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SENATE FILE 2232

BY COMMITTEE ON STATE

GOVERNMENT *Approved by 520*

*(formerly 55B 2224)*

Passed Senate, Date 3/10/88 (*2232*) Passed House, Date 3/30/88 (*P. 1190*)

Vote: Ayes 44 Nays 0 Vote: Ayes 85 Nays 9

Approved April 27, 1988

A BILL FOR

1 An Act relating to elections and election procedures and  
2 providing an effective date.

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

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SF 2232

1 Section 1. Section 43.11, subsection 1, Code 1987, is  
2 amended to read as follows:

3 1. For an elective county office, in the office of the  
4 county commissioner not earlier than seventy-eight days nor  
5 later than five o'clock p.m. on the fifty-fifth day prior to  
6 the day fixed for holding the primary election.

7 Sec. 2. Section 43.20, subsection 1, Code 1987, is amended  
8 to read as follows:

9 1. If for ~~a-state-office~~ governor, or United States  
10 senator, by at least one percent of the voters of the  
11 candidate's party, in each of at least ten counties of the  
12 state, and in the aggregate not less than one-half of one  
13 percent of the total vote of the candidate's party in the  
14 state, as shown by the last general election.

15 Sec. 3. Section 43.20, Code 1987, is amended by adding the  
16 following new subsection 2 and renumbering the subsequent  
17 subsections:

18 NEW SUBSECTION. 2. If for any other state office, by at  
19 least fifty signatures in each of at least ten counties of the  
20 state, and in the aggregate not less than one thousand  
21 signatures.

22 Sec. 4. Section 43.26, Code Supplement 1987, is amended to  
23 read as follows:

24 43.26 BALLOT -- FORM.

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

27 PRIMARY ELECTION BALLOT  
28 (Name of Party)  
29 of  
30 County of ....., State of Iowa, .....Rotation (if any).  
31 Primary election held on the ..... day of June, 19..  
32 FOR UNITED STATES SENATOR  
33 (Vote for no more than one.)  
34 \_\_\_\_\_ CANDIDATE'S NAME  
35 \_\_\_\_\_ CANDIDATE'S NAME

1 \_\_\_\_\_ .....  
2 FOR UNITED STATES  
3 REPRESENTATIVE  
4 (Vote for no more than one.)

5 \_\_\_\_\_ CANDIDATE'S NAME  
6 \_\_\_\_\_ CANDIDATE'S NAME  
7 \_\_\_\_\_ .....

8 FOR GOVERNOR  
9 (Vote for no more than one.)

10 \_\_\_\_\_ CANDIDATE'S NAME  
11 \_\_\_\_\_ CANDIDATE'S NAME  
12 \_\_\_\_\_ .....

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

16 FOR COUNTY AUDITOR  
17 (Vote for no more than one.)

18 \_\_\_\_\_ CANDIDATE'S NAME  
19 \_\_\_\_\_ CANDIDATE'S NAME  
20 \_\_\_\_\_ .....

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

23 FOR TOWNSHIP CLERK  
24 (Vote for no more than one.)

25 \_\_\_\_\_ CANDIDATE'S NAME  
26 \_\_\_\_\_ CANDIDATE'S NAME  
27 \_\_\_\_\_ .....

28 FOR TOWNSHIP TRUSTEES  
29 (Vote for no more than two.)

30 \_\_\_\_\_ CANDIDATE'S NAME  
31 \_\_\_\_\_ CANDIDATE'S NAME  
32 \_\_\_\_\_ CANDIDATE'S NAME  
33 \_\_\_\_\_ .....

34 Sec. 5. NEW SECTION. 43.37 NUMBER OF VOTES PERMITTED PER  
35 OFFICE.

1 The elector shall be permitted to vote for no more candi-  
2 dates for any office than there are persons to be elected to  
3 the office. If an elector votes for more persons for any of-  
4 fice than the number permitted, the elector's ballot shall not  
5 be counted for that office.

6 Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1987,  
7 is amended to read as follows:

8 All candidates for nominations to be made in primary  
9 elections held pursuant to section 43.112 shall file  
10 nomination papers with the city clerk not less than ~~thirty~~  
11 forty days prior to the date of the election as established by  
12 section 43.114, except that candidates for precinct committee  
13 member shall file affidavits of candidacy as required by  
14 section 420.130. The number of eligible electors signing  
15 petitions required for printing the name of a candidate upon  
16 the official primary ballot shall be one hundred for an office  
17 to be filled by the voters of the entire city and twenty-five  
18 for an office to be filled by the voters of a subdivision of  
19 the city.

20 Sec. 7. Section 44.4, unnumbered paragraphs 1 and 2, Code  
21 Supplement 1987, are amended to read as follows:

22 Nominations made under the provisions of this chapter and  
23 chapter 45 which are required to be filed in the office of the  
24 state commissioner shall be filed in that office not more than  
25 eighty-five days nor later than five o'clock p.m. on the  
26 sixty-seventh day prior to the date of the general election to  
27 be held in November; and those nominations made for a special  
28 election called pursuant to section 69.14 shall be filed not  
29 less than twenty days prior to the date of an election called  
30 upon at least forty days' notice and not less than seven days  
31 prior to the date of an election called upon at least ten  
32 days' notice. Nominations made pursuant to this chapter and  
33 chapter 45 which are required to be filed in the office of the  
34 commissioner shall be filed in that office not more than  
35 seventy-eight days nor later than five o'clock p.m. on the

1 fifty-fifth day prior to the date of the general election.  
2 Nominations made under this chapter or chapter 45 for city  
3 office shall be filed not more than ~~sixty-five~~ seventy-two  
4 days nor later than five o'clock p.m. on the ~~fortieth~~ forty-  
5 seventh day prior to the city election with the city clerk,  
6 who shall process them as provided by law.

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

14 Sec. 8. Section 44.8, Code 1987, is amended by adding the  
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The hearing shall be held within  
17 twenty-four hours of the receipt of the objection if a primary  
18 election must be held for the office sought by the candidate  
19 against whom the objection has been filed.

20 Sec. 9. Section 48.1, Code 1987, is amended to read as  
21 follows:

22 48.1 COMMISSIONER OF REGISTRATION.

23 The commissioner of elections of each county is designated  
24 the commissioner of registration for that county, and may  
25 designate the city clerk of any city in the county, or the  
26 secretary of the board of directors of any school district  
27 which has its office in that county, as a deputy commissioner  
28 of registration who shall be responsible for voter  
29 registration, subject to the supervision of the county  
30 commissioner. The commissioner of registration or an employee  
31 of the commissioner of registration may visit each high school  
32 located in the county, during the month of May of each year,  
33 and at other times at the discretion of the commissioner of  
34 registration, and offer to register any person who is eligible  
35 under section 48.2 to be registered.

1     Sec. 10. Section 48.11, unnumbered paragraph 2, Code 1987,  
2 is amended to read as follows:

3     Registration shall close in a precinct at five o'clock  
4 p.m., ten days before a general or primary election and eleven  
5 days before all other elections, except as provided in section  
6 48.3. The commissioner's office shall be open from eight  
7 o'clock a.m. until at least ~~six~~ five o'clock p.m. on the day  
8 registration closes prior to each regularly scheduled  
9 election. In counties where mobile deputy registrars have  
10 been appointed, the commissioner's office shall remain open  
11 until at least six o'clock p.m. on the day registration closes  
12 for mobile deputy registrars to deliver completed forms,  
13 unless all mobile deputy registrars have turned in their  
14 supplies earlier.

15     Sec. 11. Section 48.29, Code 1987, is amended to read as  
16 follows:

17     48.29 REMOVAL OF REGISTRATION.

18     Upon registration in any county of an eligible elector who  
19 was previously a resident of another county, if that  
20 individual was a qualified elector in the former county of  
21 residence, the individual's name shall be struck from the  
22 record of voters currently registered in the former county of  
23 residence. If the registrar at any time discovers that the  
24 same individual is registered at more than one residence  
25 location, the commissioner or commissioners involved shall be  
26 informed and shall follow the procedure prescribed by section  
27 48.31, subsection 7 6.

28     Sec. 12. Section 49.12, unnumbered paragraph 2, Code  
29 Supplement 1987, is amended to read as follows:

30     If double counting boards are not appointed for precincts  
31 using paper ballots and using only three precinct election  
32 officials, a fourth precinct election official shall be  
33 appointed from the election board panel to serve beginning at  
34 ~~8:00 p.m.~~ the time the polls close to assist in counting the  
35 paper ballots.

1     Sec. 13. NEW SECTION. 49.41 MORE THAN ONE OFFICE PRO-  
2 HIBITED.

3     A candidate for public office shall not cause nomination  
4 papers to remain filed in the office of the state commissioner  
5 or the commissioner on the last day of filing nomination  
6 papers, for more than one office to be filled at the general  
7 election. A candidate for a public office to be filled at the  
8 general election who has filed nomination papers for more than  
9 one office shall, not later than the final date for filing,  
10 notify the state commissioner or commissioner by affidavit for  
11 which office the person elects to be a candidate, which in no  
12 case shall be more than one. In the event no such election is  
13 made by that date by the candidate, the state commissioner  
14 shall not certify the person's name to be placed on the ballot  
15 for any office nor shall the commissioner place the person's  
16 name on the ballot in any county.

17     Sec. 14. Section 49.43, Code 1987, is amended to read as  
18 follows:

19     49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

20     In precincts using paper ballots all public measures to be  
21 voted upon by an elector at a given election shall be printed  
22 upon one ballot of some color other than white. In precincts  
23 using voting machines all public measures shall be placed in  
24 the question row on the machine; however, if it is impossible  
25 to place all the public measures on the machine ballot, or if  
26 only a portion of the qualified electors of the precinct are  
27 entitled to vote upon any measure presented, the commissioner  
28 may provide a separate paper ballot for the public measure or  
29 measures.

30     Constitutional amendments and other public measures may be  
31 summarized by the commissioner as provided in section 52.25.

32     Sec. 15. Section 49.54, Code 1987, is amended to read as  
33 follows:

34     49.54 COST OF PUBLICATION.

35     The cost of the publication required by section 49.537

1 shall not exceed ~~an amount determined by the director of the~~  
2 ~~state department of general services or the director's~~  
3 designee three-fourths of the fee provided in section 618.11  
4 for the publication of legal notices.

5 Sec. 16. Section 49.56, Code 1987, is amended to read as  
6 follows:

7 49.56 MAXIMUM COST OF PRINTING.

8 The cost of printing the official election ballots and  
9 printed supplies for voting machines shall not exceed an  
10 ~~amount determined by the director of the department of general~~  
11 ~~services or the director's designee~~ the usual and customary  
12 rates that the printer charges its regular customers.

13 Sec. 17. Section 49.77, subsection 4, Code Supplement  
14 1987, is amended to read as follows:

15 4. A person whose name does not appear on the election  
16 register of the precinct in which that person claims the right  
17 to vote shall not be permitted to vote, except in the  
18 circumstance described in section 48.7, subsection 1,  
19 paragraph "b", unless the commissioner informs the precinct  
20 election officials that an error has occurred and that the  
21 person is a qualified elector of that precinct. If the  
22 commissioner finds no record of the person's registration but  
23 the person insists that the person is a qualified elector of  
24 that precinct, the precinct election officials shall allow the  
25 person to cast a ballot in the manner prescribed by section  
26 49.81.

27 Sec. 18. Section 49.80, subsection 3, Code 1987, is  
28 amended by striking the subsection and inserting in lieu  
29 thereof the following:

30 3. Any resident of a county whose registration in that  
31 county has been canceled because first class mail was returned  
32 by the postal service during the four years preceding the  
33 election in progress shall be permitted to vote in the  
34 precinct of the person's current residence if the person's  
35 previous registration in the county can be verified on



1 election day in the manner prescribed in section 48.7,  
2 subsection 1, paragraph "b".

3 Sec. 19. Section 50.45, Code 1987, is amended to read as  
4 follows:

5 50.45 CANVASS PUBLIC -- RESULT DETERMINED.

6 All canvasses of tally lists shall be public, and the  
7 persons having the greatest number of votes shall be declared  
8 elected. When a public measure has been submitted to the  
9 electors, the proposition shall be declared to have been  
10 adopted if the vote cast in favor of the question is equal to  
11 one vote more than fifty percent of the total vote cast in  
12 favor and against the question, unless laws pertaining  
13 specifically to the public measure election establish a higher  
14 percentage of a favorable vote. All ballots cast and not  
15 counted as a vote in favor or against the proposition shall  
16 not be used in computing the total vote cast in favor and  
17 against the proposition.

18 Sec. 20. Section 51.1, Code 1987, is amended to read as  
19 follows:

20 51.1 ELECTION COUNTING BOARD.

21 In all election precincts the board of supervisors may  
22 authorize the commissioner to appoint for each ~~primary and~~  
23 ~~general~~ election in which a high voter turnout is anticipated  
24 five additional precinct election officials to be known as the  
25 election counting board.

26 Sec. 21. Section 51.7, Code 1987, is amended to read as  
27 follows:

28 51.7 DUTIES OF DOUBLE BOARDS.

29 The counting boards shall proceed to the respective voting  
30 places to which they have been appointed, ~~at one o'clock p.m. or~~  
31 ~~in any precinct in which the commissioner shall deem it~~  
32 ~~necessary, at such earlier hour after nine o'clock a.m. at~~  
33 such time as the commissioner may direct, and shall take  
34 charge of the ballot box containing the ballots already cast  
35 in that precinct. ~~It~~ The counting board shall retire to a

1 partitioned space or room provided for that purpose and there  
2 proceed to count and tabulate the ballots as it shall find  
3 them deposited in the ballot box. The receiving board shall  
4 continue to receive the votes of electors in the other box  
5 provided, until such time as the counting board shall have  
6 finished counting and tabulating the ballots cast in the first  
7 ballot box. The two boards shall then exchange the first box  
8 for the second box and so continue until they have counted and  
9 tabulated all the votes cast on that election day. When the  
10 hour arrives for closing the polls, the receiving board shall  
11 certify to all matters pertaining to casting of ballots and  
12 shall then unite with the counting board in the counting of  
13 ballots. The precinct election officials shall then divide  
14 the ballots not counted and each group of officials shall  
15 proceed to canvass their portion of the same. When the  
16 canvass has been completed the officials shall report the  
17 result of their canvass in the manner provided by section  
18 50.11.

19 Sec. 22. Section 52.22, unnumbered paragraph 1, Code 1987,  
20 is amended to read as follows:

21 The precinct election officials shall, as soon as the count  
22 is completed and fully ascertained as in this chapter  
23 required, lock the machine against voting, and it shall so  
24 remain until thirty days after the proclamation of the results  
25 of ~~said~~ the election, except that it shall remain locked only  
26 ten days after a primary or school election, and only two days  
27 after a city primary election, if such election is not  
28 contested.

29 Sec. 23. Section 52.25, Code 1987, is amended to read as  
30 follows:

31 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

32 The question of a constitutional convention, amendments,  
33 and public measures including bond issues may be voted on the  
34 voting machines and on special paper ballots and ballot cards  
35 in the following manner:

1 The entire convention question, amendment or public measure  
2 shall be printed and displayed prominently in at least two  
3 four places within the voting precinct, and inside each voting  
4 booth, or on the left-hand side inside the curtain of each  
5 voting machine, ~~said~~ the printing to be in conformity with the  
6 provisions of chapter 49. The public measure shall be  
7 summarized by the commissioner and in the largest type  
8 possible printed on the special paper ballots, ballot cards,  
9 or inserts used in ~~said~~ the voting machines, except that:

10 1. In the case of the question of a constitutional  
11 convention, or of an amendment or measure to be voted on in  
12 the entire state, the ~~summary to-be-placed-in-the-voting~~  
13 ~~machine-inserts~~ shall be worded by the state commissioner of  
14 elections as required by section 49.44~~7~~-and.

15 2. In the case of a public question to be voted on in a  
16 political subdivision lying in more than one county, the  
17 summary shall be worded by the commissioner responsible under  
18 section 47.2 for conducting that election.

19 Sec. 24. Section 52.32, unnumbered paragraph 1, Code 1987,  
20 is amended to read as follows:

21 The provisions of this section ~~shall~~ apply, in lieu of  
22 sections 50.1 to 50.12, to any precinct for those elections at  
23 which voting is conducted by means of an electronic voting  
24 system and the ballots are to be counted at a counting center.

25 Sec. 25. Section 52.32, subsection 2, Code 1987, is  
26 amended to read as follows:

27 2. ~~The~~ If ballot cards are used and write-in votes are  
28 cast on a separate envelope or write-in ballot, the precinct  
29 election officials shall next count the write-in votes cast in  
30 the precinct, if any. ~~If ballot-cards-are-used, and separate~~  
31 ~~write-in-ballots-or-envelopes-for-recording-write-in-votes-are~~  
32 ~~used, all~~ special paper ballots or ballot cards are used and  
33 write-in votes are recorded directly upon the ballot, this  
34 subsection does not apply. All ballots or envelopes on which  
35 write-in votes have been recorded shall be serially numbered,

1 starting with the number one, and the same number shall be  
2 placed on the regular ballot card of that voter. The precinct  
3 election official shall compare the write-in votes with the  
4 votes cast on the ballot card. If the total number of votes  
5 for any office exceeds the number allowed by law, a notation  
6 to that effect shall be entered on the back of the ballot card  
7 and the votes for the office involved shall not be counted.

8 Sec. 26. Section 53.22, subsection 5, Code Supplement  
9 1987, is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. Absentee ballots voted under  
12 this subsection shall be delivered to the commissioner no  
13 later than the time the polls are closed on election day. If  
14 the ballot is returned by mail the carrier envelope must be  
15 clearly postmarked by an officially authorized postal service  
16 not later than the day before the election and received by the  
17 commissioner no later than the time established for the  
18 canvass by the board of supervisors for that election.

19 Sec. 27. Section 53.38, Code 1987, is amended to read as  
20 follows:

21 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

22 Whenever a ballot is requested pursuant to section 53.39 or  
23 53.45 on behalf of a voter in the armed forces of the United  
24 States, the affidavit upon the ballot envelope of such voter,  
25 if the voter is found to be an eligible elector of the county  
26 to which the ballot is submitted, shall constitute a  
27 sufficient registration under the provisions of chapter 48 and  
28 the commissioner shall place the voter's name on the  
29 registration record as a qualified elector, if it does not  
30 already appear there.

31 Sec. 28. Section 53.45, subsections 1 and 4, Code  
32 Supplement 1987, are amended to read as follows:

33 1. As provided in this section, the commissioner shall  
34 provide special absentee ballots to be used for state general  
35 elections. A special absentee ballot shall only be provided

1 to a-qualified an eligible elector who completes an  
2 application stating both of the following to the best of the  
3 qualified eligible elector's belief:

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

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

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

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

25 Sec. 29. NEW SECTION. 53.53 FEDERAL WRITE-IN BALLOTS.

26 Upon receipt of an official federal write-in ballot, the  
27 commissioner shall examine the voter's written declarations on  
28 the envelope. If it appears that the voter is eligible to  
29 vote under the provisions of this division, has applied in a  
30 timely fashion for an absentee ballot, and has complied with  
31 all requirements for the federal write-in ballot, then the  
32 federal write-in ballot is valid unless the Iowa absentee  
33 ballot is received in time to be counted.

34 The voter's declaration or affirmation on the federal  
35 write-in ballot constitutes a sufficient registration under

1 the provisions of chapter 48 and the commissioner shall place  
2 the voter's name on the registration record as a qualified  
3 elector, if the voter's name does not already appear on the  
4 registration record. No witness to the oath is necessary.

5 The federal write-in ballot shall not be counted if any of  
6 the following apply:

7 1. The ballot was submitted from within the United States.

8 2. The voter's application for a regular absentee ballot  
9 was received by the commissioner less than thirty days prior  
10 to the election.

11 3. The voter's completed regular or special Iowa absentee  
12 ballot was received by the deadline for return of absentee  
13 ballots established in section 53.17.

14 4. The voter's federal write-in ballot was received after  
15 the deadline for return of absentee ballots established in  
16 section 53.17.

17 Sec. 30. Section 277.4, unnumbered paragraph 2, Code  
18 Supplement 1987, is amended to read as follows:

19 The secretary of the school board shall accept the petition  
20 for filing if on its face it appears to have the requisite  
21 number of signatures and if it is timely filed. The secretary  
22 of the school board shall note upon each petition and  
23 affidavit accepted for filing the date and time that the  
24 petition was filed. The secretary of the school board shall  
25 deliver all nomination petitions, together with the complete  
26 text of any public measure being submitted by the board to the  
27 electorate, to the county commissioner of elections not later  
28 than five o'clock p.m. on the day following the last day on  
29 which nomination petitions can be filed.

30 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
31 petitions have been filed under this section may withdraw as a  
32 candidate by filing a signed statement to that effect with the  
33 ~~commissioner~~ secretary at any time prior to five o'clock p.m.  
34 on the thirty-fifth day before the election.

35 Sec. 31. NEW SECTION. 277.5 OBJECTIONS TO NOMINATIONS.

1     Objections to the legal sufficiency of a nomination peti-  
2     tion or to the eligibility of a candidate may be filed by any  
3     person who would have the right to vote for a candidate for  
4     the office in question. The objection must be filed with the  
5     secretary of the school board at least thirty days before the  
6     day of the school election. When objections are filed notice  
7     shall forthwith be given to the candidate affected, addressed  
8     to the candidate's place of residence as given on the  
9     candidate's affidavit, stating that objections have been made  
10    to the legal sufficiency of the petition or to the eligibility  
11    of the candidate, and also stating the time and place the  
12    objections will be considered.

13    Objections shall be considered not later than two working  
14    days following the receipt of the objections by the president  
15    of the school board, the secretary of the school board, and  
16    one additional member of the school board chosen by ballot.  
17    If objections have been filed to the nominations of either of  
18    those school officials, that official shall not pass on the  
19    objection. The official's place shall be filled by a member  
20    of the school board against whom no objection exists. The  
21    replacement shall be chosen by ballot.

22    Sec. 32. Section 280A.15, subsection 2, Code 1987, is  
23    amended to read as follows:

24    2. Each candidate for member of the board of directors of  
25    a merged area shall be nominated by a petition signed by not  
26    less than fifty eligible electors of the director district  
27    from which the member is to be elected. The petition shall  
28    state the number of the director district from which the  
29    candidate seeks election, and the candidate's name and status  
30    as an eligible elector of the director district. Signers of  
31    the petition, in addition to signing their names, shall show  
32    their residence, including street and number if any, the  
33    school district in which they reside, and the date they signed  
34    the petition. ~~Each nomination paper shall have appended to it~~  
35    ~~an affidavit of an eligible elector other than the candidate~~

~~1 in-substantially-the-form-provided-in-section-43-17,-except-as~~  
2 ~~to-party-affiliation.~~ The petition shall include the  
3 affidavit of the candidate being nominated, stating the  
4 candidate's name and residence, and that the individual is a  
5 candidate, is eligible for the office sought, and if elected  
6 will qualify for the office.

7 Sec. 33. Section 331.203, subsection 1, Code 1987, is  
8 amended to read as follows:

9 1. The board may by resolution, or shall upon petition of  
10 the number of qualified eligible electors of the county as  
11 specified in section 331.306, submit to the qualified electors  
12 of the county at a general election a proposition to increase  
13 the number of supervisors to five.

14 Sec. 34. Section 331.204, subsection 1, Code 1987, is  
15 amended to read as follows:

16 1. In a county having a five-member board, the board may  
17 by resolution, or shall upon petition of the number of  
18 qualified eligible electors of the county as specified in  
19 section 331.306, submit to the qualified electors of the  
20 county at a general election a proposition to reduce the  
21 number of supervisors to three.

22 Sec. 35. Section 331.207, subsection 1, Code 1987, is  
23 amended to read as follows:

24 1. The board, upon petition of the number of qualified  
25 eligible electors of the county as specified in section  
26 331.306, shall call a special election to be held for the  
27 purpose of selecting one of the supervisor representation  
28 plans specified in section 331.206 under which the board of  
29 supervisors shall be elected.

30 Sec. 36. Section 303B.3, Code 1987, is amended by adding  
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. The votes cast in the election  
33 shall be canvassed and abstracts of the votes cast shall be  
34 promptly certified by the commissioner to the commissioner of  
35 elections who is responsible under section 47.2 for conducting



1 elections for that regional library board. In each county  
2 whose commissioner of elections is responsible under section  
3 47.2 for conducting elections held for a regional library  
4 board, the county board of supervisors shall convene at nine  
5 o'clock a.m. on the third Monday in November, canvass the  
6 abstracts of votes cast and declare the results of the voting.  
7 The commissioner shall at once issue certificates of election  
8 to each person declared elected.

9 Sec. 37. Section 376.4, unnumbered paragraphs 5 and 6,  
10 Code Supplement 1987, are amended to read as follows:

11 If the city clerk is not readily available during normal  
12 office hours, the city clerk shall designate other employees  
13 or officials of the city who are ordinarily available to  
14 accept nomination papers under this section. The city clerk  
15 shall accept the petition for filing if on its face it appears  
16 to have the requisite number of signatures and if it is timely  
17 filed. The city clerk shall note upon each petition and  
18 affidavit accepted for filing the date and time that the  
19 petition was filed.

20 The city clerk shall deliver all nomination petitions  
21 together with the text of any public measure being submitted  
22 by the city council to the electorate to the county  
23 commissioner of elections not later than five o'clock p.m. on  
24 the day following the last day on which nomination petitions  
25 can be filed.

26 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
27 petitions have been filed under this section may withdraw as a  
28 candidate by filing a signed statement to that effect as  
29 prescribed in section 44.9. Objections to the legal  
30 sufficiency of petitions shall be filed in accordance with the  
31 provisions of sections 44.4, 44.5, and 44.8.

32 Sec. 38. Section 376.6, Code 1987, is amended by adding  
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Each city clerk shall certify to  
35 the commissioner of elections responsible under section 47.2

1 for conducting elections for that city the type of nomination  
2 process to be used for the city no later than seventy-seven  
3 days before the date of the regular city election. If the  
4 city has by ordinance chosen a runoff election or has chosen  
5 to have nominations made in the manner provided by chapter 44  
6 or 45, or has repealed nomination provisions under those  
7 sections in preference for the primary election method, a copy  
8 of the city ordinance shall be attached. No changes in the  
9 method of nomination to be used in a city shall be made after  
10 the clerk has filed the certification with the commissioner,  
11 unless the change will not take effect until after the next  
12 regular city election.

13 Sec. 39. Section 376.8, subsection 2, Code 1987, is  
14 amended by adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. In calculating the number of  
16 votes necessary to constitute a majority, fractions shall be  
17 rounded up to the next higher whole number.

18 Sec. 40. Section 376.11, Code 1987, is amended by striking  
19 the section and inserting in lieu thereof the following:

20 376.11 WRITE-IN VOTES.

21 Write-in votes are permitted to be cast in all elections  
22 for city offices. A person who receives a sufficient number  
23 of write-in votes to be elected to a city office shall be  
24 declared the winner of the election. If a person who was  
25 elected by write-in votes chooses not to serve in that office  
26 the person shall submit a resignation in writing to the city  
27 clerk not later than five o'clock p.m. on the day following  
28 the canvass of the election. If a person who was elected by  
29 write-in votes resigns at a later time, the office shall be  
30 considered vacant at the end of the term and the council shall  
31 fill the vacancy pursuant to the provisions of section 372.13,  
32 subsection 2.

33 Except in cities where the council has chosen a runoff  
34 election in lieu of a primary, following the resignation of a  
35 person who was elected by write-in votes, the city clerk shall

1 notify the person who received the next highest number of  
2 votes cast for the office that the person may assume the  
3 office. If the person accepts the position, the person shall  
4 be considered the duly elected officer unless a petition  
5 requesting a special election is filed by eligible electors of  
6 the city equal in number to twenty-five percent of the number  
7 of persons who voted for the office at the election. If the  
8 person declines, the person shall do so in writing to the city  
9 clerk within ten days and the office shall be considered  
10 vacant at the end of the term. The vacancy shall be filled  
11 pursuant to the provisions of section 372.13, subsection 2.  
12 If the council chooses to appoint, the appointment may be made  
13 before the end of the current term.

14 In city primary elections any person who receives write-in  
15 votes shall execute an affidavit in substantially the form  
16 required by section 45.3, and file it with the county com-  
17 missioner of elections or the city clerk not later than five  
18 o'clock p.m. on the day after the canvass of the primary  
19 election. If any person who received write-in votes fails to  
20 file the affidavit at the time required, the county commis-  
21 sioner shall disregard the write-in votes cast for that per-  
22 son. A notation shall be made on the abstract of votes  
23 showing which persons who received write-in votes filed af-  
24 fidavits. The total number of votes cast for each office on  
25 the ballot shall be amended by subtracting the write-in votes  
26 of those candidates who failed to file the affidavit. It is  
27 not necessary for a candidate whose name was printed upon the  
28 ballot to file an affidavit. Of the remaining candidates,  
29 those who receive the highest number of votes to the extent of  
30 twice the number of unfilled positions shall be placed on the  
31 ballot for the regular city election as candidates for that  
32 office.

33 In cities in which the city council has chosen a runoff  
34 election in lieu of a primary, if a person who was elected by  
35 write-in votes chooses not to accept the office by filing a

1 resignation notice with the city clerk or commissioner of  
2 elections not later than five o'clock p.m. on the day follow-  
3 ing the canvass, all remaining persons who received write-in  
4 votes and who wish to be considered candidates for the runoff  
5 election shall execute an affidavit in substantially the form  
6 required by section 45.3 and file it with the county commis-  
7 sioner or the city clerk not later than five o'clock p.m. of  
8 the fourth day following the canvass. If a person receiving  
9 write-in votes fails to file the affidavit at the time  
10 required, the county commissioner of elections shall disregard  
11 the write-in votes cast for that person. The abstract of  
12 votes shall be amended to show that the person who was  
13 declared elected declined the office and a notation shall be  
14 made next to the names of those persons who did not file the  
15 affidavit. A runoff election shall be held with the remaining  
16 candidates who have the highest number of votes to the extent  
17 of twice the number of unfilled positions.

18 In a city in which the council has chosen a runoff election  
19 if no person was declared elected for an office all persons  
20 who received write-in votes shall execute an affidavit in  
21 substantially the form required by section 45.3 and file it  
22 with the county commissioner of elections or the city clerk  
23 not later than five o'clock p.m. on the day following the  
24 canvass of votes. If any person who received write-in votes  
25 fails to file the affidavit the county commissioner of elec-  
26 tions shall disregard the write-in votes cast for that person.  
27 The abstract of votes shall be amended to note which of the  
28 write-in candidates failed to file the affidavit. A runoff  
29 election shall be held with the remaining candidates who have  
30 the highest number of votes to the extent of twice the number  
31 of unfilled positions.

32 Sec. 41. Section 420.130, Code 1987, is amended to read as  
33 follows:

34 420.130 AFFIDAVIT OF CANDIDACY.

35 Candidates for city precinct committee member shall cause

1 their names to be printed on the primary ballot by filing an  
2 affidavit as provided for in section 43.18 with the county  
3 commissioner of elections at least ~~thirty~~ forty days prior to  
4 the day fixed for conducting the primary election.

5 Sec. 42. EFFECTIVE DATE. Section 1 of this Act takes  
6 effect January 1, 1989.

7 EXPLANATION

8 This bill makes numerous technical and other changes in the  
9 laws governing elections and election procedures. The changes  
10 affect filing dates, the number of signatures required to  
11 nominate a partisan candidate, the explanations regarding  
12 maximum number of candidates for whom a primary election voter  
13 may vote, procedures for objections to nominations, hours and  
14 times auditors' offices must be open for voter registration,  
15 the number of offices a candidate may seek, the cost of  
16 publication and printing of ballots, procedures relating to  
17 change of address within a county, the percentage of votes  
18 needed to pass a public measure, procedures for tabulating  
19 votes, absentee ballot and federal write-in ballot provisions,  
20 procedures in school, merged area, and regional library  
21 elections, and nominations, write-ins, and other procedures in  
22 city elections.

23 Section 1, relating to an initial filing date for candi-  
24 dates for county offices, takes effect January 1, 1989. Other  
25 provisions take effect July 1, 1988.

26 SUCCESSOR TO SSB 2224 (LSB 8308SC)

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S-3234

1 Amend Senate File 2232 as follows:

2 1. By striking page 7, line 27 through page 8,  
3 line 2, and inserting the following:

4 "Sec. \_\_\_\_ . Section 50.22, Code Supplement 1987, is  
5 amended to read as follows:

6 50.22 SPECIAL PRECINCT BOARD TO DETERMINE  
7 CHALLENGES.

8 Upon being reconvened, the special precinct  
9 election board shall review the information upon the  
10 envelopes bearing the special ballots, and all  
11 evidence submitted in support of or opposition to the  
12 right of each challenged person to vote in the  
13 election. The board may divide itself into panels of  
14 not less than three members each in order to hear and  
15 determine two or more challenges simultaneously, but  
16 each panel shall meet the requirements of section  
17 49.12 as regards political party affiliation of the  
18 members of each panel.

19 PARAGRAPH DIVIDED. The decision to count or reject  
20 each ballot shall be made upon the basis of the  
21 information given on the envelope containing the  
22 special ballot, the evidence concerning the challenge,  
23 the registration and the returned receipts of  
24 registration. If the challenged voter's registration  
25 was canceled in the same county where the person  
26 attempted to vote because first class mail was  
27 returned by the postal service during the four years  
28 preceding the election in progress, the person's  
29 ballot shall be accepted for counting and the  
30 elector's registration shall be reinstated.

31 If a special ballot is rejected, the person casting  
32 the ballot shall be notified by the commissioner  
33 within ten days of the reason for the rejection, on  
34 the form prescribed by the state commissioner pursuant  
35 to section 53.25, and the envelope containing the  
36 special ballot shall be preserved unopened and  
37 disposed of in the same manner as spoiled ballots.  
38 The special ballots which are accepted shall be  
39 counted in the manner prescribed by section 53.24.  
40 The commissioner shall make public the number of  
41 special ballots rejected and not counted, at the time  
42 of the canvass of the election."

43 2. Page 20, by striking lines 5 and 6 and  
44 inserting the following:

45 "Sec. \_\_\_\_ . EFFECTIVE DATE.

46 1. This Act, being deemed of immediate importance,  
47 takes effect upon enactment.

48 2. However, the amendment to section 43.11,  
49 subsection 1, Code 1987, as enacted by this Act, takes  
50 effect January 1, 1989, and all sections of this Act

1 except the sections amending section 43.11, subsection  
2 1, and section 50.22, Code Supplement 1987, take  
3 effect July 1, 1988."

4 3. By numbering and renumbering as necessary.

S-5234

Filed March 7, 1988

*Ord. Tol. 3/10 (p. 727)*BY MICHAEL E. GRONSTAL  
RICHARD F. DRAKE

SENATE FILE 2232

S-5173

- 1 Amend Senate File 2232 as follows:
- 2 1. Page 8, lines 10 and 11, by striking the words
- 3 "equal to one vote more" and inserting the following:
- 4 "greater".

S-5173

Filed February 29, 1988

*Adopted 3/10 (p. 729)*

BY MICHAEL E. GRONSTAL

SENATE FILE 2232

S-5233

- 1 Amend Senate File 2232 as follows:
- 2 1. By striking page 6, line 32 through page 7,
- 3 line 4.
- 4 2. By renumbering as necessary.

S-5233

Filed March 7, 1988

*Adopted 3/10 (p. 729)*

BY MICHAEL E. GRONSTAL

*See Bill 5111  
D. B. 565 (p. 1085)*

SENATE FILE **2232**  
BY COMMITTEE ON STATE  
GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 10, 1988)

- - New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date 4/6/88 (p. 1286) Passed House, Date 3/30/88 (p. 1192)  
Vote: Ayes 46 Nays 0 Vote: Ayes 85 Nays 7  
Approved April 27, 1988

**A BILL FOR**

1 An Act relating to elections and election procedures and  
2 providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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SF 2232

jw/cc/26



1 Section 1. Section 43.11, subsection 1, Code 1987, is  
2 amended to read as follows:

3 1. For an elective county office, in the office of the  
4 county commissioner not earlier than seventy-eight days nor  
5 later than five o'clock p.m. on the fifty-fifth day prior to  
6 the day fixed for holding the primary election.

7 Sec. 2. Section 43.20, subsection 1, Code 1987, is amended  
8 to read as follows:

9 1. If for a ~~state-office~~ governor, or United States  
10 senator, by at least one percent of the voters of the  
11 candidate's party, in each of at least ten counties of the  
12 state, and in the aggregate not less than one-half of one  
13 percent of the total vote of the candidate's party in the  
14 state, as shown by the last general election.

15 Sec. 3. Section 43.20, Code 1987, is amended by adding the  
16 following new subsection 2 and renumbering the subsequent  
17 subsections:

18 NEW SUBSECTION. 2. If for any other state office, by at  
19 least fifty signatures in each of at least ten counties of the  
20 state, and in the aggregate not less than one thousand  
21 signatures.

22 Sec. 4. Section 43.26, Code Supplement 1987, is amended to  
23 read as follows:

24 43.26 BALLOT -- FORM.

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

27 PRIMARY ELECTION BALLOT

28 (Name of Party)

29 of

30 County of ....., State of Iowa, .....Rotation (if any).

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

32 FOR UNITED STATES SENATOR

33 (Vote for no more than one.)

34 \_\_\_\_\_ CANDIDATE'S NAME

35 \_\_\_\_\_ CANDIDATE'S NAME

1 \_\_\_\_\_ .....

2 FOR UNITED STATES

3 REPRESENTATIVE

4 (Vote for no more than one.)

5 \_\_\_\_\_ CANDIDATE'S NAME

6 \_\_\_\_\_ CANDIDATE'S NAME

7 \_\_\_\_\_ .....

8 FOR GOVERNOR

9 (Vote for no more than one.)

10 \_\_\_\_\_ CANDIDATE'S NAME

11 \_\_\_\_\_ CANDIDATE'S NAME

12 \_\_\_\_\_ .....

13 (Followed by other elective state officers in the order in

14 which they appear in section 39.9 and district officers in the

15 order in which they appear in sections 39.15 and 39.16.)

16 FOR COUNTY AUDITOR

17 (Vote for no more than one.)

18 \_\_\_\_\_ CANDIDATE'S NAME

19 \_\_\_\_\_ CANDIDATE'S NAME

20 \_\_\_\_\_ .....

21 (Followed by other elective county officers in the order in

22 which they appear in sections 39.17 and 39.18.)

23 FOR TOWNSHIP CLERK

24 (Vote for no more than one.)

25 \_\_\_\_\_ CANDIDATE'S NAME

26 \_\_\_\_\_ CANDIDATE'S NAME

27 \_\_\_\_\_ .....

28 FOR TOWNSHIP TRUSTEES

29 (Vote for no more than two.)

30 \_\_\_\_\_ CANDIDATE'S NAME

31 \_\_\_\_\_ CANDIDATE'S NAME

32 \_\_\_\_\_ CANDIDATE'S NAME

33 \_\_\_\_\_ .....

34 Sec. 5. NEW SECTION. 43.37 NUMBER OF VOTES PERMITTED PER

35 OFFICE.

1 The elector shall be permitted to vote for no more candi-  
2 dates for any office than there are persons to be elected to  
3 the office. If an elector votes for more persons for any of-  
4 fice than the number permitted, the elector's ballot shall not  
5 be counted for that office.

6 Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1987,  
7 is amended to read as follows:

8 All candidates for nominations to be made in primary  
9 elections held pursuant to section 43.112 shall file  
10 nomination papers with the city clerk not less than thirty  
11 forty days prior to the date of the election as established by  
12 section 43.114, except that candidates for precinct committee  
13 member shall file affidavits of candidacy as required by  
14 section 420.130. The number of eligible electors signing  
15 petitions required for printing the name of a candidate upon  
16 the official primary ballot shall be one hundred for an office  
17 to be filled by the voters of the entire city and twenty-five  
18 for an office to be filled by the voters of a subdivision of  
19 the city.

20 Sec. 7. Section 44.4, unnumbered paragraphs 1 and 2, Code  
21 Supplement 1987, are amended to read as follows:

22 Nominations made under the provisions of this chapter and  
23 chapter 45 which are required to be filed in the office of the  
24 state commissioner shall be filed in that office not more than  
25 eighty-five days nor later than five o'clock p.m. on the  
26 sixty-seventh day prior to the date of the general election to  
27 be held in November; and those nominations made for a special  
28 election called pursuant to section 69.14 shall be filed not  
29 less than twenty days prior to the date of an election called  
30 upon at least forty days' notice and not less than seven days  
31 prior to the date of an election called upon at least ten  
32 days' notice. Nominations made pursuant to this chapter and  
33 chapter 45 which are required to be filed in the office of the  
34 commissioner shall be filed in that office not more than  
35 seventy-eight days nor later than five o'clock p.m. on the

1 fifty-fifth day prior to the date of the general election.  
2 Nominations made under this chapter or chapter 45 for city  
3 office shall be filed not more than ~~sixty-five~~ seventy-two  
4 days nor later than five o'clock p.m. on the ~~fortieth~~ forty-  
5 seventh day prior to the city election with the city clerk,  
6 who shall process them as provided by law.

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

14 Sec. 8. Section 44.8, Code 1987, is amended by adding the  
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The hearing shall be held within  
17 twenty-four hours of the receipt of the objection if a primary  
18 election must be held for the office sought by the candidate  
19 against whom the objection has been filed.

20 Sec. 9. Section 48.1, Code 1987, is amended to read as  
21 follows:

22 48.1 COMMISSIONER OF REGISTRATION.

23 The commissioner of elections of each county is designated  
24 the commissioner of registration for that county, and may  
25 designate the city clerk of any city in the county, or the  
26 secretary of the board of directors of any school district  
27 which has its office in that county, as a deputy commissioner  
28 of registration who shall be responsible for voter  
29 registration, subject to the supervision of the county  
30 commissioner. The commissioner of registration or an employee  
31 of the commissioner of registration may visit each high school  
32 located in the county, during the month of May of each year,  
33 and at other times at the discretion of the commissioner of  
34 registration, and offer to register any person who is eligible  
35 under section 48.2 to be registered.

1 Sec. 10. Section 48.11, unnumbered paragraph 2, Code 1987,  
2 is amended to read as follows:

3 Registration shall close in a precinct at five o'clock  
4 p.m., ten days before a general or primary election and eleven  
5 days before all other elections, except as provided in section  
6 48.3. The commissioner's office shall be open from eight  
7 o'clock a.m. until at least six five o'clock p.m. on the day  
8 registration closes prior to each regularly scheduled  
9 election. In counties where mobile deputy registrars have  
10 been appointed, the commissioner's office shall remain open  
11 until at least six o'clock p.m. on the day registration closes  
12 for mobile deputy registrars to deliver completed forms,  
13 unless all mobile deputy registrars have turned in their  
14 supplies earlier.

15 Sec. 11. Section 48.29, Code 1987, is amended to read as  
16 follows:

17 48.29 REMOVAL OF REGISTRATION.

18 Upon registration in any county of an eligible elector who  
19 was previously a resident of another county, if that  
20 individual was a qualified elector in the former county of  
21 residence, the individual's name shall be struck from the  
22 record of voters currently registered in the former county of  
23 residence. If the registrar at any time discovers that the  
24 same individual is registered at more than one residence  
25 location, the commissioner or commissioners involved shall be  
26 informed and shall follow the procedure prescribed by section  
27 48.31, subsection 7 6.

28 Sec. 12. Section 49.12, unnumbered paragraph 2, Code  
29 Supplement 1987, is amended to read as follows:

30 If double counting boards are not appointed for precincts  
31 using paper ballots and using only three precinct election  
32 officials, a fourth precinct election official shall be  
33 appointed from the election board panel to serve beginning at  
34 8:00-p.m. the time the polls close to assist in counting the  
35 paper ballots.

1     Sec. 13. NEW SECTION. 49.41 MORE THAN ONE OFFICE PRO-  
2 HIBITED.

3     A candidate for public office shall not cause nomination  
4 papers to remain filed in the office of the state commissioner  
5 or the commissioner on the last day of filing nomination  
6 papers, for more than one office to be filled at the general  
7 election. A candidate for a public office to be filled at the  
8 general election who has filed nomination papers for more than  
9 one office shall, not later than the final date for filing,  
10 notify the state commissioner or commissioner by affidavit for  
11 which office the person elects to be a candidate, which in no  
12 case shall be more than one. In the event no such election is  
13 made by that date by the candidate, the state commissioner  
14 shall not certify the person's name to be placed on the ballot  
15 for any office nor shall the commissioner place the person's  
16 name on the ballot in any county.

17     Sec. 14. Section 49.43, Code 1987, is amended to read as  
18 follows:

19     49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

20     In precincts using paper ballots all public measures to be  
21 voted upon by an elector at a given election shall be printed  
22 upon one ballot of some color other than white. In precincts  
23 using voting machines all public measures shall be placed in  
24 the question row on the machine; however, if it is impossible  
25 to place all the public measures on the machine ballot, or if  
26 only a portion of the qualified electors of the precinct are  
27 entitled to vote upon any measure presented, the commissioner  
28 may provide a separate paper ballot for the public measure or  
29 measures.

30     Constitutional amendments and other public measures may be  
31 summarized by the commissioner as provided in section 52.25.

\* 32     Sec. 15. Section 49.56, Code 1987, is amended to read as  
33 follows:

34     49.56 MAXIMUM COST OF PRINTING.

35     The cost of printing the official election ballots and

1 printed supplies for voting machines shall not exceed an  
2 ~~amount-determined-by-the-director-of-the-department-of-generat~~  
3 ~~services-or-the-director's-designee~~ the usual and customary  
4 rates that the printer charges its regular customers.

5 Sec. 16. Section 49.77, subsection 4, Code Supplement  
6 1987, is amended to read as follows:

7 4. A person whose name does not appear on the election  
8 register of the precinct in which that person claims the right  
9 to vote shall not be permitted to vote, except in the  
10 circumstance described in section 48.7, subsection 1,  
11 paragraph "b", unless the commissioner informs the precinct  
12 election officials that an error has occurred and that the  
13 person is a qualified elector of that precinct. If the  
14 commissioner finds no record of the person's registration but  
15 the person insists that the person is a qualified elector of  
16 that precinct, the precinct election officials shall allow the  
17 person to cast a ballot in the manner prescribed by section  
18 49.81.

19 Sec. 17. Section 50.22, Code Supplement 1987, is amended  
20 to read as follows:

21 50.22 SPECIAL PRECINCT BOARD TO DETERMINE CHALLENGES.

22 Upon being reconvened, the special precinct election board  
23 shall review the information upon the envelopes bearing the  
24 special ballots, and all evidence submitted in support of or  
25 opposition to the right of each challenged person to vote in  
26 the election. The board may divide itself into panels of not  
27 less than three members each in order to hear and determine  
28 two or more challenges simultaneously, but each panel shall  
29 meet the requirements of section 49.12 as regards political  
30 party affiliation of the members of each panel.

31 PARAGRAPH DIVIDED. The decision to count or reject each  
32 ballot shall be made upon the basis of the information given  
33 on the envelope containing the special ballot, the evidence  
34 concerning the challenge, the registration and the returned  
35 receipts of registration. If the challenged voter's

1 registration was canceled in the same county where the person  
2 attempted to vote because first class mail was returned by the  
3 postal service during the four years preceding the election in  
4 progress, the person's ballot shall be accepted for counting  
5 and the elector's registration shall be reinstated.

6 If a special ballot is rejected, the person casting the  
7 ballot shall be notified by the commissioner within ten days  
8 of the reason for the rejection, on the form prescribed by the  
9 state commissioner pursuant to section 53.25, and the envelope  
10 containing the special ballot shall be preserved unopened and  
11 disposed of in the same manner as spoiled ballots. The  
12 special ballots which are accepted shall be counted in the  
13 manner prescribed by section 53.24. The commissioner shall  
14 make public the number of special ballots rejected and not  
15 counted, at the time of the canvass of the election.

16 Sec. 18. Section 50.45, Code 1987, is amended to read as  
17 follows:

18 50.45 CANVASS PUBLIC -- RESULT DETERMINED.

19 All canvasses of tally lists shall be public, and the  
20 persons having the greatest number of votes shall be declared  
21 elected. When a public measure has been submitted to the  
22 electors, the proposition shall be declared to have been  
23 adopted if the vote cast in favor of the question is greater  
24 than fifty percent of the total vote cast in favor and against  
25 the question, unless laws pertaining specifically to the  
26 public measure election establish a higher percentage of a  
27 favorable vote. All ballots cast and not counted as a vote in  
28 favor or against the proposition shall not be used in  
29 computing the total vote cast in favor and against the  
30 proposition.

31 Sec. 19. Section 51.1, Code 1987, is amended to read as  
32 follows:

33 51.1 ELECTION COUNTING BOARD.

34 In all election precincts the board of supervisors may  
35 authorize the commissioner to appoint for each **primary-and**



1 general election in which a high voter turnout is anticipated  
2 five additional precinct election officials to be known as the  
3 election counting board.

4 Sec. 20. Section 51.7, Code 1987, is amended to read as  
5 follows:

6 51.7 DUTIES OF DOUBLE BOARDS.

7 The counting boards shall proceed to the respective voting  
8 places to which they have been appointed, ~~at one o'clock p.m.,~~  
9 ~~or in any precinct in which the commissioner shall deem it~~  
10 ~~necessary, at such earlier hour after nine o'clock a.m.,~~ at  
11 such time as the commissioner may direct, and shall take  
12 charge of the ballot box containing the ballots already cast  
13 in that precinct. ~~It~~ The counting board shall retire to a  
14 partitioned space or room provided for that purpose and there  
15 proceed to count and tabulate the ballots as it shall find  
16 them deposited in the ballot box. The receiving board shall  
17 continue to receive the votes of electors in the other box  
18 provided, until such time as the counting board shall have  
19 finished counting and tabulating the ballots cast in the first  
20 ballot box. The two boards shall then exchange the first box  
21 for the second box and so continue until they have counted and  
22 tabulated all the votes cast on that election day. When the  
23 hour arrives for closing the polls, the receiving board shall  
24 certify to all matters pertaining to casting of ballots and  
25 shall then unite with the counting board in the counting of  
26 ballots. The precinct election officials shall then divide  
27 the ballots not counted and each group of officials shall  
28 proceed to canvass their portion of the same. When the  
29 canvass has been completed the officials shall report the  
30 result of their canvass in the manner provided by section  
31 50.11.

32 Sec. 21. Section 52.22, unnumbered paragraph 1, Code 1987,  
33 is amended to read as follows:

34 The precinct election officials shall, as soon as the count  
35 is completed and fully ascertained as in this chapter

1 required, lock the machine against voting, and it shall so  
2 remain until thirty days after the proclamation of the results  
3 of said the election, except that it shall remain locked only  
4 ten days after a primary or school election, and only two days  
5 after a city primary election, if such election is not  
6 contested.

7 Sec. 22. Section 52.25, Code 1987, is amended to read as  
8 follows:

9 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

10 The question of a constitutional convention, amendments,  
11 and public measures including bond issues may be voted on the  
12 voting machines and on special paper ballots and ballot cards  
13 in the following manner:

14 The entire convention question, amendment or public measure  
15 shall be printed and displayed prominently in at least two  
16 four places within the voting precinct, and inside each voting  
17 booth, or on the left-hand side inside the curtain of each  
18 voting machine, said the printing to be in conformity with the  
19 provisions of chapter 49. The public measure shall be  
20 summarized by the commissioner and in the largest type  
21 possible printed on the special paper ballots, ballot cards,  
22 or inserts used in said the voting machines, except that:

23 1. In the case of the question of a constitutional  
24 convention, or of an amendment or measure to be voted on in  
25 the entire state, the summary ~~to-be-placed-in-the-voting~~  
26 ~~machine-inserts~~ shall be worded by the state commissioner of  
27 elections as required by section 49.44; ~~and.~~

28 2. In the case of a public question to be voted on in a  
29 political subdivision lying in more than one county, the  
30 summary shall be worded by the commissioner responsible under  
31 section 47.2 for conducting that election.

32 Sec. 23. Section 52.32, unnumbered paragraph 1, Code 1987,  
33 is amended to read as follows:

34 The provisions of this section shall apply, in lieu of  
35 sections 50.1 to 50.12, to any precinct for those elections at

1 which voting is conducted by means of an electronic voting  
2 system and the ballots are to be counted at a counting center.

3 Sec. 24. Section 52.32, subsection 2, Code 1987, is  
4 amended to read as follows:

5 2. The If ballot cards are used and write-in votes are  
6 cast on a separate envelope or write-in ballot, the precinct  
7 election officials shall next count the write-in votes cast in  
8 the precinct, if any. ~~If ballot-cards-are-used,-and-separate~~  
9 ~~write-in-ballots-or-envelopes-for-recording-write-in-votes-are~~  
10 ~~used,-at~~ special paper ballots or ballot cards are used and  
11 write-in votes are recorded directly upon the ballot, this  
12 subsection does not apply. All ballots or envelopes on which  
13 write-in votes have been recorded shall be serially numbered,  
14 starting with the number one, and the same number shall be  
15 placed on the regular ballot card of that voter. The precinct  
16 election official shall compare the write-in votes with the  
17 votes cast on the ballot card. If the total number of votes  
18 for any office exceeds the number allowed by law, a notation  
19 to that effect shall be entered on the back of the ballot card  
20 and the votes for the office involved shall not be counted.

21 Sec. 25. Section 53.22, subsection 5, Code Supplement  
22 1987, is amended by adding the following new unnumbered  
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. Absentee ballots voted under  
25 this subsection shall be delivered to the commissioner no  
26 later than the time the polls are closed on election day. If  
27 the ballot is returned by mail the carrier envelope must be  
28 clearly postmarked by an officially authorized postal service  
29 not later than the day before the election and received by the  
30 commissioner no later than the time established for the  
31 canvass by the board of supervisors for that election.

32 Sec. 26. Section 53.38, Code 1987, is amended to read as  
33 follows:

34 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

35 Whenever a ballot is requested pursuant to section 53.39 or

1 53.45 on behalf of a voter in the armed forces of the United  
2 States, the affidavit upon the ballot envelope of such voter,  
3 if the voter is found to be an eligible elector of the county  
4 to which the ballot is submitted, shall constitute a  
5 sufficient registration under the provisions of chapter 48 and  
6 the commissioner shall place the voter's name on the  
7 registration record as a qualified elector, if it does not  
8 already appear there.

9 Sec. 27. Section 53.45, subsections 1 and 4, Code  
10 Supplement 1987, are amended to read as follows:

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

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

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

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

29 4. Notwithstanding the provisions of section 53.49, a  
30 ~~qualified~~ an eligible elector who requests a special absentee  
31 ballot under this section may also make application for an  
32 absentee ballot under section 53.2 or an armed forces absentee  
33 ballot under section 53.40. If the regular absentee or armed  
34 forces absentee ballot is properly voted and returned, the  
35 special absentee ballot is void and the commissioner shall

1 reject it in whole when special absentee ballots are  
2 canvassed.

3 Sec. 28. NEW SECTION. 53.53 FEDERAL WRITE-IN BALLOTS.

4 Upon receipt of an official federal write-in ballot, the  
5 commissioner shall examine the voter's written declarations on  
6 the envelope. If it appears that the voter is eligible to  
7 vote under the provisions of this division, has applied in a  
8 timely fashion for an absentee ballot, and has complied with  
9 all requirements for the federal write-in ballot, then the  
10 federal write-in ballot is valid unless the Iowa absentee  
11 ballot is received in time to be counted.

12 The voter's declaration or affirmation on the federal  
13 write-in ballot constitutes a sufficient registration under  
14 the provisions of chapter 48 and the commissioner shall place  
15 the voter's name on the registration record as a qualified  
16 elector, if the voter's name does not already appear on the  
17 registration record. No witness to the oath is necessary.

18 The federal write-in ballot shall not be counted if any of  
19 the following apply:

20 1. The ballot was submitted from within the United States.

21 2. The voter's application for a regular absentee ballot  
22 was received by the commissioner less than thirty days prior  
23 to the election.

24 3. The voter's completed regular or special Iowa absentee  
25 ballot was received by the deadline for return of absentee  
26 ballots established in section 53.17.

27 4. The voter's federal write-in ballot was received after  
28 the deadline for return of absentee ballots established in  
29 section 53.17.

30 Sec. 29. Section 277.4, unnumbered paragraph 2, Code  
31 Supplement 1987, is amended to read as follows:

32 The secretary of the school board shall accept the petition  
33 for filing if on its face it appears to have the requisite  
34 number of signatures and if it is timely filed. The secretary  
35 of the school board shall note upon each petition and

1 affidavit accepted for filing the date and time that the  
2 petition was filed. The secretary of the school board shall  
3 deliver all nomination petitions, together with the complete  
4 text of any public measure being submitted by the board to the  
5 electorate, to the county commissioner of elections not later  
6 than five o'clock p.m. on the day following the last day on  
7 which nomination petitions can be filed.

8 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
9 petitions have been filed under this section may withdraw as a  
10 candidate by filing a signed statement to that effect with the  
11 commissioner secretary at any time prior to five o'clock p.m.  
12 on the thirty-fifth day before the election.

13 Sec. 30. NEW SECTION. 277.5 OBJECTIONS TO NOMINATIONS.

14 Objections to the legal sufficiency of a nomination peti-  
15 tion or to the eligibility of a candidate may be filed by any  
16 person who would have the right to vote for a candidate for  
17 the office in question. The objection must be filed with the  
18 secretary of the school board at least thirty days before the  
19 day of the school election. When objections are filed notice  
20 shall forthwith be given to the candidate affected, addressed  
21 to the candidate's place of residence as given on the  
22 candidate's affidavit, stating that objections have been made  
23 to the legal sufficiency of the petition or to the eligibility  
24 of the candidate, and also stating the time and place the  
25 objections will be considered.

26 Objections shall be considered not later than two working  
27 days following the receipt of the objections by the president  
28 of the school board, the secretary of the school board, and  
29 one additional member of the school board chosen by ballot.  
30 If objections have been filed to the nominations of either of  
31 those school officials, that official shall not pass on the  
32 objection. The official's place shall be filled by a member  
33 of the school board against whom no objection exists. The  
34 replacement shall be chosen by ballot.

35 Sec. 31. Section 280A.15, subsection 2, Code 1987, is

1 amended to read as follows:

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

20     Sec. 32. Section 331.203, subsection 1, Code 1987, is  
21 amended to read as follows:

22     1. The board may by resolution, or shall upon petition of  
23 the number of qualified eligible electors of the county as  
24 specified in section 331.306, submit to the qualified electors  
25 of the county at a general election a proposition to increase  
26 the number of supervisors to five.

27     Sec. 33. Section 331.204, subsection 1, Code 1987, is  
28 amended to read as follows:

29     1. In a county having a five-member board, the board may  
30 by resolution, or shall upon petition of the number of  
31 qualified eligible electors of the county as specified in  
32 section 331.306, submit to the qualified electors of the  
33 county at a general election a proposition to reduce the  
34 number of supervisors to three.

35     Sec. 34. Section 331.207, subsection 1, Code 1987, is

1 amended to read as follows:

2 1. The board, upon petition of the number of qualified  
3 eligible electors of the county as specified in section  
4 331.306, shall call a special election to be held for the  
5 purpose of selecting one of the supervisor representation  
6 plans specified in section 331.206 under which the board of  
7 supervisors shall be elected.

8 Sec. 35. Section 303B.3, Code 1987, is amended by adding  
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The votes cast in the election  
11 shall be canvassed and abstracts of the votes cast shall be  
12 promptly certified by the commissioner to the commissioner of  
13 elections who is responsible under section 47.2 for conducting  
14 elections for that regional library board. In each county  
15 whose commissioner of elections is responsible under section  
16 47.2 for conducting elections held for a regional library  
17 board, the county board of supervisors shall convene at nine  
18 o'clock a.m. on the third Monday in November, canvass the  
19 abstracts of votes cast and declare the results of the voting.  
20 The commissioner shall at once issue certificates of election  
21 to each person declared elected.

22 Sec. 36. Section 376.4, unnumbered paragraphs 5 and 6,  
23 Code Supplement 1987, are amended to read as follows:

24 If the city clerk is not readily available during normal  
25 office hours, the city clerk shall designate other employees  
26 or officials of the city who are ordinarily available to  
27 accept nomination papers under this section. The city clerk  
28 shall accept the petition for filing if on its face it appears  
29 to have the requisite number of signatures and if it is timely  
30 filed. The city clerk shall note upon each petition and  
31 affidavit accepted for filing the date and time that the  
32 petition was filed.

33 The city clerk shall deliver all nomination petitions  
34 together with the text of any public measure being submitted  
35 by the city council to the electorate to the county



1 commissioner of elections not later than five o'clock p.m. on  
2 the day following the last day on which nomination petitions  
3 can be filed.

4 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
5 petitions have been filed under this section may withdraw as a  
6 candidate by filing a signed statement to that effect as  
7 prescribed in section 44.9. Objections to the legal  
8 sufficiency of petitions shall be filed in accordance with the  
9 provisions of sections 44.1, 44.5, and 44.8.

10 Sec. 37. Section 376.6, Code 1987, is amended by adding  
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Each city clerk shall certify to  
13 the commissioner of elections responsible under section 47.2  
14 for conducting elections for that city the type of nomination  
15 process to be used for the city no later than seventy-seven  
16 days before the date of the regular city election. If the  
17 city has by ordinance chosen a runoff election or has chosen  
18 to have nominations made in the manner provided by chapter 44  
19 or 45, or has repealed nomination provisions under those  
20 sections in preference for the primary election method, a copy  
21 of the city ordinance shall be attached. No changes in the  
22 method of nomination to be used in a city shall be made after  
23 the clerk has filed the certification with the commissioner,  
24 unless the change will not take effect until after the next  
25 regular city election.

26 Sec. 38. Section 376.8, subsection 2, Code 1987, is  
27 amended by adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In calculating the number of  
29 votes necessary to constitute a majority, fractions shall be  
30 rounded up to the next higher whole number.

31 Sec. 39. Section 376.11, Code 1987, is amended by striking  
32 the section and inserting in lieu thereof the following:

33 376.11 WRITE-IN VOTES.

34 Write-in votes are permitted to be cast in all elections  
35 for city offices. A person who receives a sufficient number

1 of write-in votes to be elected to a city office shall be  
2 declared the winner of the election. If a person who was  
3 elected by write-in votes chooses not to serve in that office  
4 the person shall submit a resignation in writing to the city  
5 clerk not later than five o'clock p.m. on the day following  
6 the canvass of the election. If a person who was elected by  
7 write-in votes resigns at a later time, the office shall be  
8 considered vacant at the end of the term and the council shall  
9 fill the vacancy pursuant to the provisions of section 372.13,  
10 subsection 2.

11 Except in cities where the council has chosen a runoff  
12 election in lieu of a primary, following the resignation of a  
13 person who was elected by write-in votes, the city clerk shall  
14 notify the person who received the next highest number of  
15 votes cast for the office that the person may assume the  
16 office. If the person accepts the position, the person shall  
17 be considered the duly elected officer unless a petition  
18 requesting a special election is filed by eligible electors of  
19 the city equal in number to twenty-five percent of the number  
20 of persons who voted for the office at the election. If the  
21 person declines, the person shall do so in writing to the city  
22 clerk within ten days and the office shall be considered  
23 vacant at the end of the term. The vacancy shall be filled  
24 pursuant to the provisions of section 372.13, subsection 2.  
25 If the council chooses to appoint, the appointment may be made  
26 before the end of the current term.

27 In city primary elections any person who receives write-in  
28 votes shall execute an affidavit in substantially the form  
29 required by section 45.3, and file it with the county com-  
30 missioner of elections or the city clerk not later than five  
31 o'clock p.m. on the day after the canvass of the primary  
32 election. If any person who received write-in votes fails to  
33 file the affidavit at the time required, the county commis-  
34 sioner shall disregard the write-in votes cast for that per-  
35 son. A notation shall be made on the abstract of votes

1 showing which persons who received write-in votes filed af-  
2 fidavits. The total number of votes cast for each office on  
3 the ballot shall be amended by subtracting the write-in votes  
4 of those candidates who failed to file the affidavit. It is  
5 not necessary for a candidate whose name was printed upon the  
6 ballot to file an affidavit. Of the remaining candidates,  
7 those who receive the highest number of votes to the extent of  
8 twice the number of unfilled positions shall be placed on the  
9 ballot for the regular city election as candidates for that  
10 office.

11 In cities in which the city council has chosen a runoff  
12 election in lieu of a primary, if a person who was elected by  
13 write-in votes chooses not to accept the office by filing a  
14 resignation notice with the city clerk or commissioner of  
15 elections not later than five o'clock p.m. on the day follow-  
16 ing the canvass, all remaining persons who received write-in  
17 votes and who wish to be considered candidates for the runoff  
18 election shall execute an affidavit in substantially the form  
19 required by section 45.3 and file it with the county commis-  
20 sioner or the city clerk not later than five o'clock p.m. of  
21 the fourth day following the canvass. If a person receiving  
22 write-in votes fails to file the affidavit at the time  
23 required, the county commissioner of elections shall disregard  
24 the write-in votes cast for that person. The abstract of  
25 votes shall be amended to show that the person who was  
26 declared elected declined the office and a notation shall be  
27 made next to the names of those persons who did not file the  
28 affidavit. A runoff election shall be held with the remaining  
29 candidates who have the highest number of votes to the extent  
30 of twice the number of unfilled positions.

31 In a city in which the council has chosen a runoff election  
32 if no person was declared elected for an office all persons  
33 who received write-in votes shall execute an affidavit in  
34 substantially the form required by section 45.3 and file it  
35 with the county commissioner of elections or the city clerk

1 not later than five o'clock p.m. on the day following the  
2 canvass of votes. If any person who received write-in votes  
3 fails to file the affidavit the county commissioner of elec-  
4 tions shall disregard the write-in votes cast for that person.  
5 The abstract of votes shall be amended to note which of the  
6 write-in candidates failed to file the affidavit. A runoff  
7 election shall be held with the remaining candidates who have  
8 the highest number of votes to the extent of twice the number  
9 of unfilled positions.

10 Sec. 40. Section 420.130, Code 1987, is amended to read as  
11 follows:

12 420.130 AFFIDAVIT OF CANDIDACY.

13 Candidates for city precinct committee member shall cause  
14 their names to be printed on the primary ballot by filing an  
15 affidavit as provided for in section 43.18 with the county  
16 commissioner of elections at least ~~thirty~~ forty days prior to  
17 the day fixed for conducting the primary election.

18 Sec. 41. EFFECTIVE DATE.

19 1. This Act, being deemed of immediate importance, takes  
20 effect upon enactment.

21 2. However, the amendment to section 43.11, subsection 1,  
22 Code 1987, as enacted by this Act, takes effect January 1,  
23 1989, and all sections of this Act except the sections  
24 amending section 43.11, subsection 1, and section 50.22, Code  
25 Supplement 1987, take effect July 1, 1988.

26 SUCCESSOR TO SSB 2224 (LSB 8308SC)

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HOUSE AMENDMENT TO  
SENATE FILE 2232

41

1 Amend Senate File 2232, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 39.22, subsection 1, Code  
6 Supplement 1987, is amended to read as follows:

7 1. By appointment. The county board of  
8 supervisors may pass a resolution in favor of filling  
9 the offices of trustee and clerk within a township by  
10 appointment by the board, and may direct the county  
11 commissioner of elections to submit the question to  
12 the ~~eligible-voters~~ qualified electors of the township  
13 at the next general election. In a township which  
14 does not include a city, ~~eligible-voters-shall-consist~~  
15 ~~of the voters of the entire township are eligible to~~  
16 ~~vote on the question.~~ In a township which includes a  
17 city, ~~eligible-voters-are only~~ those voters who reside  
18 outside the corporate limits of a city are eligible to  
19 vote on the question. The resolution shall apply to  
20 all townships which have not approved a proposition to  
21 fill township offices by appointment. If the  
22 proposition to fill the township offices by  
23 appointment is approved by a majority of the ~~eligible~~  
24 ~~voters~~ those voting on the question, the board shall  
25 fill the offices by appointment as the terms of office  
26 of the incumbent township officers expire. The  
27 election of the trustees and clerk of a township may  
28 be restored after approval of the appointment process  
29 under this subsection by a resolution of the board of  
30 supervisors submitting the question to the ~~eligible~~  
31 ~~voters~~ qualified electors who are eligible to vote for  
32 township officers of the township at the next general  
33 election. If the proposition to restore the election  
34 process is approved by a majority of the ~~eligible~~  
35 ~~voters~~ those voting on the question, the election of  
36 the township officers shall commence with the next  
37 primary and general elections. A resolution  
38 submitting the question of restoring the election of  
39 township officers at the next general election shall  
40 be adopted by the board of supervisors upon petition  
41 of at least ten percent of the ~~eligible-voters~~  
42 qualified electors of a township. The initial terms  
43 of the trustees shall be determined by lot, one for  
44 two years, ~~one-for-three-years~~, and ~~one~~ two for four  
45 years. However, if a proposition to change the method  
46 of selecting township officers is adopted by the  
47 electorate, a resolution to change the method shall  
48 not be submitted to the electorate for four years.

49 2. Page 4, by inserting after line 19 the  
50 following:

APRIL 5, 1988

S-5741 Page 2

1 "Sec. \_\_\_\_ . Section 45.1, subsection 4, paragraph  
2 a, Code 1987, is amended to read as follows:

3 a. In Except as otherwise provided in subsection  
4 5, in cities having a population of three thousand  
5 five hundred or greater according to the most recent  
6 federal decennial census, nominations may be made by  
7 nomination papers signed by not less than twenty-five  
8 eligible electors who are residents of the city or  
9 ward.

10 Sec. \_\_\_\_ . Section 45.1, Code 1987, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 5. Nominations for candidates  
13 other than partisan candidates for elective offices in  
14 special charter cities subject to section 43.112 may  
15 be submitted as follows:

16 a. For the office of mayor and alderman at large,  
17 nominations may be made by nomination papers signed by  
18 eligible electors residing in the city equal in number  
19 to at least two percent of the total vote received by  
20 all candidates for mayor at the last preceding city  
21 election.

22 b. For the office of ward alderman, nominations  
23 may be made by nomination papers signed by eligible  
24 electors residing in the ward equal in number to at  
25 least two percent of the total vote received by all  
26 candidates for ward alderman in that ward at the last  
27 preceding city election."

28 3. By renumbering, relettering, or redesignating  
29 and correcting internal references as necessary.

S-5741

Filed April 4, 1988,

*Senate introduced 4/6/88 (S-5741)*

RECEIVED FROM THE HOUSE

SENATE FILE 2232

H-6038

1 Amend Senate File 2232, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 4, by inserting after line 19 the  
4 following:

5 "Sec. \_\_\_\_ . Section 45.1, subsection 4, paragraph  
6 a, Code 1987, is amended to read as follows:

7 a. In Except as otherwise provided in subsection  
8 5, in cities having a population of three thousand  
9 five hundred or greater according to the most recent  
10 federal decennial census, nominations may be made by  
11 nomination papers signed by not less than twenty-five  
12 eligible electors who are residents of the city or  
13 ward.

14 Sec. \_\_\_\_ . Section 45.1, Code 1987, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 5. Nominations for candidates  
17 other than partisan candidates for elective offices in  
18 special charter cities subject to section 43.112 may  
19 be submitted as follows:

20 a. For the office of mayor and alderman at large,  
21 nominations may be made by nomination papers signed by  
22 eligible electors residing in the city equal in number  
23 to at least two percent of the total vote received by  
24 all candidates for mayor at the last preceding city  
25 election.

26 b. For the office of ward alderman, nominations  
27 may be made by nomination papers signed by eligible  
28 electors residing in the ward equal in number to at  
29 least two percent of the total vote received by all  
30 candidates for ward alderman in that ward at the last  
31 preceding city election."

32 2. By renumbering as necessary.

By VAN CAMP of Scott

H-6038 FILED MARCH 29, 1988

*Adopted 3/23 (g. 1988)*

## SENATE FILE 2232

H-6004

1 Amend Senate File 2232, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 39.22, subsection 1, Code  
6 Supplement 1987, is amended to read as follows:

7 1. By appointment. The county board of  
8 supervisors may pass a resolution in favor of filling  
9 the offices of trustee and clerk within a township by  
10 appointment by the board, and may direct the county  
11 commissioner of elections to submit the question to  
12 the ~~eligible-voters~~ qualified electors of the township  
13 at the next general election. In a township which  
14 does not include a city, ~~eligible-voters-shall-consist~~  
15 of the voters of the entire township are eligible to  
16 vote on the question. In a township which includes a  
17 city, ~~eligible-voters-are only~~ those voters who reside  
18 outside the corporate limits of a city are eligible to  
19 vote on the question. The resolution shall apply to  
20 all townships which have not approved a proposition to  
21 fill township offices by appointment. If the  
22 proposition to fill the township offices by  
23 appointment is approved by a majority of the ~~eligible~~  
24 voters those voting on the question, the board shall  
25 fill the offices by appointment as the terms of office  
26 of the incumbