-said-party-in-said number of
4 voters of each party who cast ballots in the precinct.

5 Sec. 3. Section 44.4, subsection 3, Code 1987, is amended
6 to read as follows:

7 3. Those filed with the city clerk, at least thirty forty-
8 two days prior to the municipal election.

9 Sec. 4. Section 44.9, Code 1987, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 6. In the office of the proper city clerk,
12 at least forty-two days before the regularly scheduled city
13 election.

14 Sec. 5. Section 44.9, subsection 3, Code 1987, is amended
15 to read as follows:

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

19 Sec. 6. Section 45.3, subsection 1, Code 1987, is amended
20 by striking the subsection.

21 Sec. 7. Section 48.5, subsection 2, Code 1987, is amended
22 by adding the following new lettered paragraph:

23 NEW LETTERED PARAGRAPH. e. The requester shall be able to
24 determine who voted by absentee ballot within each of the two
25 preceding primary elections or each of the two preceding
26 general elections.

27 Sec. 8. Section 48.5, Code 1987, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. After each general and primary
30 election the county commissioner of registration shall update
31 the telephone numbers of qualified electors in the
32 registration records using the telephone numbers provided in
33 the declaration of eligibility under section 49.77.

34 Sec. 9. Section 48.7, subsection 1, Code 1987, is amended
35 by adding the following unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. If a change of name, telephone
2 number, or address is submitted under this subsection, the
3 commissioner shall not change the party affiliation in the
4 elector's prior registration other than that indicated by the
5 elector.

6 Sec. 10. Section 48.7, subsection 1, paragraph b, Code
7 1987, is amended to read as follows:

8 b. A qualified elector of any precinct in the county of
9 the elector's current residence may record a change of name,
10 telephone number, or address on election day at the polling
11 place for the precinct in which the elector currently resides,
12 ~~if the elector's name or former name appears on the election~~
13 ~~register of a polling place in that county or that polling~~
14 ~~place for the election being held that day.~~ The If the
15 qualified elector is submitting a change of name, telephone
16 number, or address from within the precinct, the precinct
17 election officials shall furnish such a the qualified elector
18 a registration form of the type prescribed for use by electors
19 registering under section 48.3. The elector shall complete
20 the form and submit it to the precinct election officials, who
21 shall return it to the commissioner with the election
22 supplies. If the qualified elector is submitting a change of
23 address from an election register in another precinct within
24 the county, the qualified elector may vote in the ordinary
25 manner if the precinct election officials have verified the
26 qualified elector's registration in the county by
27 communicating with the commissioner's office or by reviewing a
28 county registration list provided by the commissioner. The
29 commissioner may provide county registration lists to some or
30 all the precincts in the county. If the qualified elector's
31 registration in the county is not verified by a precinct
32 election official, the elector shall cast a challenged ballot
33 ~~as provided in section 49.81, but is not required to certify~~
34 ~~that the elector has not moved.~~ If the name, telephone
35 number, or address provided by the qualified elector on the

1 challenged ballot envelope is different from the information
2 on the elector's last previous registration, the commissioner
3 shall change the registration records accordingly.

4 PARAGRAPH DIVIDED. If the qualified elector's name or
5 former name appears on the election register in the polling
6 place for the election being held that day, the elector may
7 record a change of name, telephone number, or address and cast
8 a ballot in the usual manner if the qualified elector
9 currently resides in that precinct. If the qualified
10 elector's former address and new address are in different
11 counties, the registration form completed by the qualified
12 elector shall be forwarded to the commissioner of the
13 elector's current county of residence by the commissioner
14 conducting the election.

15 Sec. 11. NEW SECTION. 48.20 REGISTRATION IN STATE
16 OFFICES.

17 The registration forms provided in section 48.3 shall be
18 available in the offices maintained by the state agencies
19 listed in this section. The officers and employees of those
20 agencies shall offer to each person doing business in that
21 office the opportunity to register, unless the officer or
22 employee is reasonably certain that a person doing business in
23 the office has already been offered a registration form within
24 the previous twelve-month period. If the person does execute
25 the form, the form shall be sent to the appropriate
26 commissioner of registration. This section applies to the
27 state departments of human services, employment services,
28 revenue and finance, personnel, agriculture and land
29 stewardship, and transportation, and the offices of the clerks
30 of court of the district courts. This section does not
31 prevent the officers or employees of any other state agency
32 from offering voter registration forms to persons in those
33 offices.

34 Sec. 12. Section 49.12, unnumbered paragraph 1, Code 1987,
35 is amended to read as follows:

1 There shall be appointed in each election precinct an
2 election board which shall ordinarily consist of five precinct
3 election officials. However, in precincts using only one
4 voting machine at any one time, and in precincts voting by
5 paper ballot where no more than one-hundred-votes-were-cast
6 three hundred fifty persons cast ballots in the last preceding
7 similar election, the board shall consist of three precinct
8 election officials; and in precincts using more than two
9 voting machines one additional precinct election official may
10 be appointed for each such additional machine. At the
11 commissioner's discretion, additional precinct election
12 officials may be appointed to work at any election. Double
13 election boards may be appointed for any precinct as provided
14 by chapter 51. Not more than a simple majority of the members
15 of the election board in any precinct, or of the two combined
16 boards in any precinct for which a double election board is
17 appointed, shall be members of the same political party or
18 organization if one or more qualified electors of another
19 party or organization are qualified and willing to serve on
20 the board.

21 Sec. 13. Section 49.31, subsection 3, Code 1987, is
22 amended to read as follows:

23 3. The ballots for any city elections, school elections,
24 special election, or any other election at which any office is
25 to be filled on a nonpartisan basis and the statutes governing
26 the office to be filled are silent as to the arrangement of
27 names on the ballot, shall contain the names of all nominees
28 or candidates arranged in alphabetical order by surname under
29 the heading of the office to be filled. When a city election,
30 school election, special election, or any other election at
31 which an office is to be filled on a nonpartisan basis, is
32 held in more than one precinct, the candidates' names shall be
33 rotated on the ballot from precinct to precinct in the manner
34 prescribed by subsection 2 unless there are no more candidates
35 for an office than the number of persons to be elected to that

1 office.

2 Sec. 14. Section 49.31, subsection 4, Code 1987, is
3 amended to read as follows:

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

13 Sec. 15. Section 49.53, Code 1987, is amended to read as
14 follows:

15 49.53 PUBLICATION OF BALLOT AND NOTICE.

16 The commissioner shall not less than four nor more than
17 twenty days prior to the day of each election, except those
18 for which different publication requirements are prescribed by
19 law, publish notice of the election. The notice shall contain
20 a facsimile of the portion of the ballot containing the first
21 rotation as prescribed by section 49.31, subsection 2, and
22 shall show the names of all candidates or nominees and the
23 office each seeks, and all public questions, to be voted upon
24 at the election. The sample ballot published as a part of the
25 notice may at the discretion of the commissioner be reduced in
26 size relative to the actual ballot but such reduction shall
27 not cause upper case letters appearing on the published sample
28 ballot to be less than five-thirty-sixths of an inch high in
29 candidates' names or in summaries of public measures. The
30 notice shall also state the date of the election, the hours
31 the polls will be open, the location of each polling place at
32 which voting is to occur in the election, and the names of the
33 precincts voting at each polling place, but the statement need
34 not set forth any fact which is apparent from the portion of
35 the ballot appearing as a part of the same notice. The notice

1 shall be published in at least one newspaper, as defined in
2 section 618.3, which is published in the county or other
3 political subdivision in which the election is to occur or, if
4 no newspaper is published there, in at least one newspaper of
5 substantial circulation in the county or political
6 subdivision. For the general election or the primary election
7 the foregoing notice shall be published in at least two
8 newspapers published in the county representing, if possible,
9 the two political parties whose candidates for president of
10 the United States or for governor, as the case may be,
11 received the largest and next largest number of votes in the
12 county at the last preceding general election. However, if
13 there is only one newspaper published in the county,
14 publication in one newspaper shall be sufficient.

15 Sec. 16. Section 49.77, subsection 1, Code 1987, is
16 amended to read as follows:

17 1. The board members of their respective precincts shall
18 have charge of the ballots and furnish them to the voters. Any
19 person desiring to vote shall sign a voter's declaration
20 provided by the officials, in substantially the following
21 form:

22 VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

32

33 Signature of Voter

34

35 Address

1
2 Telephone

3 Approved:
4

5 Board Member

6 Sec. 17. Section 49.77, Code 1987, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 5. The request for the telephone number
9 in the declaration of eligibility in subsection 1 is not
10 mandatory and the failure by the elector to provide the
11 telephone number does not affect the declaration's validity.

12 Sec. 18. Section 53.40, unnumbered paragraph 1, Code 1987,
13 is amended to read as follows:

14 Request in writing for a ballot for the primary election
15 and for the general election may be made by any member of the
16 armed forces of the United States who is or will be a
17 qualified voter on the day of the election at which the ballot
18 is to be cast, at any time prior to either of the elections,
19 ~~the request stating for which election the request is made.~~

20 Unless the request specifies otherwise, a request for the
21 primary election shall also be considered a request for the
22 general election. In the case of the general election request
23 may be made not more than seventy days before the election,
24 for and on behalf of a voter in the armed forces of the United
25 States by a spouse, parent, parent-in-law, adult brother,
26 adult sister, or adult child of the voter, residing in the
27 county of the voter's residence. However, a request made by
28 other than the voter may be required to be made on forms
29 prescribed by the state commissioner.

30 Sec. 19. Section 49.81, subsection 4, Code 1987, is
31 amended by striking the subsection and inserting in lieu
32 thereof the following:

33 4. The individual envelopes used for each paper ballot
34 cast pursuant to subsection 1 shall have printed on them the
35 format of the face of the registration form under section 48.3

1 and the following:

2 I believe I am a qualified elector of this precinct. I
3 registered to vote in county on or
4 about at My name at that time was
5 I have not moved to a different county since
6 that time. I am a United States citizen, at least eighteen
7 years of age.

8 (signature of elector) (date)

9 The following information is to be provided by the precinct
10 election official:

11 Reason for challenge:

12
13
14

15 (signature of precinct election official)

16 Sec. 20. Section 50.12, Code 1987, is amended to read as
17 follows:

18 50.12 RETURN AND PRESERVATION OF BALLOTS.

19 Immediately after making such proclamation, and before
20 separating, the board members of each precinct in which votes
21 have been received by paper ballot shall fold-in-two-folds,
22 and-string-closely-upon-a-single-piece-of-flexible-wire,
23 enclose in an envelope or other container all ballots which
24 have been counted by them, except those endorsed "Rejected as
25 double", "Defective", or "Objected to", unite-the-ends-of-such
26 wire-in-a-firm-knot, seal-the-knot-in-such-a-manner-that-it
27 cannot-be-untied-without-breaking-the-seal, enclose-the
28 ballots-so-strung-in-an-envelope, and securely seal such
29 envelope. The signatures of all board members of the precinct
30 shall be placed across the seal or the opening of the
31 container so that it cannot be opened without breaking the
32 seal. The precinct election officials shall return all the
33 ballots to the commissioner, who shall carefully preserve them
34 for six months.

35 Sec. 21. Section 50.21, Code 1987, is amended to read as

1 follows:

2 50.21 SPECIAL PRECINCT BOARD RECONVENED.

3 The commissioner shall reconvene the election board of the
4 special precinct established by section 53.20 at not earlier
5 than noon on the third second day following each election
6 which is required by law to be canvassed on the Monday
7 following the election. If the third second day following
8 such an election is a legal holiday the special precinct
9 election board ~~shall~~ may be convened at noon on the second day
10 following the election, and if the canvass of the election is
11 required at any time earlier than the Monday following the
12 election, the special precinct election board shall be
13 reconvened at noon on the day following the election.

14 PARAGRAPH DIVIDED. If no challenged ballots were cast in
15 the county pursuant to section 49.81 at any election, the
16 special precinct election board need not be so reconvened. If
17 the number of challenged ballots so cast at any election is
18 not sufficient to require reconvening of the entire election
19 board of the special precinct, the commissioner may reconvene
20 only the number of members required, ~~but in so doing shall~~
21 ~~observe the requirements of sections 49.12 and 49.13.~~ If the
22 number of challenged ballots cast at any election exceeds the
23 number of absentee ballots cast, the size of the special
24 precinct election board may be increased at the commissioner's
25 discretion. The commissioner shall observe the requirements
26 of sections 49.12 and 49.13 in making adjustments to the size
27 of the special precinct election board.

28 Sec. 22. Section 53.2, Code 1987, is amended to read as
29 follows:

30 53.2 APPLICATION FOR BALLOT.

31 Any qualified elector, under the circumstances specified in
32 section 53.1, may on any day, except election day, and not
33 more than seventy days prior to the date of the election, make
34 written application to the commissioner for an absentee
35 ballot. The state commissioner shall prescribe a form for

1 absentee ballot applications. However, if an elector submits
2 an application that includes all of the information required
3 in this section, the prescribed form is not required.

4 This section does not require that a written communication
5 mailed to the commissioner's office to request an absentee
6 ballot, or any other document be notarized as a prerequisite
7 to receiving or marking an absentee ballot or returning to the
8 commissioner an absentee ballot which has been voted.

9 Each application shall contain the name and signature of
10 the qualified elector, the address at which the elector is
11 qualified to vote, and the name or date of the election for
12 which the absentee ballot is requested, and such other
13 information as may be necessary to determine the correct
14 absentee ballot for the qualified elector. If insufficient
15 information has been provided, the commissioner shall, by the
16 best means available, obtain the additional necessary
17 information.

18 If the application is for a primary election ballot and the
19 request is for a ballot of a party different from that
20 recorded on the qualified elector's voter registration record,
21 the requested ballot shall be mailed or given to the applicant
22 together with a "Change or Declaration of Party Affiliation"
23 form as prescribed in section 43.42, to be completed by the
24 qualified elector at the time of voting. Upon receipt of the
25 properly completed form, the commissioner shall approve the
26 change or declaration and enter a notation of the change on
27 the registration records.

28 If a request an application for an absencee ballot is
29 received from an eligible elector who is not a qualified
30 elector the commissioner shall send a registration form under
31 section 48.3 and an absentee ballot to the eligible elector.
32 If the application is received so late that it is unlikely
33 that the registration form can be returned in time to be
34 effective on election day, the commissioner shall enclose with
35 the absentee ballot a notice to that effect, informing the

1 voter of the registration time limits in sections 48.3 and
2 48.11. The commissioner shall record on the elector's
3 application that the elector is not currently registered to
4 vote. If the registration form is properly returned by the
5 time provided by section 48.3, the commissioner shall send the
6 absentee ballot to the qualified elector record on the
7 elector's application the date of receipt of the registration
8 form and enter a notation of the registration on the
9 registration records.

10 A qualified elector who has not moved from the county in
11 which the elector is registered to vote may submit a change of
12 name, telephone number, or address on the form prescribed in
13 section 48.3 when casting an absentee ballot. Upon receipt of
14 a properly completed form, the commissioner shall enter a
15 notation of the change on the registration records.

16 Sec. 23. Section 53.22, Code 1987, is amended by adding
17 the following new subsections:

18 NEW SUBSECTION. 4. The commissioner shall mail an
19 absentee ballot to a qualified elector who has applied for an
20 absentee ballot and who is a patient or resident of a hospital
21 or health care facility outside the county in which the
22 elector is qualified to vote.

23 NEW SUBSECTION. 5. If the qualified elector becomes a
24 patient or resident of a hospital or health care facility
25 outside the county where the elector is registered to vote
26 within three days before the date of any election, the elector
27 may designate a person to deliver and return the absentee
28 ballot. The designee may be any person the elector chooses
29 except that no candidate for any office to be voted upon for
30 the election for which the ballot is requested may deliver a
31 ballot under this subsection. The request for an absentee
32 ballot may be made by telephone to the office of the
33 commissioner not later than four hours before the close of the
34 polls. If the requester is found to be a qualified elector of
35 that county, the ballot shall be delivered by mail or by the

1 person designated by the elector. An application form shall
2 be included with the absentee ballot and shall be signed by
3 the voter and returned with the ballot.

4 Sec. 24. Section 53.22, subsection 2, Code 1987, is
5 amended to read as follows:

6 2. Any qualified elector who becomes a patient or resident
7 of a hospital or health care facility in the county where the
8 elector is qualified to vote within three days prior to the
9 date of any election may request an absentee ballot during
10 that period or on election day. As an alternative to the
11 application procedure prescribed by section 53.2, the
12 qualified elector may make the request directly to the
13 officers who are delivering and returning absentee ballots
14 under this section. Alternatively, the request may be made by
15 telephone to the office of the commissioner not later than
16 four hours before the close of the polls. If the requester is
17 found to be a qualified elector of that county, these officers
18 shall deliver the appropriate absentee ballot to the qualified
19 elector in the manner prescribed by this section.

20 Sec. 25. NEW SECTION. 53.45 SPECIAL ABSENTEE BALLOT.

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

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

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

32 The application for a special absentee ballot shall not be
33 filed earlier than ninety days prior to the general election.
34 The special absentee ballot shall list the offices and
35 measures, if known, scheduled to appear on the general

1 election ballot. The qualified elector may use the special
2 absentee ballot to write in the name of any eligible candidate
3 for each office and may vote on any measure.

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

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

15 4. Notwithstanding the provisions of section 53.49, a
16 qualified elector who requests a special absentee ballot under
17 this section may also make application for an absentee ballot
18 under section 53.2 or an armed forces absentee ballot under
19 section 53.40. If the regular absentee or armed forces
20 absentee ballot is properly voted and returned, the special
21 absentee ballot is void and the commissioner shall reject it
22 in whole when special absentee ballots are canvassed.

23 Sec. 26. Section 53.49, unnumbered paragraph 2, code 1987,
24 is amended by striking the paragraph.

25 Sec. 27. Section 69.12, subsection 1, paragraphs a and b,
26 Code 1987, are amended to read as follows:

27 a. A vacancy shall be filled at the next pending election
28 if it occurs:

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

31 (2) Fifty-two or more days prior to the election if it is
32 a regularly scheduled or special city election.

33 ~~(2)~~ (3) Forty-five or more days prior to the election, if
34 it is a regularly scheduled school or city election.

35 ~~(3)~~ (4) Forty or more days prior to the election, if it is

1 a special election.

2 b. Nomination papers on behalf of candidates for a vacant
 3 office to be filled pursuant to paragraph "a" of this
 4 subsection shall be filed, in the form and manner prescribed
 5 by applicable law, by five o'clock p.m. on:

6 (1) The fifty-fifth day prior to a general or primary
 7 election.

8 (2) The forty-seventh day prior to a regularly scheduled
 9 or special city election.

10 ~~(2)~~ (3) The fortieth day prior to a regularly scheduled
 11 school or city election.

12 ~~(3)~~ (4) The twenty-fifth day prior to a special election.

13 Sec. 28. Section 277.4, unnumbered paragraph 1, Code 1987,
 14 is amended to read as follows:

15 Nomination papers for all candidates for election to office
 16 in each school district shall be filed with the secretary of
 17 the school board not more than sixty-five days, nor less than
 18 forty days prior to the election. Nomination petitions shall
 19 be filed not later than five o'clock p.m. on the last day for
 20 filing. If the school board secretary is not readily
 21 available during normal office hours, the secretary may
 22 designate a full-time employee of the school district who is
 23 ordinarily available to accept nomination papers under this
 24 section. Each candidate shall be nominated by a petition
 25 signed by not less than ten eligible electors of the district.

26 ~~To each such petition shall be attached the affidavit of an~~
 27 ~~eligible elector of the district that all of the signers~~
 28 ~~thereof are electors of such district and that the signatures~~
 29 ~~thereto are genuine. The candidate being nominated by the~~
 30 ~~petition may sign the affidavit only if the candidate~~
 31 ~~personally circulated the petition. If the affiant also~~
 32 ~~signed the nomination petition, that signature shall not be~~
 33 ~~counted toward the total required by this section. The~~
 34 petition shall include the affidavit of the candidate being
 35 nominated, stating the candidate's name, place of residence,

1 that such person is a candidate and is eligible for the office
2 the candidate seeks, and that if elected the candidate will
3 qualify for the office.

4 Sec. 29. Section 376.4, unnumbered paragraph 4, Code 1987,
5 is amended by striking the paragraph.

6 Sec. 30. Section 618.14, unnumbered paragraph 1, Code
7 1987, is amended to read as follows:

8 The governing body of any municipality or other political
9 subdivision of the state ~~is authorized to make publication~~ may
10 publish, as straight matter or display, of any matter of
11 general public importance, ~~not otherwise authorized or~~
12 ~~required by law, by publication~~ in one or more newspapers, as
13 defined in section 618.3 published in and having general
14 circulation in such municipality or political subdivision, at
15 the legal or appropriate commercial rate, according to the
16 character of the matter published.

17 Sec. 31. Section 721.2, Code 1987, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 8. Permits persons to use the property
20 owned by the state or a subdivision or agency of the state to
21 operate a political phone bank for any of the following
22 purposes:

23 a. To poll voters on their preferences for candidates or
24 ballot measures at an election; however, this paragraph does
25 not apply to authorized research at an educational
26 institution.

27 b. To solicit funds for a political candidate or
28 organization.

29 c. To urge support for a candidate or ballot measure to
30 voters.

31 Sec. 32. Section 53.3, Code 1987, is repealed.
32
33
34
35

HOUSE FILE 600

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1 Amend House File 600 as amended, passed, and
2 reprinted by the House as follows:

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

5 "Sec. ____ Section 39.24, Code 1987, is amended to
6 read as follows:

7 39.24 SCHOOL OFFICERS.

8 Members of boards of directors of community and
9 independent school districts, and boards of directors
10 of merged areas shall be elected at the school
11 election. Their terms of office shall be three ~~four~~
12 years, except as otherwise provided by section 275.23A
13 or 280A.11."

14 2. Page 3, line 17, by striking the word "thirty-
15 five" and inserting the words "thirty-five forty-two".

16 3. Page 4, line 32, by striking the word
17 "challenged" and inserting the following: "challenged
18 special".

19 4. Page 5, line 1, by striking the word
20 "challenged" and inserting the word "special".

21 5. Page 5, line 26, by inserting after the word
22 "the" the following: "Iowa civil rights commission
23 and the".

24 6. Page 5, line 27, by inserting after the words
25 "human services," the following: "human rights,
26 cultural affairs,".

27 7. Page 9, by inserting after line 29 the
28 following:

29 "Sec. ____ Section 49.81, subsections 2 and 3,
30 Code 1987, are amended to read as follows:

31 2. Each person who casts a challenged special
32 ballot under this section shall receive a printed
33 statement in substantially the following form: "Your
34 qualifications as an elector have been challenged for
35 the following reasons:

36 1.
37 2.
38 3.

39 Your right to vote will be reviewed by the special precinct
40 counting board on You have the right and are
41 encouraged to make a written statement and submit additional
42 written evidence to this board supporting your qualifications
43 as an elector. This written statement and evidence may be given
44 to an election official of this precinct on election day or
45 mailed or delivered to the county commissioner of elections, but
46 must be received prior to noon on at

47 If your ballot is not counted you will receive notification of
48 this fact."
49 3. Any elector may present written statements or
50 documents, supporting or opposing the counting of any

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1 ~~challenged~~ special ballot, to the precinct election
2 officials on election day, until the hour for closing
3 the polls. Any statements or documents so presented
4 shall be delivered to the commissioner when the
5 election supplies are returned."

6 8. Page 10, by inserting after line 34 the
7 following:

8 "Sec. ____ . Section 50.20, Code 1987, is amended to
9 read as follows:

10 50.20 NOTICE OF NUMBER OF ~~CHALLENGED~~ SPECIAL
11 BALLOTS.

12 The commissioner shall compile a list of the number
13 of ~~challenged~~ special ballots cast under section 49.81
14 in each precinct. The list shall be made available to
15 the public as soon as possible, but in no case later
16 than nine o'clock a.m. on the second day following the
17 election. Any elector may examine the list during
18 normal office hours, and may also examine the
19 affidavit envelopes bearing the ballots of challenged
20 electors until the reconvening of the special precinct
21 board as required by this chapter. Only those persons
22 so permitted by section 53.23, subsection 4, shall
23 have access to the affidavits while that board is in
24 session. Any elector may present written statements
25 or documents, supporting or opposing the counting of
26 any ~~challenged~~ special ballot, at the commissioner's
27 office until the reconvening of the special precinct
28 board."

29 9. Page 11, line 14, by striking the word
30 "challenged" and inserting the following: "~~challenged~~
31 special".

32 10. Page 11, line 17, by striking the word
33 "challenged" and inserting the following: "~~challenged~~
34 special".

35 11. Page 11, line 22, by striking the word
36 "~~challenged~~" and inserting the word "special".

37 12. Page 11, by inserting after line 27 the
38 following:

39 "Sec. ____ . Section 50.22, Code 1987, is amended to
40 read as follows:

41 50.22 SPECIAL PRECINCT BOARD TO DETERMINE
42 CHALLENGES.

43 Upon being reconvened, the special precinct
44 election board shall review the information upon the
45 envelopes bearing the ~~challenged~~ special ballots, and
46 all evidence submitted in support of or opposition to
47 the right of each challenged person to vote in the
48 election. The board may divide itself into panels of
49 not less than three members each in order to hear and
50 determine two or more challenges simultaneously, but

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each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel. The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the challenged special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If a challenged special ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the challenged special ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The challenged special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of challenged special ballots rejected and not counted, at the time of the canvass of the election."

13. Page 13, by inserting after line 15 the following:

"Sec. ____ . Section 53.17, subsection 2, Code 1987, is amended to read as follows:

2. The sealed carrier envelope may be mailed, ~~postage-paid~~, to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the canvass for that election by the board of supervisors."

14. Page 15, line 33, by striking the word "Forty-five" and inserting the words "Forty-five Fifty-two".

15. Page 16, line 10, by striking the word "fortieth" and inserting the words "fortieth forty-

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1 seventh".

2 16. Page 16, by inserting after line 12 the
3 following:

4 "Sec. _____. Section 273.8, subsection 1; subsection
5 2, unnumbered paragraph 2; and subsections 3, 5 and 6,
6 Code 1987, are amended to read as follows:

7 1. BOARD OF DIRECTORS. The board of directors of
8 an area education agency shall consist of not less
9 than five nor more than nine members, each a resident
10 of and elected in the manner provided in this section
11 from a director district that is approximately equal
12 in population to the other director districts in the
13 area education agency. Each director shall serve a
14 ~~three-year~~ four-year term which commences at the
15 organization meeting.

16 The director district conventions shall be called
17 and the locations of the conventions shall be
18 determined by the area education agency administrator.
19 ~~Annually~~ Biennially the director district conventions
20 shall be held within two weeks following the regular
21 school election. Notice of the time, date and place
22 of a director district convention shall be published
23 by the area education agency administrator at least
24 forty-five days prior to the day of the district
25 conventions in at least one newspaper of general
26 circulation in the director district. The cost of
27 publication shall be paid by the area education
28 agency.

29 3. ORGANIZATION. The board of directors of each
30 area education agency shall meet and organize at the
31 first regular meeting in ~~October~~ December of each ~~odd-~~
32 numbered year at a suitable place designated by the
33 president. Directors whose terms commence at the
34 organization meeting shall qualify by taking the oath
35 of office required by section 277.28 at or before the
36 organization meeting.

37 The provisions of section 280A.12 relating to
38 organization, officers, appointment of secretary and
39 treasurer, and meetings of the merged area board apply
40 to the area education agency board.

41 5. CHANGE IN DIRECTORS. The board of an area
42 education agency may change the number of directors on
43 the board and shall make corresponding changes in the
44 boundaries of director districts. Changes shall be
45 completed not later than July 1 of a fiscal year for
46 the director district conventions to be held the
47 following ~~September~~ November.

48 6. BOUNDARY LINE CHANGES. To the extent possible
49 the board shall provide that changes in the boundary
50 lines of director districts of area education agencies

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1 shall not lengthen or diminish the term of office of a
2 director of an area education agency board. Initial
3 terms of office shall be set by the board so that as
4 nearly as possible the terms of ~~one-third~~ one-half of
5 the members expire ~~annually~~ biennially.

6 Sec. ____ . Section 274.7, Code 1987, is amended to
7 read as follows:

8 274.7 DIRECTORS.

9 The affairs of each school corporation shall be
10 conducted by a board of directors, the members of
11 which in all community or independent school districts
12 shall be chosen for a term of ~~three~~ four years.

13 Sec. ____ . Section 275.12, subsection 2, paragraphs
14 b, c, d and e, Code 1987, are amended to read as
15 follows:

16 b. Division of the entire school district into
17 designated geographical single director or multi-
18 director subdistricts on the basis of population for
19 each director, to be known as director districts, each
20 of which director districts shall be represented on
21 the school board by one or more directors who shall be
22 residents of the director district but who shall be
23 elected by the vote of the electors of the entire
24 school district. The boundaries of the director
25 districts and the area and population included within
26 each district shall be such as justice, equity, and
27 the interests of the people may require. Changes in
28 the boundaries of director districts shall not be made
29 during a period commencing sixty days prior to the
30 date of the ~~annual~~ regular school election. Insofar
31 as may be practicable, the boundaries of the districts
32 shall follow established political or natural
33 geographical divisions.

34 c. Election of not more than one-half of the total
35 number of school directors at large from the entire
36 district and the remaining directors from and as
37 residents of designated single-member or multi-member
38 director districts into which the entire school
39 district shall be divided on the basis of population
40 for each director. In such case, all directors shall
41 be elected by the electors of the entire school
42 district. Changes in the boundaries of director
43 districts shall not be made during a period commencing
44 sixty days prior to the date of the ~~annual~~ regular
45 school election.

46 d. Division of the entire school district into
47 designated geographical single director or multi-
48 director subdistricts on the basis of population for
49 each director, to be known as director districts, each
of which director districts shall be represented on

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1 the school board by one or more directors who shall be
2 residents of the director district and who shall be
3 elected by the voters of the director district. Place
4 of voting in the director districts shall be
5 designated by the commissioner of elections. Changes
6 in the boundaries of director districts shall not be
7 made during a period commencing sixty days prior to
8 the date of the annual regular school election.

9 e. In districts having seven directors, election
10 of three directors at large by the electors of the
11 entire district, one no more than two at each annual
12 regular school election, and election of the remaining
13 directors as residents of and by the electors of
14 individual geographic subdistricts established on the
15 basis of population and identified as director
16 districts. Boundaries of the subdistricts shall
17 follow precinct boundaries, insofar as practicable,
18 and shall not be changed less than sixty days prior to
19 the annual regular school election.

20 Sec. _____. Section 275.25, subsection 3, Code 1985,
21 is amended to read as follows:

22 3. The directors who are elected to serve shall
23 serve until their successors are elected and qualify.
24 At the special election, the three newly elected
25 director directors receiving the most votes shall be
26 elected to serve until ~~the director's successor~~
27 qualifies their successors qualify after the fourth
28 third regular school election date occurring after the
29 effective date of the reorganization; the two newly
30 elected directors receiving the next largest number of
31 votes shall be elected to serve until the directors'
32 successors qualify after the third second regular
33 school election date occurring after the effective
34 date of the reorganization; and the two newly elected
35 directors receiving the next largest number of votes
36 shall be elected to serve until the directors'
37 successors qualify after the second regular school
38 election date occurring after the effective date of
39 the reorganization. However, in districts that
40 include all or a part of a city of fifteen thousand or
41 more population and in districts in which the
42 proposition to establish a new corporation provides
43 for the election of seven directors, the three four
44 newly elected directors receiving the most votes shall
45 be elected to serve until the directors' successors
46 qualify after the ~~fourth~~ third regular school election
47 date occurring after the effective date of the
48 reorganization and the three newly elected directors
49 receiving the next largest number of votes shall be
50 elected to serve until the directors' successors

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1 qualify after the second regular school election date
2 occurring after the effective date of reorganization.

3 Sec. ____ . Section 275.36, Code 1987, is amended to
4 read as follows:

5 275.36 SUBMISSION OF CHANGE TO ELECTORS.

6 If a petition for a change in the number of
7 directors or in the method of election of school
8 directors, describing the boundaries of the proposed
9 director districts, if any, signed by eligible
10 electors of the school district equal in number to at
11 least thirty percent of those who voted in the last
12 ~~previous annual~~ regular school election in the school
13 district, but not less than twenty-five persons, and
14 accompanied by affidavit as required by section 275.13
15 be filed with the school board of a school district,
16 not earlier than six months and not later than two
17 months before a regular or special school election,
18 the school board shall submit such proposition to the
19 voters at such election. If a proposition for a
20 change in the number of directors or in the method of
21 election of school directors submitted to the voters
22 under this section is rejected, it shall not be
23 resubmitted to the voters of the district in
24 substantially the same form within the next three
years; if it is approved, no other proposal may be
submitted to the voters of the district under this
27 section within the next six years.

28 Sec. ____ . Section 275.37, Code 1987, is amended to
29 read as follows:

30 275.37 INCREASE IN NUMBER OF DIRECTORS.

31 At the next succeeding ~~annual~~ regular school
32 election in a district where the number of directors
33 has been increased from five to seven, and directors
34 are elected at large, there shall be elected a
35 director to succeed each incumbent director whose term
36 is expiring in that year, and two additional
37 directors. Upon organizing as required by section
38 279.1, the newly elected director who received the
39 fewest votes in the election shall be assigned a term
40 of ~~either one year or~~ two years if necessary in order
41 that as nearly as possible ~~one-third~~ one-half of the
42 members of the board shall be elected each year.

43 Sec. ____ . Section 275.38, Code 1987, is amended to
44 read as follows:

45 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

46 If change in the method of election of school
47 directors is approved at a regular or special school
48 election, the directors who were serving unexpired
49 terms or were elected concurrently with approval of
the change of method shall serve out the terms for

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1 which they were elected. If the plan adopted is that
2 described in section 275.12, subsection 2, paragraph
3 "b," "c," "d," or "e," the board shall at the earliest
4 practicable time designate the districts from which
5 residents are to be elected as school directors at
6 each of the next three two succeeding annual regular
7 school elections, arranging so far as possible for
8 elections of directors as residents of the respective
9 districts to coincide with the expiration of terms of
10 incumbent members residing in those districts. If an
11 increase in the size of the board from five to seven
12 members is approved concurrently with the change in
13 method of election of directors, the board shall make
14 the necessary adjustment in the manner prescribed in
15 section 275.37, as well as providing for
16 implementation of the districting plan under this
17 section.

18 Sec. ____ . Section 275.41, subsections 4, 5, 6, and
19 7, Code 1987, are amended to read as follows:

20 4. If the total number of directors determined
21 under subsection 2 or 3 is an odd number, the board of
22 the district with the largest population shall
23 designate the term of office of one of the members who
24 is retained to commence at the organizational meeting
25 of the board of the newly formed district and to end
26 at the organizational meeting following the fourth
27 third regular school election held thereafter in the
28 manner specified in the reorganization petition.

29 If the total number of directors determined under
30 subsection 2 or 3 is an even number, that number of
31 directors shall function until a special election can
32 be held, at which time an additional director shall be
33 elected to a term from the newly formed district
34 ending at the organizational meeting following the
35 fourth third regular school election held thereafter.
36 The procedure for calling the special election shall
37 be the procedure specified in section 275.25.

38 5. The boards of directors of school districts
39 which are involved in the merger which have three or
40 more directors who are retained, shall each designate
41 two of the directors who are retained to serve terms
42 that expire at the organizational meeting following
43 the second first regular school election held
44 thereafter. All other directors who are retained
45 shall serve terms that expire at the organizational
46 meeting following the third second regular school
47 election held thereafter. If there is an insufficient
48 number of board members eligible to be retained from a
49 former school district, the board of the former school
50 district may appoint members to fill the vacancies. A

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vacancy occurs if there is an insufficient number of former board members who reside in the newly formed district or if there is an insufficient number who are willing to serve on the board of the newly formed district.

6. At the second first regular school election held after the effective date of the merger, the two vacancies which will occur on the board shall be filled in a manner specified in the reorganization petition.

7. At the third second regular school election held after the effective date of merger, if a five-member board is specified in the reorganization petition, two directors shall be elected in the manner specified in the reorganization petition and if a seven-member board is specified in the reorganization petition, four directors shall be elected, two for one-year two-year terms and two for three-year four-year terms, in the manner specified in the reorganization petition.

Sec. ____ . Section 277.1, Code 1987, is amended to read as follows:

277.1 REGULAR ELECTION.

The regular election shall be held annually biennially on the second first Tuesday ~~in-September~~ following the first Monday in November in each school district for the election of officers of the district and merged area and for the purpose of submitting to the voters any matter authorized by law."

17. Page 16, line 17, by striking the word "sixty-five" and inserting the words "sixty-five seventy-two".

18. Page 16, line 18, by striking the word "forty" and inserting the words "~~forty~~ forty-seven".

19. Page 17, by inserting after line 3 the following:

"Sec. ____ . Section 277.20, unnumbered paragraph 1, Code 1987, is amended to read as follows:

On the next Friday Monday after the regular school election, the county board of supervisors shall canvass the returns made to the county commissioner of elections from the several precinct polling places and the absentee ballot counting board, ascertain the result of the voting with regard to every matter voted upon and cause a record to be made thereof as required by section 50.24. Special elections held in school districts shall be canvassed at the time and in the manner required by that section. The board shall declare the results of the voting for members of boards of directors of school corporations nominated

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1 pursuant to section 277.4, and the commissioner shall
2 at once issue a certificate of election to each person
3 declared elected. The board shall also declare the
4 results of the voting on any public question submitted
5 to the voters of a single school district, and the
6 commissioner shall certify the result as required by
7 section 50.27.

8 Sec. _____. Section 277.23, unnumbered paragraph 2,
9 Code 1987, is amended to read as follows:

10 A change from five to seven directors shall be
11 effected in a district at the first regular election
12 after authorization by the voters or when a district
13 becomes wholly or in part within a city of fifteen
14 thousand population or more in the following manner:
15 If the ~~term of one director~~ terms of two directors of
16 the five-member board expires at the time of said
17 regular election, ~~three~~ four directors shall be
18 elected to serve until the ~~third~~ second following
19 regular election thereafter; if the terms of ~~two~~ three
20 directors expire at the time of said regular election,
21 ~~three~~ two directors shall be elected to serve until the
22 ~~third~~ second regular election thereafter and one
23 ~~director~~ two directors shall be elected to serve a
24 ~~term the expiration of which coincides with the~~
25 ~~expiration of the term of the director heretofore~~
26 ~~singly-elected~~ until the next regular election.

27 Sec. _____. Section 277.25, Code 1987, is amended to
28 read as follows:

29 277.25 DIRECTORS IN NEW DISTRICTS.

30 At the first election in newly organized districts
31 the directors shall be elected as follows:

32 1. In districts having three directors, ~~one~~
33 ~~director~~ two directors shall be elected for ~~one-year~~
34 ~~one-for~~ two years, and one for ~~three~~ four years.

35 2. In districts having five directors, ~~two~~ three
36 shall be elected for ~~one-year~~, ~~two-for~~ two years, and
37 ~~one~~ two for ~~three~~ four years.

38 3. In districts having seven directors, ~~two~~ four
39 shall be elected for ~~one-year~~, ~~two-for~~ two years, and
40 three for ~~three~~ four years.

41 Sec. _____. Section 277.28, unnumbered paragraph 1,
42 Code 1987, is amended to read as follows:

43 Each director elected at a regular district or
44 director district election, as the case may be, shall
45 qualify by taking the oath of office on or before the
46 time set for the organization meeting of the board the
47 ~~third Monday in September~~ November ~~each odd-numbered~~
48 year, and the election and qualification entered of
49 record by the secretary. The oath may be administered
50 by any qualified member of the board or the secretary

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of the board and may be taken in substantially the following form:

Sec. ____ . Section 279.1, Code 1987, is amended to read as follows:

279.1 ORGANIZATION.

The board of directors of each school corporation shall meet and organize at two o'clock p.m., or at seven-thirty o'clock p.m., if so ordered by the president of the board, on the third Monday in ~~September~~ November each odd-numbered year at some suitable place to be designated by the secretary. Notice of the place and hour of such meeting shall be given by the secretary to each member and each member-elect of the board.

Such organization shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member.

Sec. ____ . Section 280A.11, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected.

Successors shall be chosen at the annual regular school elections for members whose terms expire. The term of a member of the board of directors is three four years and commences at the organization meeting. Vacancies on the board which occur more than ninety days prior to the next regular school election may be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. ____ . Section 280A.12, Code 1987, is amended to read as follows:

280A.12 DIRECTORS OF MERGED AREA.

In each merged area, the initial board of directors elected at the special election shall organize within fifteen days following the election and may thereafter proceed with the establishment of the designated area vocational school or area community college. The board of directors of the merged area shall organize at the first regular meeting in ~~October~~ December of

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1 each odd-numbered year. Organization of the board
2 shall be effected by the election of a president and
3 other officers from the board membership as board
4 members determine. The board of directors shall
5 appoint a secretary and a treasurer who shall each
6 give bond as prescribed in section 291.2 and who shall
7 each receive the salary determined by the board. The
8 secretary and treasurer shall perform duties under
9 chapter 291 and additional duties the board of
10 directors deems necessary. However, the board may
11 appoint one person to serve as the secretary and
12 treasurer. If one person serves as the secretary and
13 treasurer, only one bond is necessary for that person.
14 The frequency of meetings other than organizational
15 meetings shall be as determined by the board of
16 directors but the president or a majority of the
17 members may call a special meeting at any time.

18 Sec. _____. Section 280A.13, subsections 1 and 4,
19 Code 1987, are amended to read as follows:

20 1. The board of a merged area may change the
21 number of directors on the board and shall make
22 corresponding changes in the boundaries of director
23 districts. Changes shall be completed not later than
24 July 1 of a fiscal year for the next regular school
25 ~~election to-be-held-the-next-following-September.~~

26 4. To the extent possible the board shall provide
27 that changes in the boundary lines of director
28 districts of merged areas do not lengthen or diminish
29 the term of office of a director of the board.
30 Initial terms of office shall be set by the board so
31 that as nearly as possible the terms of one-third one-
32 half of the members expire ~~annually~~ biennially.

33 Sec. _____. Section 280A.15, Code 1987, is amended
34 to read as follows:

35 280A.15 CONDUCT OF ELECTIONS.

36 1. Regular elections held annually biennially by
37 the merged area for the election of members of the
38 board of directors as required by section 280A.11, for
39 the renewal of the twenty and one-fourth cents per
40 thousand dollars of assessed valuation levy authorized
41 in section 280A.22, or for any other matter authorized
42 by law and designated for election by the board of
43 directors of the merged area, shall be held on the
44 date of the school election as fixed by section 277.1.
45 The election notice shall be made a part of the local
46 school election notice published as provided in
47 section 49.53 in each local school district where
48 voting is to occur in the merged area election and the
49 election shall be conducted by the county commissioner
50 of elections pursuant to chapters 39 to 53 and section

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277.20.

2 2. Each candidate for member of the board of
3 directors of a merged area shall be nominated by a
4 petition signed by not less than fifty eligible
5 electors of the director district from which the
6 member is to be elected. The petition shall state the
7 number of the director district from which the
8 candidate seeks election, and the candidate's name and
9 status as an eligible elector of the director
10 district. Signers of the petition, in addition to
11 signing their names, shall show their residence,
12 including street and number if any, the school
13 district in which they reside, and the date they
14 signed the petition. ~~Each nomination paper shall have~~
15 ~~appended to it an affidavit of an eligible elector~~
16 ~~other than the candidate in substantially the form~~
17 ~~provided in section 43.17*7, except as to party~~
18 ~~affiliation.~~ The petition shall include the affidavit
19 of the candidate being nominated, stating the
20 candidate's name and residence, and that the
21 individual is a candidate, is eligible for the office
22 sought, and if elected will qualify for the office.

23 3. Nomination papers in behalf of candidates for
24 member of the board of directors of a merged area
25 shall be filed with the secretary of the board not
26 earlier than ~~sixty-five~~ seventy-two days nor later
27 than five o'clock p.m. on the ~~fortieth~~ forty-seventh
28 day prior to the election at which members of the
29 board are to be elected. The secretary shall deliver
30 all nomination petitions so filed, together with the
31 text of any public measure being submitted by the
32 board of directors to the electorate, to the county
33 commissioner of elections who is responsible under
34 section 47.2 for conducting elections held for the
35 merged area, not later than five o'clock p.m. on the
36 day following the last day on which nomination
37 petitions can be filed. That commissioner shall
38 certify the names of candidates, and the text and
39 summary of any public measure being submitted to the
40 electorate, to all county commissioners of elections
41 in the merged area by the thirty-fifth day prior to
42 the election.

43 4. The votes cast in the election shall be
44 canvassed and abstracts of the votes cast shall be
45 certified as required by section 277.20. In each
46 county whose commissioner of elections is responsible
47 under section 47.2 for conducting elections held for a
48 merged area, the county board of supervisors shall
49 convene at ten o'clock a.m. on the last Monday in
September after the regular school election, canvass

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1 the abstracts of votes cast and declare the results of
2 the voting. The commissioner shall at once issue
3 certificates of election to each person declared
4 elected, and shall certify to the merged area board in
5 substantially the manner prescribed by section 50.27
6 the result of the voting on any public question
7 submitted to the voters of the merged area. Members
8 elected to the board of directors of a merged area
9 shall qualify by taking the oath of office prescribed
10 in section 277.28.

11 Sec. ____ . Section 280A.22, subsection 1 paragraph
12 a, Code 1987, is amended to read as follows:

13 a. In addition to the tax authorized under section
14 280A.17, the voters in any merged area may at the
15 ~~annual~~ regular school election vote a tax not
16 exceeding twenty and one-fourth cents per thousand
17 dollars of assessed value in any one year for a period
18 not to exceed ten years for the purchase of grounds,
19 construction of buildings, payment of debts contracted
20 for the construction of buildings, purchase of
21 buildings and equipment for buildings, and the
22 acquisition of libraries, and for the purpose of
23 maintaining, remodeling, improving, or expanding the
24 area vocational school or area community college of
25 the merged area. The tax shall be collected by the
26 county treasurers and remitted to the treasurer of the
27 merged area as provided in section 331.552, subsection
28 29. The proceeds of the tax shall be deposited in a
29 separate and distinct fund to be known as the voted
30 tax fund, to be paid out upon warrants drawn by the
31 president and secretary of the board of directors of
32 the merged area district for the payment of costs
33 incurred in providing the school facilities for which
34 the tax was voted."

35 20. Page 17, by inserting after line 31 the
36 following:

37 "Sec. ____ . In order to accomplish the transition
38 from election of directors of community and
39 independent school districts, and of merged areas,
40 annually for terms of three years each to election of
41 such directors biennially for terms of four years
42 each, the following adjustments in terms and times of
43 election shall be made:

44 1. The term of office of each director of a
45 community or an independent school district elected at
46 the annual school election in the years 1985 or 1986,
47 and of any person elected or appointed as provided by
48 law to fill a vacancy in such an office for the
49 balance of a term to which some other person was
50 elected at the annual school election in the years

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1 1985 or 1986, shall be extended until the third Monday
2 in November of the year 1989. The term of office of
3 each director of a merged area elected at the annual
4 school election in the years 1985 or 1986, and of any
5 person elected or appointed as provided by law to fill
6 a vacancy in such an office for the balance of a term
7 to which some other person was elected at the annual
8 school election in the years 1985 or 1986, shall be
9 extended until the first Monday in December of the
10 year 1989.

11 a. In community and independent school districts
12 and merged areas having five-member boards of
13 directors which under this subsection will elect
14 successors to four of those members at the biennial
15 school election in 1989, the persons so elected who
16 received the greatest and the next greatest number of
17 votes in that election shall serve terms of four years
18 each, and the other persons so elected shall serve
19 terms of two years each.

20 b. In community and independent school districts
21 and merged areas having seven-member boards of
22 directors which under this subsection will elect
23 successors to five of those members at the biennial
24 school election in 1989, the persons so elected who
25 received the greatest, the next greatest, and the
26 third greatest number of votes shall serve terms of
27 four years each, and the other persons so elected
28 shall serve terms of two years each.

29 c. In merged areas, the persons elected as
30 directors at the biennial school election in 1989 who
31 receive the greatest, the next greatest, the third
32 greatest, and the fourth greatest number of votes
33 shall serve terms of four years each, and the other
34 persons so elected shall serve terms of two years
35 each.

36 2. The term of office of each director of a
37 community or an independent school district elected at
38 the annual school election in the year 1987, and of
39 any person elected or appointed as provided by law to
40 fill a vacancy in such an office for the balance of a
41 term to which some other person was elected at the
42 annual school election in the year 1987, shall be ex-
43 tended until the third Monday in November of the year
44 1991. The term of office of each director of a merged
45 area elected at the annual school election in the year
46 1987, and of any person elected or appointed as
47 provided by law to fill a vacancy in such an office
48 for the balance of a term to which some other person
49 was elected at the annual school election in the year
50 1987, shall be extended until the first Monday in

1 December of the year 1991.
2 Sec. _____. The sections of this Act amending
3 sections 39.24, 273.8, 274.7, 275.25, 275.36, 275.37,
4 275.38, 275.41, 277.1, 277.20, 277.23, 277.25, 277.28,
5 279.1, 280A.11, 280A.12, 280A.13, 280A.15, and 280A.22
6 and the section providing the transition from the
7 election of directors of community and independent
8 school districts and of merged areas annually for
9 terms of three years each to election of such
10 directors biennially for terms of four years each
11 shall take effect January 1, 1988."

S-3488

Filed April 9, 1987

*Adopted as amended by 3522 & 3524
4/21/87 (p. 1429)*

BY COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

HOUSE FILE 600

S-3519

1 Amend the amendment S-3488 to House File 600 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 14, line 39, by inserting after the word
5 "areas" the words "and area education agencies".

6 2. Page 16, by inserting after line 1 the
7 following:

8 "3. The term of office of each director of an area
9 education agency board of directors elected in the
10 years 1985 or 1986 and of any person elected to fill a
11 vacancy in such an office shall be extended until the
12 organization meeting in December of 1989. The term of
13 office of each director of an area education agency
14 board of directors elected in the year 1987 and of any
15 person elected to fill a vacancy in such an office
16 shall be extended until the organization meeting in
17 December of 1991. The board of directors of each area
18 education agency shall determine by resolution prior
19 to July 1, 1989 which of the director positions to be
20 elected at the 1989 director district conventions
21 shall be elected to two-year terms and which shall be
22 elected to four-year terms."

23 3. Page 16, line 8, by inserting after the word
24 "areas" the words "and area education agencies".

S-3519

Filed April 13, 1987

BY JOE J. WELSH

Revised o/c 4/21 (p. 1425)

HOUSE FILE 600

S-3522

1 Amend amendment S-3488 to House File 600 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 13, lines 49 and 50 by striking the words
5 "~~in-September~~ after the regular school election" and
6 inserting the following: "in September November".

S-3522

Filed April 13, 1987

BY MICHAEL E. GRONSTAL

Adopted 4/21/87 (p. 1428)

HOUSE FILE 600

S-3524

1 Amend amendment, S-3488, to House File 600 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 9, line 26, by inserting after the word
5 "November" the following: "of each odd-numbered
6 year".

S-3524

Filed April 13, 1987

BY MICHAEL E. GRONSTAL

Adopted 4/21/87 (p. 1428)

SENATE 14
April 15, 1987

HOUSE FILE 600

S-3564

1 Amend the amendment, S-3488, to House File 600, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 16 through 20 and
5 inserting the following:

6 "_____. By striking page 4, line 6 through page 5,
7 line 14, and inserting the following:

8 "Sec. 10. Section 48.7, subsection 1, paragraph b,
9 Code 1987, is amended by striking the paragraph and
10 inserting in lieu thereof the following:

11 b. A qualified elector may record a change of
12 name, telephone number, or address on election day at
13 the polling place for the precinct in which the
14 elector currently resides, if the elector's name or
15 former name appears on the election register of that
16 polling place for the election being held that day.
17 The precinct election officials shall furnish such a
18 qualified elector a registration form of the type
19 prescribed for use by electors registering under
20 section 48.3. The elector shall complete the form and
21 submit it to the precinct election officials, who
22 shall return it to the commissioner with the election
23 supplies. If the qualified elector's former address
24 and new address are in different counties, the
25 registration form completed by the qualified elector
26 shall be forwarded to the commissioner of the
27 elector's current county of residence by the
28 commissioner conducting the election.""

29 2. Page 1, by striking lines 21 through 26 and
30 inserting the following:

31 "_____. Page 5, by striking lines 15 through 33.

S-3564

Filed April 14, 1987

BY JULIA GENTLEMAN

Loss 4/21 (p. 1421)

HOUSE FILE 600

S-3508

1 Amend House File 600 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 5, lines 29 and 30, by striking the words
4 ", and the offices of the clerks of court of the
5 district courts".

S-3508

Filed April 10, 1987

BY TOM MANN, JR.

Loss 4/21 (p. 1429)

HOUSE FILE 600

S-3660

1 Amend amendment, S-3488, to House File 600 as
2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "_____. Page 3, by inserting after line 20 the
6 following:

7 "Sec. _____. Section 47.2, Code 1987, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 6. Notwithstanding subsection 2,
10 the county commissioner of elections shall conduct the
11 regular school election and regular city election in
12 the precincts in that county."

13 2. Page 1, by inserting after line 26 the
14 following:

15 "_____. Page 6, by inserting after line 20 the
16 following:

17 "Sec. _____. Section 49.30, Code 1987, is amended by
18 adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. However, at the regular
20 school election and the regular city election,
21 separate ballots may be provided for the school
22 election and the city election."

23 3. Page 3, by striking line 20 and inserting the
24 following: "at the time of the canvass of the
25 election.

26 Sec. _____. Section 52.24, Code 1987, is amended to
27 read to read as follows:

28 52.24 WHAT STATUTES APPLY --SEPARATE BALLOTS.

29 All of the provisions of the election law not
30 inconsistent with the provisions of this chapter shall
31 apply with full force to all counties adopting the use
32 of voting machines. Nothing in this chapter shall be
33 construed as prohibiting the use of a separate ballot
34 for public measures or the use of separate ballots for
35 the school election at the regular school and city
36 elections."

37 4. Page 9, by inserting after line 29 the
38 following:

39 "_____. Page 16, by inserting after line 12 the
40 following:

41 "Sec. _____. Section 277.3, Code 1987, is amended by
42 adding the following new unnumbered paragraphs:

43 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
44 49.57 and 52.10, at the regular school election the
45 ballots for the school election are not required to be
46 on white paper and the ballots for different school or
47 director districts may be different colors.

48 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
49 49.73, at the regular school and regular city election
50 the polls shall open at the same time throughout the

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1 school district and the hours may be shortened only in
2 a school district which does not include a city with a
3 population greater than thirty-five hundred."

4 5. Page 9, line 37, by striking the words
5 "unnumbered paragraph 1,".

6 6. Page 9, line 45, by inserting after the word
7 "and" the words "certify them to the board of
8 supervisors for the county commissioner of elections
9 under section 47.2, for special elections of the
10 district by the second Friday following the regular
11 school election who shall,".

12 7. Page 10, by inserting after line 7 the
13 following:

14 "The abstracts of the votes cast for members of the
15 board of directors of any merged area, and of the
16 votes cast on any public question submitted to the
17 voters of any merged area, shall be promptly certified
18 by the commissioner to the county commissioner of
19 elections who is responsible under section 47.2 for
20 conducting the special elections held for that merged
21 area."

22 8. Page 13, line 34, by inserting after the word
23 "conducting" the word "special".

24 9. Page 13, line 47, by inserting after the word
25 "conducting" the word "special".

26 10. Page 13, line 49, by striking the words "last
27 Monday" and inserting the words "last-Monday second
28 Friday".

29 11. Page 14, by inserting after line 34 the
30 following:

31 "____. Page 17, by inserting after line 3 the

32 following:

33 "Sec. ____ . Section 376.1, Code 1987, is amended by
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. If the city is located
36 in more than one county, at the regular city election
37 the counties' boards of supervisors shall canvass the
38 results on the Monday following the election and
39 certify them to the county commissioner responsible
40 under section 47.2 for special elections who shall
41 certify them to the mayor and the council."

42 12. Page 14, line 39, by inserting after the word
43 "areas" the words "and area education agencies".

44 13. Page 16, by inserting after line 1 the
45 following:

46 "3. The term of office of each director of an area
47 education agency board of directors elected in the
48 years 1985 or 1986 and of any person elected to fill a
49 vacancy in such an office shall be extended until the
50 organization meeting in December of 1989. The term of

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1 office of each director of an area education agency
2 board of directors elected in the year 1987 and of any
3 person elected to fill a vacancy in such an office
4 shall be extended until the organization meeting in
5 December of 1991. The board of directors of each area
6 education agency shall determine by resolution prior
7 to July 1, 1989 which of the director positions to be
8 elected at the 1989 director district conventions
9 shall be elected to two-year terms and which shall be
10 elected to four-year terms."

11 14. Page 16, by striking lines 3 through 5 and
12 inserting the following: "sections 39.24, 47.2,
13 49.30, 52.24, 273.8, 274.7, 275.25, 275.36, 275.37,
14 275.38, 275.41, 277.1, 277.3, 277.20, 277.23, 277.25,
15 277.28, 279.1, 280A.11, 280A.12, 280A.13, 280A.15,
16 280A.22, and 376.1".

17 15. Page 16, line 8, by inserting after the word
18 "areas" the words "and area education agencies".

S-3660

Filed April 16, 1987

BY JOE J. WELSH

Adopted 4/21/87 (p. 1420)

STATE OF IOWA

FISCAL NOTE TOLSB No. 2764HStaff ID. SES

REQ. BY SENATOR CARR AMENDMENT S-3488 TO HOUSE FILE 600

In compliance with a written request received April 14, 1987, a fiscal note for S-3488 TO HOUSE FILE 600 as amended and passed by the House, is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

S-3488 amends House File 600, an act relating to elections and political activity and subjecting violators to a penalty. This amendment amends statutes relating to the election of directors of local school districts and area school boards.

The amendment changes regular school elections from annually on the second Tuesday in September to biennially, in odd-numbered years, on the first Tuesday following the first Monday in November. The school election dates will thus coincide with the dates of regular city elections in Iowa. Terms of local school district and merged area board members are adjusted from 3 years to 4 years, so as to continue the pattern of electing a portion of the school board, but not all members, at each regular election.

Organizational meetings of area education boards, local school districts and merged area schools are also changed.

The amendment also says that a "challenged" ballot will now be known as a special ballot.

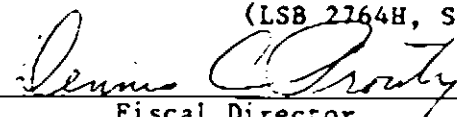
County election commissioners are required to accept and pay the postage for absentee ballots which were mailed first class, yet contain insufficient postage.

The amendment adds the following state agencies to the list of state agencies in House File 600 which are required to offer to persons served by the agency, an opportunity to register to vote, to include: Iowa Civil Rights Commission, Department of Human Rights, and the Department of Cultural Affairs.

FISCAL IMPACT: There is no impact upon the General Fund of the state. The estimated cost to hold a regular and merged area school election is \$560,000. The fiscal impact upon school districts and local government is expected to be significant under the proposed legislation, because the cost of school and merged area school elections may be expected to be reduced by approximately one half. Some cities and some local school districts though, may experience an increase in costs due to the fact that they will have to keep the polls open longer and they will be required to maintain polling places in all precincts.

Source: Secretary of State
Department of Education

(LSB 2764H, SES)



Fiscal Director
Legislative Fiscal Bureau

Date: 4/20/87

SENATE FILE 484

H-3905

1 Amend Senate File 484 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. FINDINGS. The general assembly finds
5 and declares that it is in the public interest that
6 high quality medical and hospital services be
7 available to the citizens of Iowa at reasonable costs.
8 It is essential to the public interest to assure
9 continuing availability of medical care to encourage
10 competent physicians to enter into and remain in the
11 practice of medicine in this state. It is in the
12 public interest to assure that funds are available to
13 compensate an injured party while providing for the
14 availability of medical liability insurance.

15 The general assembly further finds and declares
16 that a critical situation exists impacting on the
17 accessibility and affordability of quality health care
18 for Iowa citizens because of the high cost and
19 impending unavailability of medical malpractice
20 insurance. Physicians in certain speciality and high-
21 risk areas are increasingly choosing no longer to
22 provide these services as a result of the potential
23 liability and the high cost and uncertain availability
24 of medical liability insurance.

25 The general assembly further finds that to assure
26 the uninterrupted delivery of affordable health care
27 services to the citizens of Iowa it is necessary to
28 carefully balance the interest of persons who are
29 damaged by medical accidents and the interest of all
30 persons, who may be in need of future medical care, in
31 keeping medical liability insurance affordable and
32 available in this state. The general assembly further
33 finds that without medical liability insurance,
34 physicians, other health care providers, and hospitals
35 cannot provide health care services to the public.

36 The general assembly further finds that the present
37 critical situation has resulted in a decrease in the
38 availability of certain health care services and that
39 this problem of availability will become more severe
40 unless addressed. Physicians are discontinuing their
41 practices and leaving Iowa.

42 The general assembly further finds and declares it
43 is necessary and essential that the provisions of this
44 Act be enacted in order to provide for the health and
45 welfare of the people of Iowa. It is the intent of
46 this Act to protect the health and welfare of the
47 people of this state by assuring the availability of
48 health care services.

49 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

50 This Act shall be known as the "Iowa Patient

H-3905

Page Two

1 Compensation Fund Act".

2 Sec. 3. NEW SECTION. 147B.2 PUBLIC POLICY.

3 It is the policy of this state to assure the avail-
4 ability of quality medical and hospital services to
5 the citizens of Iowa, and to effectuate that policy it
6 is essential to assure the availability of medical
7 liability insurance so that competent physicians will
8 enter into and remain in the practice of medicine in
9 this state. This chapter shall be construed to carry
10 out this policy.

11 Sec. 4. NEW SECTION. 147B.3 DEFINITIONS.

12 As used in this chapter, unless the context
13 requires otherwise:

14 1. "Administrator" means the patient compensation
15 fund administrator.

16 2. "Commissioner" means the commissioner of
17 insurance.

18 3. "Fund" means the patient compensation fund.

19 4. "Health care practitioner" means a health care
20 provider other than a hospital.

21 5. "Health care provider" means a physician and
22 surgeon licensed pursuant to chapter 148; an osteopath
23 licensed pursuant to chapter 150; an osteopathic
24 physician and surgeon licensed pursuant to chapter
25 150A; an association, partnership, or professional
26 corporation composed of or owned by such persons; a
27 hospital and an employee of such person, association,
28 partnership, professional corporation, or hospital.

29 6. "Hospital" means a hospital licensed pursuant
30 to chapter 135B.

31 7. "Medical malpractice" means acts or omissions
32 of a health care practitioner in the practice of the
33 practitioner's profession or occupation or acts or
34 omissions of a hospital in patient treatment or care,
35 including but not limited to negligence, failure to
36 provide care, breach of contract relating to providing
37 care, or claim based upon failure to obtain informed
38 consent for an operation or treatment.

39 Sec. 5. NEW SECTION. 147B.4 QUALIFIED PROVIDER.

40 1. A health care practitioner is qualified to
41 participate under this chapter if the health care
42 practitioner does both of the following:

43 a. Files with the commissioner proof that the
44 health care practitioner is insured with an insurance
45 company admitted to this state under a policy of
46 medical liability insurance providing the following
47 coverage for medical malpractice:

48 (1) Coverage pursuant to subparagraph part (a) or
49 (b) per occurrence in an amount of one hundred percent
50 for all sums required to be paid up to and including

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- 1 one hundred thousand dollars and ten percent of all
2 sums required to be paid in excess of one hundred
3 thousand dollars but not exceeding one million
4 dollars:
- 5 (a) Under a claims-made form of medical
6 malpractice insurance for each claim made during the
7 term of the policy.
- 8 (b) Under an occurrence form of medical
9 malpractice insurance for each claim arising out of an
10 occurrence during the policy period.
- 11 (2) Coverage pursuant to subparagraph part (a) or
12 (b) in the aggregate of three hundred thousand dollars
13 for all occurrences:
- 14 (a) Under a claims-made form of medical
15 malpractice liability insurance for all claims made
16 during the term of the policy.
- 17 (b) Under an occurrence form of medical
18 malpractice insurance for all claims arising out of
19 all occurrences during the policy period.
- 20 b. Pays a surcharge or special surcharge levied on
21 health care practitioners pursuant to section 147B.8,
22 subsection 2, or section 147B.9.
- 23 2. A hospital is qualified to participate under
24 this chapter if the hospital does both of the
25 following:
- 26 a. Files with the commissioner proof that the
27 hospital is insured with an insurance company admitted
28 to this state under a policy of medical liability
29 insurance providing the following coverage for medical
30 malpractice:
- 31 (1) Coverage pursuant to subparagraph part (a) or
32 (b) per occurrence in an amount of one hundred percent
33 for all sums required to be paid up to and including
34 one hundred thousand dollars and ten percent of all
35 sums required to be paid in excess of one hundred
36 thousand dollars but not exceeding one million
37 dollars:
- 38 (a) Under a claims-made form of medical
39 malpractice insurance for each claim made during the
40 term of the policy.
- 41 (b) Under an occurrence form of medical
42 malpractice insurance for each claim arising out of an
43 occurrence during the policy period.
- 44 (2) Coverage pursuant to subparagraph part (a) or
45 (b) in the aggregate of one million dollars for all
46 occurrences:
- 47 (a) Under a claims-made form of medical
48 malpractice liability insurance for all claims made
49 during the term of the policy.
- 50 (b) Under an occurrence form of medical

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1 malpractice insurance for all claims arising out of
2 all occurrences during the policy period.

3 b. Pays a surcharge or special surcharge levied on
4 hospitals pursuant to section 147B.8, subsection 2, or
5 section 147B.9.

6 3. Coverage required under subsections 1 and 2
7 shall be adjusted in the same manner as provided in
8 section 147B.7, subsection 3.

9 4. The commissioner may permit qualification of a
10 health care practitioner who has retired or ceased
11 practicing in this state, if the health care
12 practitioner files proof of insurance and pays any
13 surcharge or special surcharge levied as required in
14 subsection 1.

15 5. A health care provider may qualify to
16 participate under this chapter with respect to all
17 medical malpractice claims made subsequent to the
18 health care provider's qualification. A health care
19 provider is not eligible to qualify under this chapter
20 with respect to a medical malpractice claim made prior
21 to the time of the health care provider's
22 qualification.

23 6. If at any time prior to the health care
24 provider's qualification under this section the health
25 care provider was insured under an occurrence form of
26 policy of medical liability insurance for all
27 occurrences during the term of that policy, for an
28 occurrence of alleged medical malpractice occurring
29 during the time that policy was in effect, this
30 chapter applies only to claims for alleged medical
31 malpractice covered under the occurrence policy to the
32 extent the judgment or settlement exceeds the limits
33 of that policy.

34 Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION TO
35 BE BOUND.

36 1. This chapter applies to all occurrences of
37 alleged medical malpractice occurring prior to the
38 effective date of this Act for which a medical
39 malpractice claim has not been made unless the patient
40 elects not to be bound under this chapter for the
41 prior occurrence. A patient may elect not to be bound
42 under this chapter with respect to an occurrence of
43 alleged medical malpractice occurring prior to the
44 effective date of this Act by filing an election with
45 the commissioner and providing notice to any health
46 care provider alleged to be liable for the occurrence
47 within one hundred eighty days of the effective date
48 of this Act according to rules adopted by the
49 commissioner. Failure to provide the required notice
50 is deemed to be evidence of the patient's election to

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1 be bound by this chapter for a prior occurrence.

2 2. A patient's exclusive remedy against a health
3 care provider qualifying under section 147B.4 for
4 medical malpractice occurring after the effective date
5 of this Act is the remedy provided for under this
6 chapter unless the patient has elected not to be bound
7 by the remedies provided for in this chapter. A
8 patient may elect not to be bound under this chapter
9 by filing an election with the commissioner, pursuant
10 to rules adopted by the commissioner, in advance of
11 the treatment, act, or omission upon which a claim may
12 be based, and notifying the health care provider of
13 the election within a reasonable time before any
14 treatment begins. Failure to provide the required
15 notice is deemed to be evidence of the patient's
16 election to be bound by this chapter. An election by
17 a patient not to be bound by this chapter is effective
18 for a period of two years after filing unless the
19 election is withdrawn. The patient may withdraw the
20 election in writing at any time by filing the
21 withdrawal with the commissioner.

22 3. A qualified health care provider must provide a
23 patient with notice that the health care provider is
24 qualified under this chapter prior to any treatment,
25 and must inform the patient of the patient's right to
26 elect not to be bound by this chapter.

27 Sec. 7. NEW SECTION. 147B.6 LIABILITY OF FUND.

28 Subject to section 147B.4, subsection 6, the fund
29 is liable on a following form basis for all sums
30 required to be paid in excess of the coverage provided
31 by the health care provider's medical liability
32 insurance specified in section 147B.4, subsection 1 or
33 2, in a medical malpractice action against a health
34 care provider qualified to participate under this
35 chapter by a patient who has elected to be bound under
36 this chapter with respect to an occurrence within the
37 state of Iowa to which this chapter applies, except as
38 provided in section 147B.7.

39 Sec. 8. NEW SECTION. 147B.7 LIMITATION ON
40 RECOVERY.

41 1. Except as provided in subsection 3, the total
42 amount recoverable from all liable health care
43 providers and the fund for an occurrence to which this
44 chapter applies resulting in an injury or death of a
45 patient arising out of medical malpractice shall not
46 exceed one million dollars.

47 2. Except as provided in subsection 3, a health
48 care provider qualified under this chapter is not
49 liable to a patient who has elected to be covered by
50 this chapter for an amount in excess of one hundred

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1 thousand dollars plus ten percent of all sums required
2 to be paid in excess of one hundred thousand dollars
3 but not exceeding one million dollars for all claims
4 or causes of action for medical malpractice arising
5 from an occurrence to which this chapter applies.
6 Subject to limits in this section, an amount due from
7 a judgment or settlement which is in excess of the
8 liability of all liable health care providers shall be
9 paid from the fund pursuant to section 147B.8.

10 3. a. The commissioner shall determine on or
11 after July 1 but on or before December 31 of each year
12 an amount by which the total amount recoverable under
13 subsection 1 and an amount by which the maximum
14 liability of a health care provider under subsection 2
15 are adjusted for the calendar year beginning eighteen
16 months after the July 1 date on which the adjusted
17 amounts can first be determined. The amount of the
18 adjustment is equal to the product of the amount
19 determined for the previous calendar year and the
20 percentage rate of change in the consumer price index
21 for goods and services published by the United States
22 department of labor for the fiscal year ending on June
23 30 immediately preceding the July 1 date on which the
24 adjusted amounts can first be determined. However, if
25 the percentage rate of change in the consumer price
26 index is less than five percent, adjustments shall not
27 be made under this paragraph.

28 b. If adjustments are not made under paragraph "a"
29 for one or more years, the commissioner shall
30 determine a cumulative percentage rate of change and
31 when that cumulative percentage rate of change is five
32 percent or greater the commissioner shall determine
33 the adjusted amounts for the next rate adjustment
34 year.

35 c. The commissioner shall publish on or before
36 December 31 preceding the next rate adjustment year
37 any adjusted amounts which will apply to the next rate
38 adjustment year.

39 Sec. 9. NEW SECTION. 147B.8 PATIENT COMPENSATION
40 FUND.

41 1. A patient compensation fund is created for the
42 purposes stated in this chapter. The fund and income
43 from the fund shall be deposited with the treasurer of
44 state to be used for the payment of qualifying claims
45 under this chapter, and the fund is appropriated for
46 that purpose. The fund shall not be used for purposes
47 other than those of this chapter. Appropriations from
48 the fund are not subject to reversion under section
49 8.33.

50 2. An annual surcharge shall be levied on all

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1 qualified health care providers. The surcharge for a
2 health care provider is determined by the commissioner
3 subject to the following limitations:

4 a. The annual surcharge shall not exceed fifty
5 percent of the annual premium paid by the health care
6 provider for maintenance of current medical liability
7 insurance as provided in section 147B.4, including the
8 cost of reinsurance under section 147B.12.

9 b. The charge shall not exceed the amount
10 necessary to maintain the fund in an amount determined
11 by the commissioner to be actuarially adequate.

12 3. The surcharge due under this section is due and
13 payable within thirty days after the surcharge has
14 been levied on the qualified health care provider.

15 4. If the annual surcharge under this section is
16 not paid within the time specified in subsection 3,
17 the qualification of the health care provider shall be
18 suspended until the annual surcharge is paid. The
19 suspension is not effective as to patients claiming
20 against the health care provider unless, at least
21 thirty days before the effective date of the
22 suspension, a written notice giving the date upon
23 which the suspension becomes effective has been
24 provided by the commissioner to the health care
25 provider and notice of the suspension has been given
26 to a patient prior to any treatment.

27 5. All actual expenses of collecting, protecting,
28 and administering the fund shall be paid from the
29 fund, including necessary costs of outside legal
30 counsel. The attorney general is not responsible for
31 legal defense of the fund.

32 Sec. 10. NEW SECTION. 147B.9 SPECIAL SURCHARGE.

33 The commissioner may, at any time, analyze the fund
34 to determine if the amount in the fund is inadequate
35 to pay in full all claims allowed or to be allowed
36 during the calendar year. If the fund is determined
37 to be inadequate, the commissioner may levy a special
38 surcharge on all health care providers who have
39 qualified under this chapter on the date of the
40 special surcharge or at any time during the preceding
41 twelve months and the special surcharge shall be in an
42 amount proportionate to the surcharge each health care
43 provider has paid to the fund. The special surcharge
44 shall be an amount sufficient to permit full payment
45 of all claims allowed against the fund during a
46 calendar year, but shall not exceed fifty percent of
47 the annual premium paid by the health care provider
48 for maintenance of current medical liability insurance
49 as provided in section 147B.4. The special surcharge
50 shall be levied against all health care providers who

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1 have qualified under this chapter. The special sur-
2 charge is due and payable within thirty days after the
3 special surcharge is levied.

4 If the special surcharge under this section is not
5 paid within the time specified, the qualification of
6 the health care provider shall be suspended until the
7 special surcharge is paid. The suspension is not
8 effective as to patients claiming against the health
9 care provider unless, at least thirty days before the
10 effective date of the suspension, a written notice
11 giving the date upon which the suspension becomes
12 effective has been provided by the commissioner to the
13 health care provider and notice of the suspension has
14 been given to a patient prior to any treatment.

15 Sec. 11. NEW SECTION. 147B.10 STRUCTURED
16 JUDGMENTS.

17 1. As used in this section, unless the context
18 requires otherwise:

19 a. "Future injuries" means all legal harm relating
20 to an injury which the trier of fact determines will
21 be incurred by the injured party subsequent to the
22 entry of judgment.

23 b. "Injured person" means the person during whose
24 medical treatment or care the acts or omissions of
25 medical malpractice are determined to have occurred.

26 c. "Injured party" means a party plaintiff to a
27 medical malpractice action, and includes the injured
28 person if that person is a party to the action.

29 d. "Injury" means a legal harm for which damages
30 are recoverable in an action arising under this
31 chapter.

32 2. In a medical malpractice action against a
33 health care provider arising under this chapter, the
34 verdict shall be itemized to distribute the monetary
35 damages, if any, between past loss and future loss.
36 In a trial to the court, the court shall itemize its
37 findings in accordance with this section.

38 3. The court, in a medical malpractice action
39 arising under this chapter in which a damage award for
40 future injuries to a party exceeds one hundred
41 thousand dollars, shall enter a judgment ordering the
42 award to the party to be paid in periodic payments,
43 subject to the limitations contained in this section.
44 The court shall make a specified finding as to the
45 dollar amount of regular payments which will be
46 required to compensate the party periodically for loss
47 of future income and future noneconomic harm, based
48 upon the life expectancy of the party and the damages
49 awarded. The periodic payments shall reflect interest
50 in accordance with annuity principles. The judgment

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1 shall specify the recipient of the periodic payments,
2 the dollar amount of each payment, the interval
3 between payments, and the number of payments required
4 to be made. The judgment shall specify the amount of
5 and the purposes for which the balance of the judgment
6 awarded for the future care and treatment of the party
7 may be used.

8 4. Attorney fees of the party receiving an award,
9 if payable out of the judgment, shall be assessed by
10 the court and applied pro rata against amounts awarded
11 for past injuries and for future injuries. The amount
12 determined by the court to be payable out of damages
13 for future injuries shall be deducted by the court
14 from the amount to be ordered paid as provided in this
15 subsection, and shall be deducted pro rata from those
16 amounts awarded, if any, for loss of future income,
17 future expenses for care and treatment, and future
18 noneconomic harm. The amount of attorney fees
19 attributable to the award for future injuries shall be
20 payable upon entry of judgment.

21 5. If a judgment has been entered ordering
22 periodic payments pursuant to this section, the health
23 care provider's insurer shall pay to the fund the
24 amount for which the insurer is liable under this
25 chapter, after apportionment of costs of defense, for
26 distribution by the fund to the party receiving the
27 award.

28 6. If a judgment has been entered ordering
29 periodic payments pursuant to this section, the fund
30 shall make the payments as ordered or, alternatively,
31 the fund may purchase an annuity from an insurance
32 company admitted to Iowa sufficient to make the
33 periodic payments.

34 7. If the party receiving the award dies, amounts
35 to be paid for loss of future income are payable to
36 those persons to whom the party receiving the award
37 owed a duty of support. If the party receiving the
38 award dies prior to payment of the amounts for other
39 than loss of future income, the judgment is satisfied
40 upon the payment of all obligations incurred up to the
41 time of death and of the expenses of final illness and
42 reasonable burial expenses.

43 8. Except with respect to amounts representing
44 loss of future income, a judgment for future injuries
45 is a contingent award, and the right to payment vests
46 only at such times and in such amounts as accrue
47 pursuant to the order specifying the amount of
48 periodic payments and the interval of those payments.

49 9. The district court shall retain jurisdiction of
50 a medical malpractice action in which the judgment in

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1 the action orders periodic payments, and upon the
2 death of the party receiving the award in the case of
3 an award for loss of future income, the dependents of
4 the decedent or any other interested party to the
5 action or a representative of an interested party, may
6 petition the court for a modification of the judgment
7 for a redesignation of the recipient of the payments,
8 in accordance with the rights of persons established
9 by this section. Unless otherwise ordered, the
10 redesignated recipients of payments for loss of future
11 income shall be paid in those amounts and at those
12 intervals specified in the original judgment.
13 Payments shall continue until the remaining amounts
14 designated for that purpose have been paid, or until
15 the death of those dependents, whichever occurs first.
16 If the last surviving dependent dies prior to
17 depletion of the amount specified for loss of future
18 income, the judgment is deemed satisfied upon payment
19 of amounts accrued up to the time of death.

20 Sec. 12. NEW SECTION. 147B.11 COSTS OF DEFENSE.

21 1. The fund may employ the services of outside
22 legal counsel to defend the fund against claims and to
23 assist the health care provider's insurer in defending
24 the claim.

25 2. The fund may by agreement with the health care
26 provider's insurer, allow the health care provider's
27 insurer to provide a defense for a claim against the
28 health care provider and the fund. The fund and the
29 health care provider's insurer may agree to any
30 apportionment of the costs of defense.

31 Sec. 13. NEW SECTION. 147B.12 REINSURANCE.

32 The commissioner may cause all or any part of the
33 potential liability of the fund to be reinsured, if
34 reinsurance is available on a fair and reasonable
35 basis. The cost of the reinsurance shall be paid by
36 the fund and the fact of the reinsurance shall be
37 taken into account in determining the surcharge under
38 section 147B.8, subsection 2, or the special surcharge
39 under section 147B.9.

40 Sec. 14. NEW SECTION. 147B.13 NOTICE --

41 APPLICATION FEE.

42 1. Prior to consideration for coverage pursuant to
43 this chapter, a health care provider shall first give
44 notice to the commissioner of the provider's intention
45 to apply for coverage. The notice of intention shall
46 be accompanied by a one-time application fee of fifty
47 dollars for health care providers and five hundred
48 dollars for hospitals.

49 2. Funds received by the commissioner pursuant to
50 subsection 1 shall only be expended for purposes of

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1 payment of the reasonable expenses incurred or to be
2 incurred in the implementation of this chapter.

3 3. To the extent that funds received pursuant to
4 subsection 1 are in excess of the expenses of
5 implementation of this chapter, the commissioner shall
6 transfer such excess funds to the fund.

7 4. Notice and application fees received subsequent
8 to the implementation of this chapter shall be placed
9 in the fund upon receipt.

10 Sec. 15. NEW SECTION. 147B.14 PATIENT
11 COMPENSATION FUND ADMINISTRATOR.

12 The commissioner may appoint an administrator to
13 perform all duties and responsibilities pursuant to
14 this chapter. The administrator shall serve as
15 administrator at the pleasure of the commissioner.
16 The salary and expenses of the administrator shall be
17 paid from the fund.

18 Sec. 16. NEW SECTION. 147B.15 ADMINISTRATION.

19 The commissioner shall either provide staff
20 services necessary for the operation of this chapter
21 or may contract with an insurance company licensed to
22 do business in this state, or both, to perform any
23 administrative duties and responsibilities of the
24 commissioner pursuant to this chapter. The
25 commissioner shall retain supervisory control over all
26 matters for which a contract is entered into. All
27 reasonable costs and charges incurred in the
28 administration of this chapter shall be paid from the
29 fund.

30 The administrator and all persons employed or
31 contracted with to provide staff services necessary
32 for the operation of this chapter shall not be
33 considered employees of the state except for purposes
34 of chapter 25A.

35 Sec. 17. NEW SECTION. 147B.16 RECIPROCITY.

36 The commissioner may enter into reciprocity
37 agreements with the authorized representatives of any
38 jurisdiction to allow health care providers from that
39 jurisdiction to become qualified health care providers
40 for purposes of the fund and to the extent that a
41 claim against the health care provider arises in this
42 state.

43 An agreement shall only be entered into with a
44 jurisdiction to the same extent as the other
45 jurisdiction allows Iowa health care providers to
46 participate in a similar program in the other
47 jurisdiction. The agreement shall include any
48 conditions, restrictions, and privileges the
49 commissioner deems necessary.

50 Sec. 18. NEW SECTION. 147B.17 ANNUAL REPORT.

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1 The commissioner shall, pursuant to rules issued by
2 the commissioner, on or before the first day of
3 February of each year, provide to the chairs, vice
4 chairs, and ranking members of the senate standing
5 committees on judiciary and commerce, and the house of
6 representatives standing committees on judiciary and
7 law enforcement, and small business and commerce, a
8 report regarding claims filed against the fund and
9 claims closed involving the fund for the previous
10 calendar year. The report shall contain to the extent
11 the information is available the following
12 information:

- 13 1. Parties to the claims.
- 14 2. Cause or causes of action.
- 15 3. Amounts reserved or paid per claim, including
16 the present value for structured settlements or
17 awards.
- 18 4. Legal fees, expert witness fees, court costs,
19 or other associated costs of judgments or decrees per
20 claim.
- 21 5. Other claims information as deemed necessary by
22 the commissioner.

23 Sec. 19. NEW SECTION. 147B.18 RULES.

24 The commissioner shall establish rules relating to
25 the administration of this chapter as deemed necessary
26 by the commissioner to promote the efficient operation
27 of this chapter in accordance with its terms and
28 intent.

29 Sec. 20. Notwithstanding section 4.12, if any pro-
30 vision of this Act is held invalid, the whole Act is
31 invalid, and to this end the provisions of the Act are
32 not severable.

33 Sec. 21. This Act takes effect upon enactment, and
34 the commissioner shall take all actions necessary to
35 implement the provisions of this Act on or before
36 January 1, 1988."

BY GRONINGA of Cerro Gordo
HARBOR of Mills
SKOW of Guthrie
ROYER of Page
H-3905 FILED APRIL 22, 1987

OLLIE of Clinton
SCHNEKLOTH of Scott
SHOULTZ of Black Hawk
CHAPMAN of Linn
RUNNING of Linn

SENATE AMENDMENT TO HOUSE FILE 600

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1 Amend House File 600 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the
4 following:
5 "Sec. ____ . Section 39.24, Code 1987, is amended to
6 read as follows:
7 39.24 SCHOOL OFFICERS.

8 Members of boards of directors of community and
9 independent school districts, and boards of directors
10 of merged areas shall be elected at the school
11 election. Their terms of office shall be three four
12 years, except as otherwise provided by section 275.23A
13 or 280A.11."

14 2. Page 3, line 17, by striking the word "thirty-
15 five" and inserting the words "thirty-five forty-two".

16 3. Page 3, by inserting after line 20 the
17 following:

18 "Sec. ____ . Section 47.2, Code 1987, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 6. Notwithstanding subsection 2,
21 the county commissioner of elections shall conduct the
22 regular school election and regular city election in
23 the precincts in that county."

24 4. Page 4, line 32, by striking the word
25 "challenged" and inserting the following: "challenged
26 special".

27 5. Page 5, line 1, by striking the word
28 "challenged" and inserting the word "special".

29 6. Page 5, line 26, by inserting after the word
30 "the" the following: "Iowa civil rights commission
31 and the".

32 7. Page 5, line 27, by inserting after the words
33 "human services," the following: "human rights,
34 cultural affairs,".

35 8. Page 6, by inserting after line 20 the
36 following:

37 "Sec. ____ . Section 49.30, Code 1987, is amended by
38 adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. However, at the regular
40 school election and the regular city election,
41 separate ballots may be provided for the school
42 election and the city election."

43 9. Page 9, by inserting after line 29 the
44 following:

45 "Sec. ____ . Section 49.81, subsections 2 and 3,
46 Code 1987, are amended to read as follows:

47 2. Each person who casts a challenged special
48 ballot under this section shall receive a printed
49 statement in substantially the following form: "Your
50 qualifications as an elector have been challenged for

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1 the following reasons:

- 2 1.
- 3 2.
- 4 3.

5 Your right to vote will be reviewed by the special precinct
 6 counting board on You have the right and are
 7 encouraged to make a written statement and submit additional
 8 written evidence to this board supporting your qualifications
 9 as an elector. This written statement and evidence may be given
 10 to an election official of this precinct on election day or
 11 mailed or delivered to the county commissioner of elections, but
 12 must be received prior to noon on at
 13 If your ballot is not counted you will receive notification of
 14 this fact."

15 3. Any elector may present written statements or
 16 documents, supporting or opposing the counting of any
 17 challenged special ballot, to the precinct election
 18 officials on election day, until the hour for closing
 19 the polls. Any statements or documents so presented
 20 shall be delivered to the commissioner when the
 21 election supplies are returned."

22 10. Page 10, by inserting after line 34 the
 23 following:

24 "Sec. ____ Section 50.20, Code 1987, is amended to
 25 read as follows:

26 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL
 27 BALLOTS.

28 The commissioner shall compile a list of the number
 29 of challenged special ballots cast under section 49.81
 30 in each precinct. The list shall be made available to
 31 the public as soon as possible, but in no case later
 32 than nine o'clock a.m. on the second day following the
 33 election. Any elector may examine the list during
 34 normal office hours, and may also examine the
 35 affidavit envelopes bearing the ballots of challenged
 36 electors until the reconvening of the special precinct
 37 board as required by this chapter. Only those persons
 38 so permitted by section 53.23, subsection 4, shall
 39 have access to the affidavits while that board is in
 40 session. Any elector may present written statements
 41 or documents, supporting or opposing the counting of
 42 any challenged special ballot, at the commissioner's
 43 office until the reconvening of the special precinct
 44 board."

45 11. Page 11, line 14, by striking the word
 46 "challenged" and inserting the following: "challenged
 47 special".

48 12. Page 11, line 17, by striking the word
 49 "challenged" and inserting the following: "challenged
 50 special".

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1 13. Page 11, line 22, by striking the word
2 "challenged" and inserting the word "special".

3 14. Page 11, by inserting after line 27 the
4 following:

5 "Sec. ____ . Section 50.22, Code 1987, is amended to
6 read as follows:

7 50.22 SPECIAL PRECINCT BOARD TO DETERMINE
8 CHALLENGES.

9 Upon being reconvened, the special precinct
10 election board shall review the information upon the
11 envelopes bearing the challenged special ballots, and
12 all evidence submitted in support of or opposition to
13 the right of each challenged person to vote in the
14 election. The board may divide itself into panels of
15 not less than three members each in order to hear and
16 determine two or more challenges simultaneously, but
17 each panel shall meet the requirements of section
18 49.12 as regards political party affiliation of the
19 members of each panel. The decision to count or
20 reject each ballot shall be made upon the basis of the
21 information given on the envelope containing the
22 challenged special ballot, the evidence concerning the
23 challenge, the registration and the returned receipts
24 of registration. If a challenged special ballot is
25 rejected, the person casting the ballot shall be
26 notified by the commissioner within ten days of the
27 reason for the rejection, on the form prescribed by
28 the state commissioner pursuant to section 53.25, and
29 the envelope containing the challenged special ballot
30 shall be preserved unopened and disposed of in the
31 same manner as spoiled ballots. The challenged
32 special ballots which are accepted shall be counted in
33 the manner prescribed by section 53.24. The
34 commissioner shall make public the number of
35 challenged special ballots rejected and not counted,
36 at the time of the canvass of the election.

37 Sec. ____ . Section 52.24, Code 1987, is amended to
38 read as follows:

39 52.24 WHAT STATUTES APPLY --SEPARATE BALLOTS.

40 All of the provisions of the election law not
41 inconsistent with the provisions of this chapter shall
42 apply with full force to all counties adopting the use
43 of voting machines. Nothing in this chapter shall be
44 construed as prohibiting the use of a separate ballot
45 for public measures or the use of separate ballots for
46 the school election at the regular school and city
47 elections."

48 15. Page 13, by inserting after line 15 the
49 following:

50 "Sec. ____ . Section 53.17, subsection 2, Code 1987,

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1 is amended to read as follows:

2 2. The sealed carrier envelope may be mailed
3 postage-paid, to the commissioner. The carrier
4 envelope shall indicate that greater postage than
5 ordinary first class mail may be required. The
6 commissioner shall pay any insufficient postage due on
7 a carrier envelope bearing ordinary first class
8 postage and accept the ballot. In order for the
9 ballot to be counted, the carrier envelope must be
10 clearly postmarked by an officially authorized postal
11 service not later than the day before the election and
12 received by the commissioner not later than the time
13 established for the canvass by the board of
14 supervisors for that election. The commissioner shall
15 contact the post office serving the commissioner's
16 office at the latest practicable hour prior to the
17 canvass by the board of supervisors for that election,
18 and shall arrange for absentee ballots received in
19 that post office but not yet delivered to the
20 commissioner's office to be brought to the
21 commissioner's office prior to the canvass for that
22 election by the board of supervisors."

23 15. Page 15, line 33, by striking the word
24 "Forty-five" and inserting the words "Forty-five
25 Fifty-two".

26 17. Page 16, line 10, by striking the word
27 "fortieth" and inserting the words "~~seventeen~~ forty-
28 seventh".

29 18. Page 16, by inserting after line 12 the
30 following:

31 "Sec. ____ Section 273.8, subsection 1; subsection
32 2, unnumbered paragraph 2; and subsections 3, 5 and 6,
33 Code 1987, are amended to read as follows:

34 1. BOARD OF DIRECTORS. The board of directors of
35 an area education agency shall consist of not less
36 than five nor more than nine members, each a resident
37 of and elected in the manner provided in this section
38 from a director district that is approximately equal
39 in population to the other director districts in the
40 area education agency. Each director shall serve a
41 three-year four-year term which commences at the
42 organization meeting.

43 The director district conventions shall be called
44 and the locations of the conventions shall be
45 determined by the area education agency administrator.
46 ~~Annually~~ Biennially the director district conventions
47 shall be held within two weeks following the regular
48 school election. Notice of the time, date and place
49 of a director district convention shall be published
50 by the area education agency administrator at least

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1 forty-five days prior to the day of the district
2 conventions in at least one newspaper of general
3 circulation in the director district. The cost of
4 publication shall be paid by the area education
5 agency.

6 3. ORGANIZATION. The board of directors of each
7 area education agency shall meet and organize at the
8 first regular meeting in ~~October~~ December of each ~~odd-~~
9 ~~numbered~~ year at a suitable place designated by the
10 president. Directors whose terms commence at the
11 organization meeting shall qualify by taking the oath
12 of office required by section 277.28 at or before the
13 organization meeting.

14 The provisions of section 280A.12 relating to
15 organization, officers, appointment of secretary and
16 treasurer, and meetings of the merged area board apply
17 to the area education agency board.

18 5. CHANGE IN DIRECTORS. The board of an area
19 education agency may change the number of directors on
20 the board and shall make corresponding changes in the
21 boundaries of director districts. Changes shall be
22 completed not later than July 1 of a fiscal year for
23 the director district conventions to be held the
24 following ~~September~~ November.

25 6. BOUNDARY LINE CHANGES. To the extent possible
26 the board shall provide that changes in the boundary
27 lines of director districts of area education agencies
28 shall not lengthen or diminish the term of office of a
29 director of an area education agency board. Initial
30 terms of office shall be set by the board so that as
31 nearly as possible the terms of ~~one-third~~ one-half of
32 the members expire ~~annually~~ biennially.

33 Sec. _____. Section 274.7, Code 1987, is amended to
34 read as follows:

35 274.7 DIRECTORS.

36 The affairs of each school corporation shall be
37 conducted by a board of directors, the members of
38 which in all community or independent school districts
39 shall be chosen for a term of ~~three~~ four years.

40 Sec. _____. Section 275.12, subsection 2, paragraphs
41 b, c, d and e, Code 1987, are amended to read as
42 follows:

43 b. Division of the entire school district into
44 designated geographical single director or multi-
45 director subdistricts on the basis of population for
46 each director, to be known as director districts, each
47 of which director districts shall be represented on
48 the school board by one or more directors who shall be
49 residents of the director district but who shall be
50 elected by the vote of the electors of the entire

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1 school district. The boundaries of the director
2 districts and the area and population included within
3 each district shall be such as justice, equity, and
4 the interests of the people may require. Changes in
5 the boundaries of director districts shall not be made
6 during a period commencing sixty days prior to the
7 date of the annual regular school election. Insofar
8 as may be practicable, the boundaries of the districts
9 shall follow established political or natural
10 geographical divisions.

11 c. Election of not more than one-half of the total
12 number of school directors at large from the entire
13 district and the remaining directors from and as
14 residents of designated single-member or multi-member
15 director districts into which the entire school
16 district shall be divided on the basis of population
17 for each director. In such case, all directors shall
18 be elected by the electors of the entire school
19 district. Changes in the boundaries of director
20 districts shall not be made during a period commencing
21 sixty days prior to the date of the annual regular
22 school election.

23 d. Division of the entire school district into
24 designated geographical single director or multi-
25 director subdistricts on the basis of population for
26 each director, to be known as director districts, each
27 of which director districts shall be represented on
28 the school board by one or more directors who shall be
29 residents of the director district and who shall be
30 elected by the voters of the director district. Place
31 of voting in the director districts shall be
32 designated by the commissioner of elections. Changes
33 in the boundaries of director districts shall not be
34 made during a period commencing sixty days prior to
35 the date of the annual regular school election.

36 e. In districts having seven directors, election
37 of three directors at large by the electors of the
38 entire district, one no more than two at each annual
39 regular school election, and election of the remaining
40 directors as residents of and by the electors of
41 individual geographic subdistricts established on the
42 basis of population and identified as director
43 districts. Boundaries of the subdistricts shall
44 follow precinct boundaries, insofar as practicable,
45 and shall not be changed less than sixty days prior to
46 the annual regular school election.

47 Sec. _____. Section 275.25, subsection 3, Code 1987,
48 is amended to read as follows:

49 3. The directors who are elected to serve shall
50 serve until their successors are elected and qualify.

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1 At the special election, the three newly elected
2 director directors receiving the most votes shall be
3 elected to serve until the ~~director's~~ successor
4 qualifies their successors qualify after the ~~fourth~~
5 third regular school election date occurring after the
6 effective date of the reorganization; the two newly
7 elected directors receiving the next largest number of
8 votes shall be elected to serve until the directors'
9 successors qualify after the third ~~second~~ regular
10 school election date occurring after the effective
11 date of the reorganization; ~~and the two newly elected~~
12 ~~directors receiving the next largest number of votes~~
13 ~~shall be elected to serve until the directors'~~
14 ~~successors qualify after the second regular school~~
15 ~~election date occurring after the effective date of~~
16 ~~the reorganization.~~ However, in districts that
17 include all or a part of a city of fifteen thousand or
18 more population and in districts in which the
19 proposition to establish a new corporation provides
20 for the election of seven directors, the three ~~four~~
21 newly elected directors receiving the most votes shall
22 be elected to serve until the directors' successors
23 qualify after the ~~fourth~~ third regular school election
24 date occurring after the effective date of the
25 reorganization and the three newly elected directors
26 receiving the next largest number of votes shall be
27 elected to serve until the directors' successors
28 qualify after the second regular school election date
29 occurring after the effective date of reorganization.

30 Sec. Section 275.36, Code 1987, is amended to
31 read as follows:

32 275.36 SUBMISSION OF CHANGE TO ELECTORS.

33 If a petition for a change in the number of
34 directors or in the method of election of school
35 directors, describing the boundaries of the proposed
36 director districts, if any, signed by eligible
37 electors of the school district equal in number to at
38 least thirty percent of those who voted in the last
39 previous annual regular school election in the school
40 district, but not less than twenty-five persons, and
41 accompanied by affidavit as required by section 275.13
42 be filed with the school board of a school district,
43 not earlier than six months and not later than two
44 months before a regular or special school election,
45 the school board shall submit such proposition to the
46 voters at such election. If a proposition for a
47 change in the number of directors or in the method of
48 election of school directors submitted to the voters
49 under this section is rejected, it shall not be
50 resubmitted to the voters of the district in

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1 substantially the same form within the next three
2 years; if it is approved, no other proposal may be
3 submitted to the voters of the district under this
4 section within the next six years.

5 Sec. ____ . Section 275.37, Code 1987, is amended to
6 read as follows:

7 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

20 Sec. ____ . Section 275.38, Code 1987, is amended to
21 read as follows:

22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

23 If change in the method of election of school
24 directors is approved at a regular or special school
25 election, the directors who were serving unexpired
26 terms or were elected concurrently with approval of
27 the change of method shall serve out the terms for
28 which they were elected. If the plan adopted is that
29 described in section 275.12, subsection 2, paragraph
30 "b," "c," "d," or "e," the board shall at the earliest
31 practicable time designate the districts from which
32 residents are to be elected as school directors at
33 each of the next ~~three~~ two succeeding ~~annual~~ regular
34 school elections, arranging so far as possible for
35 elections of directors as residents of the respective
36 districts to coincide with the expiration of terms of
37 incumbent members residing in those districts. If an
38 increase in the size of the board from five to seven
39 members is approved concurrently with the change in
40 method of election of directors, the board shall make
41 the necessary adjustment in the manner prescribed in
42 section 275.37, as well as providing for
43 implementation of the districting plan under this
44 section.

45 Sec. ____ . Section 275.41, subsections 4, 5, 6, and
46 7, Code 1987, are amended to read as follows:

47 4. If the total number of directors determined
48 under subsection 2 or 3 is an odd number, the board of
49 the district with the largest population shall
50 designate the term of office of one of the members who

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1 is retained to commence at the organizational meeting
2 of the board of the newly formed district and to end
3 at the organizational meeting following the fourth
4 third regular school election held thereafter in the
5 manner specified in the reorganization petition.

6 If the total number of directors determined under
7 subsection 2 or 3 is an even number, that number of
8 directors shall function until a special election can
9 be held, at which time an additional director shall be
10 elected to a term from the newly formed district
11 ending at the organizational meeting following the
12 fourth third regular school election held thereafter.
13 The procedure for calling the special election shall
14 be the procedure specified in section 275.25.

15 5. The boards of directors of school districts
16 which are involved in the merger which have three or
17 more directors who are retained, shall each designate
18 two of the directors who are retained to serve terms
19 that expire at the organizational meeting following
20 the second first regular school election held
21 thereafter. All other directors who are retained
22 shall serve terms that expire at the organizational
23 meeting following the third second regular school
24 election held thereafter. If there is an insufficient
25 number of board members eligible to be retained from a
26 former school district, the board of the former school
27 district may appoint members to fill the vacancies. A
28 vacancy occurs if there is an insufficient number of
29 former board members who reside in the newly formed
30 district or if there is an insufficient number who are
31 willing to serve on the board of the newly formed
32 district.

33 6. At the second first regular school election
34 held after the effective date of the merger, the two
35 vacancies which will occur on the board shall be
36 filled in a manner specified in the reorganization
37 petition.

38 7. At the third second regular school election
39 held after the effective date of merger, if a five-
40 member board is specified in the reorganization
41 petition, two directors shall be elected in the manner
42 specified in the reorganization petition and if a
43 seven-member board is specified in the reorganization
44 petition, four directors shall be elected, two for
45 one-year two-year terms and two for three-year four-
46 year terms, in the manner specified in the
47 reorganization petition.

48 Sec. ____ . Section 277.1, Code 1987, is amended to
49 read as follows:

50 277.1 REGULAR ELECTION.

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1 The regular election shall be held annually
2 biennially on the second first Tuesday in September
3 following the first Monday in November of each odd-
4 numbered year in each school district for the election
5 of officers of the district and merged area and for
6 the purpose of submitting to the voters any matter
7 authorized by law."

8 19. Page 16, by inserting after line 12 the
9 following:

10 "Sec. _____. Section 277.3, Code 1987, is amended by
11 adding the following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
13 49.57 and 52.10, at the regular school election the
14 ballots for the school election are not required to be
15 on white paper and the ballots for different school or
16 director districts may be different colors.

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
18 49.73, at the regular school and regular city election
19 the polls shall open at the same time throughout the
20 school district and the hours may be shortened only in
21 a school district which does not include a city with a
22 population greater than thirty-five hundred."

23 20. Page 16, line 17, by striking the word
24 "sixty-five" and inserting the words "sixty-five
25 seventy-two".

26 21. Page 16, line 18, by striking the word
27 "forty" and inserting the words "forty forty-seven".

28 22. Page 17, by inserting after line 3 the
29 following:

30 "Sec. _____. Section 277.20, Code 1987, is amended
31 to read as follows:

32 On the next Friday Monday after the regular school
33 election, the county board of supervisors shall
34 canvass the returns made to the county commissioner of
35 elections from the several precinct polling places and
36 the absentee ballot counting board, ascertain the
37 result of the voting with regard to every matter voted
38 upon and certify them to the board of supervisors for
39 the county commissioner of elections under section
40 47.2, for special elections of the district by the
41 second Friday following the regular school election
42 who shall, cause a record to be made thereof as
43 required by section 50.24. Special elections held in
44 school districts shall be canvassed at the time and in
45 the manner required by that section. The board shall
46 declare the results of the voting for members of
47 boards of directors of school corporations nominated
48 pursuant to section 277.4, and the commissioner shall
49 at once issue a certificate of election to each person
50 declared elected. The board shall also declare the

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1 time set for the organization meeting of the board the
2 third Monday in September November each odd-numbered
3 year, and the election and qualification entered of
4 record by the secretary. The oath may be administered
5 by any qualified member of the board or the secretary
6 of the board and may be taken in substantially the
7 following form:

8 Sec. ____ . Section 279.1, Code 1987, is amended to
9 read as follows:

10 279.1 ORGANIZATION.

11 The board of directors of each school corporation
12 shall meet and organize at two o'clock p.m., or at
13 seven-thirty o'clock p.m., if so ordered by the
14 president of the board, on the third Monday in
15 September November each odd-numbered year at some
16 suitable place to be designated by the secretary.
17 Notice of the place and hour of such meeting shall be
18 given by the secretary to each member and each member-
19 elect of the board.

20 Such organization shall be effected by the election
21 of a president from the members of the board, who
22 shall be entitled to vote as a member.

23 Sec. ____ . Section 280A.11, unnumbered paragraph 1,
24 Code 1987, is amended to read as follows:

25 The governing board of a merged area is a board of
26 directors composed of one member elected from each
27 director district in the area by the electors of the
28 respective district. Members of the board shall be
29 residents of the district from which elected.
30 Successors shall be chosen at the annual regular
31 school elections for members whose terms expire. The
32 term of a member of the board of directors is three
33 four years and commences at the organization meeting.
34 Vacancies on the board which occur more than ninety
35 days prior to the next regular school election may be
36 filled at the next regular meeting of the board by
37 appointment by the remaining members of the board. A
38 member so chosen shall be a resident of the district
39 in which the vacancy occurred and shall serve until a
40 member is elected pursuant to section 69.12 to fill
41 the vacancy for the balance of the unexpired term. A
42 vacancy is defined in section 277.29. A member shall
43 not serve on the board of directors who is a member of
44 a board of directors of a local school district or a
45 member of an area education agency board.

46 Sec. ____ . Section 280A.12, Code 1987, is amended
47 to read as follows:

48 280A.12 DIRECTORS OF MERGED AREA.

49 In each merged area, the initial board of directors
50 elected at the special election shall organize within

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1 fifteen days following the election and may thereafter
2 proceed with the establishment of the designated area
3 vocational school or area community college. The
4 board of directors of the merged area shall organize
5 at the first regular meeting in ~~October~~ December of
6 each odd-numbered year. Organization of the board
7 shall be effected by the election of a president and
8 other officers from the board membership as board
9 members determine. The board of directors shall
10 appoint a secretary and a treasurer who shall each
11 give bond as prescribed in section 291.2 and who shall
12 each receive the salary determined by the board. The
13 secretary and treasurer shall perform duties under
14 chapter 291 and additional duties the board of
15 directors deems necessary. However, the board may
16 appoint one person to serve as the secretary and
17 treasurer. If one person serves as the secretary and
18 treasurer, only one bond is necessary for that person.
19 The frequency of meetings other than organizational
20 meetings shall be as determined by the board of
21 directors but the president or a majority of the
22 members may call a special meeting at any time.

23 Sec. ____ . Section 280A.13, subsections 1 and 4,
24 Code 1987, are amended to read as follows:

25 1. The board of a merged area may change the
26 number of directors on the board and shall make
27 corresponding changes in the boundaries of director
28 districts. Changes shall be completed not later than
29 July 1 of a fiscal year for the next regular school
30 ~~election to be held the next following September.~~

31 4. To the extent possible the board shall provide
32 that changes in the boundary lines of director
33 districts of merged areas do not lengthen or diminish
34 the term of office of a director of the board.
35 Initial terms of office shall be set by the board so
36 that as nearly as possible the terms of one-third one-
37 half of the members expire annually biennially.

38 Sec. ____ . Section 280A.15, Code 1987, is amended
39 to read as follows:

40 280A.15 CONDUCT OF ELECTIONS.

41 1. Regular elections held annually biennially by
42 the merged area for the election of members of the
43 board of directors as required by section 280A.11, for
44 the renewal of the twenty and one-fourth cents per
45 thousand dollars of assessed valuation levy authorized
46 in section 280A.22, or for any other matter authorized
47 by law and designated for election by the board of
48 directors of the merged area, shall be held on the
49 date of the school election as fixed by section 277.1.
50 The election notice shall be made a part of the local

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1 school election notice published as provided in
2 section 49.53 in each local school district where
3 voting is to occur in the merged area election and the
4 election shall be conducted by the county commissioner
5 of elections pursuant to chapters 39 to 53 and section
6 277.20.

7 2. Each candidate for member of the board of
8 directors of a merged area shall be nominated by a
9 petition signed by not less than fifty eligible
10 electors of the director district from which the
11 member is to be elected. The petition shall state the
12 number of the director district from which the
13 candidate seeks election, and the candidate's name and
14 status as an eligible elector of the director
15 district. Signers of the petition, in addition to
16 signing their names, shall show their residence,
17 including street and number if any, the school
18 district in which they reside, and the date they
19 signed the petition. ~~Each nomination paper shall have~~
20 ~~appended to it an affidavit of an eligible elector~~
21 ~~other than the candidate in substantially the form~~
22 ~~provided in section 43-17*, except as to party~~
23 ~~affiliation.~~ The petition shall include the affidavit
24 of the candidate being nominated, stating the
25 candidate's name and residence, and that the
26 individual is a candidate, is eligible for the office
27 sought, and if elected will qualify for the office.

28 3. Nomination papers in behalf of candidates for
29 member of the board of directors of a merged area
30 shall be filed with the secretary of the board not
31 earlier than ~~sixty-five~~ seventy-two days nor later
32 than five o'clock p.m. on the ~~fortieth~~ forty-seventh
33 day prior to the election at which members of the
34 board are to be elected. The secretary shall deliver
35 all nomination petitions so filed, together with the
36 text of any public measure being submitted by the
37 board of directors to the electorate, to the county
38 commissioner of elections who is responsible under
39 section 47.2 for conducting special elections held for
40 the merged area, not later than five o'clock p.m. on
41 the day following the last day on which nomination
42 petitions can be filed. That commissioner shall
43 certify the names of candidates, and the text and
44 summary of any public measure being submitted to the
45 electorate, to all county commissioners of elections
46 in the merged area by the thirty-fifth day prior to
47 the election.

48 4. The votes cast in the election shall be
49 canvassed and abstracts of the votes cast shall be
50 certified as required by section 277.20. In each

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1 county whose commissioner of elections is responsible
2 under section 47.2 for conducting special elections
3 held for a merged area, the county board of
4 supervisors shall convene at ten o'clock a.m. on the
5 last-Monday second Friday in September November,
6 canvass the abstracts of votes cast and declare the
7 results of the voting. The commissioner shall at once
8 issue certificates of election to each person declared
9 elected, and shall certify to the merged area board in
10 substantially the manner prescribed by section 50.27
11 the result of the voting on any public question
12 submitted to the voters of the merged area. Members
13 elected to the board of directors of a merged area
14 shall qualify by taking the oath of office prescribed
15 in section 277.28.

16 Sec. ____ . Section 280A.22, subsection 1, paragraph
17 a, Code 1987, is amended to read as follows:

18 a. In addition to the tax authorized under section
19 280A.17, the voters in any merged area may at the
20 ~~annual~~ regular school election vote a tax not
21 exceeding twenty and one-fourth cents per thousand
22 dollars of assessed value in any one year for a period
23 not to exceed ten years for the purchase of grounds,
24 construction of buildings, payment of debts contracted
25 for the construction of buildings, purchase of
26 buildings and equipment for buildings, and the
27 acquisition of libraries, and for the purpose of
28 maintaining, remodeling, improving, or expanding the
29 area vocational school or area community college of
30 the merged area. The tax shall be collected by the
31 county treasurers and remitted to the treasurer of the
32 merged area as provided in section 331.552, subsection
33 29. The proceeds of the tax shall be deposited in a
34 separate and distinct fund to be known as the voted
35 tax fund, to be paid out upon warrants drawn by the
36 president and secretary of the board of directors of
37 the merged area district for the payment of costs
38 incurred in providing the school facilities for which
39 the tax was voted."

40 23. Page 17, by inserting after line 3 the
41 following:

42 "Sec. ____ . Section 376.1, Code 1987, is amended by
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. If the city is located
45 in more than one county, at the regular city election
46 the counties' boards of supervisors shall canvass the
47 results on the Monday following the election and
48 certify them to the county commissioner responsible
49 under section 47.2 for special elections who shall
50 certify them to the mayor and the council."

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1 24. Page 17, by inserting after line 31 the
2 following:

3 "Sec. _____. In order to accomplish the transition
4 from election of directors of community and
5 independent school districts, and of merged areas and
6 area education agencies, annually for terms of three
7 years each to election of such directors biennially
8 for terms of four years each, the following
9 adjustments in terms and times of election shall be
10 made:

11 1. The term of office of each director of a
12 community or an independent school district elected at
13 the annual school election in the years 1985 or 1986,
14 and of any person elected or appointed as provided by
15 law to fill a vacancy in such an office for the
16 balance of a term to which some other person was
17 elected at the annual school election in the years
18 1985 or 1986, shall be extended until the third Monday
19 in November of the year 1989. The term of office of
20 each director of a merged area elected at the annual
21 school election in the years 1985 or 1986, and of any
22 person elected or appointed as provided by law to fill
23 a vacancy in such an office for the balance of a term
24 to which some other person was elected at the annual
25 school election in the years 1985 or 1986, shall be
26 extended until the first Monday in December of the
27 year 1989.

28 a. In community and independent school districts
29 and merged areas having five-member boards of
30 directors which under this subsection will elect
31 successors to four of those members at the biennial
32 school election in 1989, the persons so elected who
33 received the greatest and the next greatest number of
34 votes in that election shall serve terms of four years
35 each, and the other persons so elected shall serve
36 terms of two years each.

37 b. In community and independent school districts
38 and merged areas having seven-member boards of
39 directors which under this subsection will elect
40 successors to five of those members at the biennial
41 school election in 1989, the persons so elected who
42 received the greatest, the next greatest, and the
43 third greatest number of votes shall serve terms of
44 four years each, and the other persons so elected
45 shall serve terms of two years each.

46 c. In merged areas, the persons elected as
47 directors at the biennial school election in 1989 who
48 receive the greatest, the next greatest, the third
49 greatest, and the fourth greatest number of votes
50 shall serve terms of four years each, and the other

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1 persons so elected shall serve terms of two years
2 each.

3 2. The term of office of each director of a
4 community or an independent school district elected at
5 the annual school election in the year 1987, and of
6 any person elected or appointed as provided by law to
7 fill a vacancy in such an office for the balance of a
8 term to which some other person was elected at the
9 annual school election in the year 1987, shall be ex-
10 tended until the third Monday in November of the year
11 1991. The term of office of each director of a merged
12 area elected at the annual school election in the year
13 1987, and of any person elected or appointed as
14 provided by law to fill a vacancy in such an office
15 for the balance of a term to which some other person
16 was elected at the annual school election in the year
17 1987, shall be extended until the first Monday in
18 December of the year 1991.

19 3. The term of office of each director of an area
20 education agency board of directors elected in the
21 years 1985 or 1986 and of any person elected to fill a
22 vacancy in such an office shall be extended until the
23 organization meeting in December of 1989. The term of
24 office of each director of an area education agency
25 board of directors elected in the year 1987 and of any
26 person elected to fill a vacancy in such an office
27 shall be extended until the organization meeting in
28 December of 1991. The board of directors of each area
29 education agency shall determine by resolution prior
30 to July 1, 1989 which of the director positions to be
31 elected at the 1989 director district conventions
32 shall be elected to two-year terms and which shall be
33 elected to four-year terms.

34 Sec. ____ . The sections of this Act amending
35 sections 39.24, 47.2, 49.30, 52.24, 273.8, 274.7,
36 275.25, 275.36, 275.37, 275.38, 275.41, 277.1, 277.3,
37 277.20, 277.23, 277.25, 277.28, 279.1, 280A.11,
38 280A.12, 280A.13, 280A.15, 280A.22, and 376.1 and the
39 section providing the transition from the election of
40 directors of community and independent school
41 districts and of merged areas and area education
42 agencies annually for terms of three years each to
43 election of such directors biennially for terms of
44 four years each shall take effect January 1, 1988."

H-3904 FILED APRIL 22, 1987 RECEIVED FROM THE SENATE

*House amended (10 28, 4109, 4230)
& Concurred 5/6/87 (p. 2077)*

HOUSE FILE 600

H-4028

- 1 Amend the Senate amendment, H-3904, to House File
- 2 600 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 14 through 23.
- 5 2. Page 1, by striking lines 35 through 42.
- 6 3. Page 3, by striking lines 36 through 47 and
- 7 inserting the following: "at the time of the canvass
- 8 of the election."
- 9 4. Page 4, by striking lines 23 through 28.
- 10 5. Page 5, line 8, by striking the words "October
- 11 December" and inserting the following: "October".
- 12 6. Page 5, line 24, by striking the words
- 13 "~~September November~~" and inserting the following:
- 14 "September".
- 15 7. Page 10, by striking lines 2 through 4 and
- 16 inserting the following: "biennially on the second
- 17 Tuesday in September in each odd-numbered year in each
- 18 school district for the election".
- 19 8. Page 10, by striking lines 8 through 27.
- 20 9. By striking page 10, line 30 through page 11,
- 21 line 13, and inserting the following:
- 22 "'Sec. ____ . Section 277.23, unnumbered paragraph
- 23 2,'".
- 24 10. Page 12, line 2, by striking the words
- 25 "~~September November~~" and inserting the following:
- 26 "September".
- 27 11. Page 12, line 15, by striking the words
- 28 "~~September November~~" and inserting the following:
- 29 "September".
- 30 12. Page 13, line 5, by striking the words
- 31 "~~October December~~" and inserting the word "October".
- 32 13. Page 14, line 31, by striking the words
- 33 "~~sixty-five seventy-two~~" and inserting the following:
- 34 "sixty-five".
- 35 14. Page 14, line 32, by striking the words
- 36 "~~fortieth forty-seventh~~" and inserting the following:
- 37 "fortieth".
- 38 15. Page 15, by striking line 5 and inserting the
- 39 words "last Monday in September,".
- 40 16. Page 15, by striking lines 40 through 50.
- 41 17. Page 16, line 19, by striking the word
- 42 "November" and inserting the following: "September".
- 43 18. Page 16, line 26, by striking the word
- 44 "December" and inserting the word "October".
- 45 19. Page 17, line 10, by striking the word
- 46 "November" and inserting the word "September".
- 47 20. Page 17, line 18, by striking the word
- 48 "December" and inserting the word "October".
- 49 21. Page 17, line 23, by striking the word
- 50 "December" and inserting the word "October".

H-4028
Page Two

- 1 22. Page 17, line 28, by striking the word
- 2 "December" and inserting the word "October".
- 3 23. Page 17, line 35, by striking the figures
- 4 "39.24, 47.2, 49.30, 52.24,".
- 5 24. Page 17, line 35, by inserting after the
- 6 figure "274.7," the following: "275.12,".
- 7 25.— Page 17, lines 36 and 37, by striking the
- 8 figures "277.3, 277.20,".
- 9 26. Page 17, line 38, by striking the word and
- 10 figures "280A.22, and 376.1" and inserting the
- 11 following: "and 280A.22".

H-4028 FILED APRIL 27, 1987 BY RUNNING of Linn
(Adopted 5/6/87 (p 2015))

HOUSE FILE 600

H-4032

- 1 Amend Senate amendment, H-3904, to House File 600
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 23.
- 5 2. Page 1, by striking lines 35 through 42.
- 6 3. Page 3, by striking lines 36 through 47 and
- 7 inserting the following: "at the time of the canvass
- 8 of the election."
- 9 4. Page 4, by striking lines 23 through page 17,
- 10 line 44.

H-4032 FILED APRIL 28, 1987 BY HANSON of Delaware
RENKEN of Grundy
7/15 5/6 (p 2074)

HOUSE FILE 600

H-4109

- 1 Amend the Senate amendment, H-3904, to House File
- 2 600 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 5, line 40, by inserting after the word
- 5 "paragraphs" the following: "a,".
- 6 2. Page 5, by inserting after line 42 the
- 7 following:
- 8 "a. Election at large from the entire district by
- 9 the electors of the entire district unless the school
- 10 district has a certified enrollment of greater than
- 11 five thousand students."

H-4109 FILED APRIL 30, 1987 BY SHOULTZ of Black Hawk
Adopted 5/6/87 (p 2074)

May 8, 1987

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 600

S-4035

- 1 Amend the Senate amendment, H-3904, to House File
- 2 600 as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 14 through 23.
- 5 2. Page 1, by striking lines 35 through 42.
- 6 3. Page 3, by striking lines 36 through 47 and
- 7 inserting the following: "at the time of the canvass
- 8 of the election."
- 9 4. Page 4, by striking lines 23 through 28.
- 10 5. Page 5, line 8, by striking the words "~~October~~
- 11 ~~December~~" and inserting the following: "October".
- 12 6. Page 5, line 24, by striking the words
- 13 "~~September November~~" and inserting the following:
- 14 "September".
- 15 7. Page 5, line 40, by inserting after the word
- 16 "paragraphs" the following: "a,".
- 17 8. Page 5, by inserting after line 42 the
- 18 following:
- 19 "a. Election at large from the entire district by
- 20 the electors of the entire district unless the school
- 21 district has a certified enrollment of greater than
- 22 five thousand students."
- 23 9. Page 10, by striking lines 2 through 4 and
- 24 inserting the following: "biennially on the second
- 25 Tuesday in September in each odd-numbered year in each
- 26 school district for the election".
- 27 10. Page 10, by striking lines 8 through 27.
- 28 11. By striking page 10, line 30 through page 11,
- 29 line 13, and inserting the following:
- 30 ""Sec. ____ . Section 277.23, unnumbered paragraph
- 31 2,".
- 32 12. Page 12, line 2, by striking the words
- 33 "~~September November~~" and inserting the following:
- 34 "September".
- 35 13. Page 12, line 15, by striking the words
- 36 "~~September November~~" and inserting the following:
- 37 "September".
- 38 14. Page 13, line 5, by striking the words
- 39 "~~October December~~" and inserting the word "October".
- 40 15. Page 14, line 31, by striking the words
- 41 "~~sixty-five seventy-two~~" and inserting the following:
- 42 "sixty-five".
- 43 16. Page 14, line 32, by striking the words
- 44 "~~fortieth forty-seventh~~" and inserting the following:
- 45 "fortieth".
- 46 17. Page 15, by striking line 5 and inserting the
- 47 words "last Monday in September,".
- 48 18. Page 15, by inserting after line 39 the
- 49 following:
- 50 " ____ . Page 17, by inserting after line 3 the

S-4035 pg. 2

1 following:

2 "Sec. _____. Section 280A.22, subsection 1, Code
3 1987, is amended by adding the following new lettered
4 paragraph:

5 NEW LETTERED PARAGRAPH. f. During the years 1988
6 and 1990, the board of directors of a merged area may
7 cause the tax authorized by paragraph "a" to be placed
8 before the voters of the merged area at a special
9 election to be held on the second Tuesday in September
10 of that year. All provisions of this subsection,
11 other than the date of the authorizing election, shall
12 apply the authorization and implementation of the tax.
13 This paragraph is repealed December 31, 1990."

14 19. Page 15, by striking lines 40 through 50.

15 20. Page 16, line 19, by striking the word
16 "November" and inserting the following: "September".

17 21. Page 16, line 26, by striking the word
18 "December" and inserting the word "October".

19 22. Page 17, line 10, by striking the word
20 "November" and inserting the word "September".

21 23. Page 17, line 18, by striking the word
22 "December" and inserting the word "October".

23 24. Page 17, line 23, by striking the word
24 "December" and inserting the word "October".

25 25. Page 17, line 28, by striking the word
26 "December" and inserting the word "October".

27 26. Page 17, line 35, by striking the figures
28 "39.24, 47.2, 49.30, 52.24,".

29 27. Page 17, line 35, by inserting after the
30 figure "274.7," the following: "275.12,".

31 28. Page 17, lines 36 and 37, by striking the
32 figures "277.3, 277.20,".

33 29. Page 17, line 38, by striking the word and
34 figures "280A.22, and 376.1" and inserting the
35 following: "and 280A.22".

36 30. By renumbering, relettering, or redesignating
37 and correcting internal references as necessary.

S-4035

Filed May 7, 1987

RECEIVED FROM THE HOUSE

Senate CONCURRED (p. 1757)

Reconciled, referred to committee 5/8/87 (p. 1794)

House enacted 5/8/87 (p. 2201)

HOUSE FILE 600

H-4230

1 Amend the Senate amendment, H-3904, to House File
2 500 as amended, passed, and reprinted by the House as
3 follows:

4 1. Page 15, by inserting after line 39 the
5 following:

6 "____. Page 17, by inserting after line 3 the
7 following:

8 "Sec. ____ Section 280A.22, subsection 1, Code
9 1987, is amended by adding the following new lettered
10 paragraph:

11 NEW LETTERED PARAGRAPH. f. During the years 1988
12 and 1990, the board of directors of a merged area may
13 cause the tax authorized by paragraph "a" to be placed
14 before the voters of the merged area at a special
15 election to be held on the second Tuesday in September
16 of that year. All provisions of this subsection,
17 other than the date of the authorizing election, shall
18 apply the authorization and implementation of the tax.
19 This paragraph is repealed December 31, 1990."

H-4230 FILED MAY 6, 1987

BY RUNNING of Linn

ADOPTED (7 2077)

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 600

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 600, a bill for An Act relating to elections and political activity and subjecting violators to a penalty, respectfully make the following report:

1. That the House recede from its amendment, S-4035.
2. That the Senate amendment, H-3904, to House File 600 as amended, passed and reprinted by the House be amended as follows:
 1. Page 1, by striking lines 3 through 23.
 2. Page 1, by striking lines 35 through 42.
 3. Page 3, by striking lines 26 through 47 and inserting the following: "at the time of the canvass of the election."
 4. By striking page 4, line 23 through page 17, line 44.

ON THE PART OF THE HOUSE:

RICHARD RUNNING, CHAIR
GENE BLANSHAN
DARRELL HANSON
DON SHONING

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, CHAIR
ROBERT M. CARR
JOY CORNING
JULIA B. GENTLEMAN

FILED MAY 9, 1987

Has REPORT ADOPTED 5/9/87 (y. 2255)
Sen adopted 5/9/87 (y. 1855)

STATE GOVERNMENT

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Runnig*

COMMITTEE: *State Government*

3/12/87

1 Section 1. Section 48.5, subsection 2, Code 1987, is
2 amended by adding the following new lettered paragraph:

3 NEW LETTERED PARAGRAPH. e. The requester shall be able to
4 determine who voted by absentee ballot within either of the
5 two preceding primary elections or either of the preceding
6 general elections.

7 Sec. 2. Section 48.7, subsection 1, Code 1987, is amended
8 by adding the following unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If a change of name, telephone
10 number, or address is submitted under this subsection, the
11 commissioner shall not change any matters in the elector's
12 prior registration other than those indicated by the elector.

13 Sec. 3. Section 48.7, subsection 1, paragraph b, Code
14 1987, is amended to read as follows:

15 b. A qualified elector of any precinct in the county of
16 the elector's current residence may record a change of name,
17 telephone number, or address on election day at the polling
18 place for the precinct in which the elector currently resides,
19 ~~if the elector's name or former name appears on the election~~
20 ~~register of a polling place in that county or that polling~~
21 ~~place for the election being held that day.~~ The precinct
22 election officials shall furnish such a qualified elector a
23 registration form of the type prescribed for use by electors
24 registering under section 48.3. The elector shall complete
25 the form and submit it to the precinct election officials, who
26 shall return it to the commissioner with the election
27 supplies. If the qualified elector is submitting a change of
28 address from ~~an election register in~~ another precinct within
29 the county, the elector shall may cast a challenged ballot as
30 ~~provided in section 49-81, but is not required to certify that~~
31 ~~the elector has not moved~~ in the ordinary manner after
32 executing the form provided in subsection 3. If the qualified
33 elector's former address and new address are in different
34 counties, the registration form completed by the qualified
35 elector shall be forwarded to the commissioner of the

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

3 Sec. 4. Section 48.7, Code 1987, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 3. The form provided in this section
6 shall be completed by the qualified elector and attached to
7 the registration form submitted under subsection 1, paragraph
8 "b". The form shall allow the qualified elector to attest to
9 the address and precinct at which the elector presently is
10 registered, to attest that the elector has not and will not
11 vote in any other precinct in that election, and to be
12 informed of the penalties for fraudulently registering or
13 attempting to do so and for improper voting.

14 Sec. 5. NEW SECTION. 48.20 REGISTRATION IN STATE
15 OFFICES.

16 The registration forms provided in section 48.3 shall be
17 available in the offices maintained by the state agencies
18 listed in this section. The officers and employees of those
19 agencies shall offer each person doing business in that office
20 the opportunity to register and if the person does execute the
21 form, the form shall be sent to the appropriate commissioner
22 of registration. This section applies to the state
23 departments of human services, employment services, revenue
24 and finance, personnel, agriculture and land stewardship, and
25 transportation, and the offices of the clerks of court of the
26 district courts.

27 Sec. 6. Section 49.77, subsection 1, Code 1987, is amended
28 to read as follows:

29 1. The board members of their respective precincts shall
30 have charge of the ballots and furnish them to the voters. Any
31 person desiring to vote shall sign a voter's declaration
32 provided by the officials, in substantially the following
33 form:

34 VOTER'S DECLARATION OF ELIGIBILITY

35 I do solemnly swear or affirm that I am a resident of the

1 precinct, ward or township,
2 city of, county of, Iowa.

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

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

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

9

10 Signature of Voter

11

12 Address

13

14 Telephone

15 Approved:

16

17 Board Member

18 Sec. 7. Section 53.3, subsections 1 and 2, Code 1987, are
19 amended to read as follows:

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

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

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

31 The application for a special absentee ballot shall not be
32 filed earlier than ninety days prior to the applicable state
33 primary or general election. The special absentee ballot
34 shall list the offices and measures, if known, scheduled to
35 appear on the state primary or general election ballot. The

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1 qualified elector may use the special absentee ballot to write
2 in the name of any eligible candidate for each office and may
3 vote on any measure.

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

10 Sec. 8. Section 53.40, unnumbered paragraph 1, Code 1987,
11 is amended to read as follows:

12 Request in writing for a ballot for the primary election
13 and for the general election may be made by any member of the
14 armed forces of the United States who is or will be a
15 qualified voter on the day of the election at which the ballot
16 is to be cast, at any time prior to either of the elections;
17 ~~the request stating for which election the request is made.~~
18 Unless the request specifies otherwise, a request for the
19 primary election shall also be considered a request for the
20 general election. In the case of the general election request
21 may be made not more than seventy days before the election,
22 for and on behalf of a voter in the armed forces of the United
23 States by a spouse, parent, parent-in-law, adult brother,
24 adult sister, or adult child of the voter, residing in the
25 county of the voter's residence. However, a request made by
26 other than the voter may be required to be made on forms
27 prescribed by the state commissioner.

28 EXPLANATION

29 This bill makes several changes in election laws.

30 Section 1 provides that registration records shall reveal
31 previous voting by absentee ballot.

32 Section 2 provides that a commissioner of registration
33 cannot make registration changes from prior registration other
34 than those indicated by the elector.

35 Sections 3 and 4 allow a person who has recently moved in a

1 county to return to the precinct of registration and cast a
2 ballot.

3 Section 5 provides for voter registration forms to be kept
4 in state offices and the opportunity to register to be offered
5 to those there on business.

6 Section 6 adds a line for the telephone number on the
7 voter's declaration of eligibility.

8 Section 7 provides a special absentee ballot for qualified
9 electors outside of the United States for state primary as
10 well as state general elections, and provides that a request
11 for an absentee ballot for the primary election, by a member
12 of the armed forces, is also deemed a request for the general
13 election ballot.

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HOUSE FILE 600

AN ACT
RELATING TO ELECTIONS AND POLITICAL ACTIVITY AND SUBJECTING
VIOLATORS TO A PENALTY.

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

Section 1. Section 43.26, Code 1987, is amended to read as follows:

43.26 BALLOT -- FORM.

The official primary election ballot shall be prepared, arranged, and printed substantially in the following form:

PRIMARY ELECTION BALLOT
(Name of Party)

of

-----Township-or-Precinct-----
-----Ward-City-of-----County
of -----, State of Iowa, -----Rotation (if any).

Primary election held on the ... day of June, 19....

FOR UNITED STATES SENATOR

(Vote for one.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

FOR UNITED STATES REPRESENTATIVE

(Vote for one.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

FOR GOVERNOR

(Vote for one.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

(Followed by other elective state officers in the order in which they appear in section 39.9 and district officers in the order in which they appear in sections 39.15 and 39.16.)

FOR COUNTY AUDITOR

(Vote for one.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

(Followed by other elective county officers in the order in which they appear in sections 39.17 and 39.18.)

FOR TOWNSHIP CLERK

(Vote for one.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

----- Candidate's name CANDIDATE'S NAME

-----

Sec. 2. Section 43.45, subsections 4 through 7, Code 1987, are amended to read as follows:

4. Seal: Place the ballots cast on behalf of each of the parties in separate envelopes, and on the outside of such envelope write or print the names of said party's candidates for all offices and opposite each name enter the number of votes cast for such candidate in said precinct. Seal each envelope and place the signature of all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.

5. Seal: all the envelopes of all political parties in one large envelope and on the outside thereof, or on a paper attached thereto; On the outside of each envelope enter the number of votes ballots cast by each party in said the precinct and contained in the envelope.

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

7. Enter at-the-bottom-of-each-party-column on said the envelope the total vote-cast-by-said-party-in-said number of voters of each party who cast ballots in the precinct.

Sec. 3. Section 44.4, subsection 3, Code 1987, is amended to read as follows:

3. Those filed with the city clerk, at least thirty forty-two days prior to the municipal election.

Sec. 4. Section 44.9, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. In the office of the proper city clerk, at least forty-two days before the regularly scheduled city election.

Sec. 5. Section 44.9, subsection 3, Code 1987, is amended to read as follows:

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

Sec. 5. Section 45.3, subsection 1, Code 1987, is amended by striking the subsection.

Sec. 7. Section 48.5, subsection 2, Code 1987, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. e. The requester shall be able to determine who voted by absentee ballot within each of the two preceding primary elections or each of the two preceding general elections.

Sec. 8. Section 48.5, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. After each general and primary election the county commissioner of registration shall update the telephone numbers of qualified electors in the registration records using the telephone numbers provided in the declaration of eligibility under section 49.77.

Sec. 9. Section 48.7, subsection 1, Code 1987, is amended by adding the following unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a change of name, telephone number, or address is submitted under this subsection, the commissioner shall not change the party affiliation in the elector's prior registration other than that indicated by the elector.

Sec. 10. Section 48.7, subsection 1, paragraph b, Code 1987, is amended to read as follows:

b. A qualified elector of any precinct in the county of the elector's current residence 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 If the qualified elector is submitting a change of name, telephone number, or address from within the precinct, the precinct election officials shall furnish such-a the 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 within the county, the qualified elector may vote in the ordinary manner if the precinct election officials have verified the qualified elector's registration in the county by communicating with the commissioner's office or by reviewing a county registration list provided by the commissioner. The commissioner may provide county registration lists to some or

all the precincts in the county. If the qualified elector's registration in the county is not verified by a precinct election official, the elector shall cast a challenged special ballot as provided in section 49.817-but-is-not-required-to certify-that-the-elector-has-not-moved. If the name, telephone number, or address provided by the qualified elector on the special ballot envelope is different from the information on the elector's last previous registration, the commissioner shall change the registration records accordingly.

PARAGRAPH DIVIDED. If the qualified elector's name or former name appears on the election register in the polling place for the election being held that day, the elector may record a change of name, telephone number, or address and cast a ballot in the usual manner if the qualified elector currently resides in that precinct. 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. NEW SECTION. 48.20 REGISTRATION IN STATE OFFICES.

The registration forms provided in section 48.3 shall be available in the offices maintained by the state agencies listed in this section. The officers and employees of those agencies shall offer to each person doing business in that office the opportunity to register, unless the officer or employee is reasonably certain that a person doing business in the office has already been offered a registration form within the previous twelve-month period. If the person does execute the form, the form shall be sent to the appropriate commissioner of registration. This section applies to the Iowa civil rights commission and the state departments of human services, human rights, cultural affairs, employment services, revenue and finance, personnel, agriculture and land

stewardship, and transportation, and the offices of the clerks of court of the district courts. This section does not prevent the officers or employees of any other state agency from offering voter registration forms to persons in those offices.

Sec. 12. Section 49.12, unnumbered paragraph 1, Code 1987, is amended to read as follows:

There shall be appointed in each election precinct an election board which shall ordinarily consist of five precinct election officials. However, in precincts using only one voting machine at any one time, and in precincts voting by paper ballot where no more than one-hundred-votes-were-cast three hundred fifty persons cast ballots in the last preceding similar election, the board shall consist of three precinct election officials; and in precincts using more than two voting machines one additional precinct election official may be appointed for each such additional machine. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. Double election boards may be appointed for any precinct as provided by chapter 51. Not more than a simple majority of the members of the election board in any precinct, or of the two combined boards in any precinct for which a double election board is appointed, shall be members of the same political party or organization if one or more qualified electors of another party or organization are qualified and willing to serve on the board.

Sec. 13. Section 49.31, subsection 3, Code 1987, is amended to read as follows:

3. The ballots for any city elections, school elections, 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, special election, 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 unless there are no more candidates for an office than the number of persons to be elected to that office.

Sec. 14. Section 49.31, subsection 4, Code 1987, is amended to read as follows:

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

Sec. 15. Section 49.53, Code 1987, is amended to read as follows:

49.53 PUBLICATION OF BALLOT AND NOTICE.

The commissioner shall not less than four nor more than twenty days prior to the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing on the published sample ballot to be less than five-thirty-sixths of an inch high in candidates' names or in summaries of public measures. The notice shall also state the date of the election, the hours

the polls will be open, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county ~~representing, if possible, the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last preceding general election.~~ However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

Sec. 16. Section 49.77, subsection 1, Code 1987, is amended to read as follows:

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

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

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

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

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

.....
 Signature of Voter

 Address

Telephone

Approved:

.....

Board Member

Sec. 17. Section 49.77, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the elector to provide the telephone number does not affect the declaration's validity.

Sec. 18. Section 53.40, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Request in writing for a ballot for the primary election and for the general election may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time prior to either of the elections; ~~the request stating for which election the request is made.~~

Unless the request specifies otherwise, a request for the primary election shall also be considered a request for the general election. In the case of the general election request may be made not more than seventy days before the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of the voter, residing in the county of the voter's residence. However, a request made by other than the voter may be required to be made on forms prescribed by the state commissioner.

Sec. 19. Section 49.81, subsections 2 and 3, Code 1987, are amended to read as follows:

2. Each person who casts a challenged special ballot under this section shall receive a printed statement in substantially the following form: "Your qualifications as an elector have been challenged for the following reasons:

1.
2.
3.

Your right to vote will be reviewed by the special precinct counting board on You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on at If your ballot is not counted you will receive notification of this fact."

3. Any elector may present written statements or documents, supporting or opposing the counting of any challenged special ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

Sec. 20. Section 49.81, subsection 4, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

4. The individual envelopes used for each paper ballot cast pursuant to subsection 1 shall have printed on them the format of the face of the registration form under section 48.3 and the following:

I believe I am a qualified elector of this precinct. I registered to vote in county on or about at My name at that time was I have not moved to a different county since that time. I am a United States citizen, at least eighteen years of age.
 (signature of elector); (date)

The following information is to be provided by the precinct election official:

Reason for challenge:

.....
.....
.....
(signature of precinct election official)

Sec. 21. Section 50.12, Code 1987, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making such proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall ~~fold-in-two-folds; and-string-closely-upon-a-single-piece-of-flexible-wire;~~ enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", ~~unite-the-ends-of-such-wire-in-a-firm-knot;-seal-the-knot-in-such-a-manner-that-it-cannot-be-untied-without-breaking-the-seal;-enclose-the-ballots-so-strong-in-an-envelope;~~ and securely seal such envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months.

Sec. 22. Section 50.20, Code 1987, is amended to read as follows:

50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL BALLOTS.

The commissioner shall compile a list of the number of challenged special ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of

challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any challenged special ballot, at the commissioner's office until the reconvening of the special precinct board.

Sec. 23. Section 50.21, Code 1987, is amended to read as follows:

50.21 SPECIAL PRECINCT BOARD RECONVENED.

The commissioner shall reconvene the election board of the special precinct established by section 53.20 at not earlier than noon on the third second day following each election which is required by law to be canvassed on the Monday following the election. If the third second day following such an election is a legal holiday the special precinct election board shall may be convened at noon on the second day following the election, and if the canvass of the election is required at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

PARAGRAPH DIVIDED. If no challenged special ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of challenged special ballots so cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required; ~~but-in-so-doing-shall-observe-the-requirements-of-sections-49.12-and-49.13.~~ If the number of special ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

Sec. 24. Section 50.22, Code 1987, is amended to read as follows:

50.22 SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES.

Upon being reconvened, the special precinct election board shall review the information upon the envelopes bearing the challenged special ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel. The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the challenged special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If a challenged special ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the challenged special ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The challenged special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of challenged special ballots rejected and not counted, at the time of the canvass of the election.

Sec. 25. Section 53.2, Code 1987, is amended to read as follows:

53.2 APPLICATION FOR BALLOT.

Any qualified elector, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, make written application to the commissioner for an absentee ballot. The state commissioner shall prescribe a form for

absentee ballot applications. However, if an elector submits an application that includes all of the information required in this section, the prescribed form is not required.

This section does not require that a written communication mailed to the commissioner's office to request an absentee ballot, or any other document be notarized as a prerequisite to receiving or marking an absentee ballot or returning to the commissioner an absentee ballot which has been voted.

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

If the application is for a primary election ballot and the request is for a ballot of a party different from that recorded on the qualified elector's voter registration record, the requested ballot shall be mailed or given to the applicant together with a "Change or Declaration of Party Affiliation" form as prescribed in section 43.42, to be completed by the qualified elector at the time of voting. Upon receipt of the properly completed form, the commissioner shall approve the change or declaration and enter a notation of the change on the registration records.

If a request an application 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 and an absentee ballot to the eligible elector. If the application is received so late that it is unlikely that the registration form can be returned in time to be effective on election day, the commissioner shall enclose with the absentee ballot a notice to that effect, informing the voter of the registration time limits in sections 48.3 and

48.11. The commissioner shall record on the elector's application that the elector is not currently registered to vote. 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 record on the elector's application the date of receipt of the registration form and enter a notation of the registration on the registration records.

A qualified elector who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the form prescribed in section 48.3 when casting an absentee ballot. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

Sec. 26. Section 53.17, subsection 2, Code 1987, is amended to read as follows:

2. The sealed carrier envelope may be mailed, postage paid, to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to the canvass for that election by the board of supervisors.

Sec. 27. Section 53.22, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The commissioner shall mail an absentee ballot to a qualified elector who has applied for an absentee ballot and who is a patient or resident of a hospital or health care facility outside the county in which the elector is qualified to vote.

NEW SUBSECTION. 5. If the qualified elector becomes a patient or resident of a hospital or health care facility outside the county where the elector is registered to vote within three days before the date of any election, the elector may designate a person to deliver and return the absentee ballot. The designee may be any person the elector chooses except that no candidate for any office to be voted upon for the election for which the ballot is requested may deliver a ballot under this subsection. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, the ballot shall be delivered by mail or by the person designated by the elector. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

Sec. 23. Section 53.22, subsection 2, Code 1987, is amended to read as follows:

2. Any qualified elector who becomes a patient or resident of a hospital or health care facility in the county where the elector is qualified to vote within three days prior to the date of any election may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the qualified elector may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a qualified elector of that county, these officers shall deliver the appropriate absentee ballot to the qualified elector in the manner prescribed by this section.

Sec. 29. NEW SECTION. 53.45 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. Notwithstanding the provisions of section 53.49, 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 53.49, unnumbered paragraph 2, Code 1987, is amended by striking the paragraph.

Sec. 31. Section 69.12, subsection 1, paragraphs a and b, Code 1987, are amended to read as follows:

a. A vacancy shall be filled at the next pending election if it occurs:

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

(2) Fifty-two or more days prior to the election if it is a regularly scheduled or special city election.

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

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

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

(1) The fifty-fifth day prior to a general or primary election.

(2) The forty-seventh day prior to a regularly scheduled or special city election.

~~(2)~~ (3) The fortieth day prior to a regularly scheduled school or-city election.

~~(3)~~ (4) The twenty-fifth day prior to a special election.

Sec. 32. Section 277.4, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may

designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. ~~To each such petition shall be attached the affidavit of an eligible elector of the district that all of the signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if the candidate personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section.~~ The petition shall include the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

Sec. 33. Section 376.4, unnumbered paragraph 4, Code 1987, is amended by striking the paragraph.

Sec. 34. Section 618.14, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The governing body of any municipality or other political subdivision of the state ~~is authorized to make publication may~~ publish, as straight matter or display, of any matter of general public importance, ~~not otherwise authorized or required by law, by publication~~ in one or more newspapers, as defined in section 618.3 published in and having general circulation in such municipality or political subdivision, at the legal or appropriate commercial rate, according to the character of the matter published.

Sec. 35. Section 721.2, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Permits persons to use the property owned by the state or a subdivision or agency of the state to operate a political phone bank for any of the following purposes:

a. To poll voters on their preferences for candidates or ballot measures at an election; however, this paragraph does not apply to authorized research at an educational institution.

b. To solicit funds for a political candidate or organization.

c. To urge support for a candidate or ballot measure to voters.

Sec. 36. Section 53.3, Code 1987, is repealed.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 600, Seventy-second General Assembly.

Approved June 9, 1987

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor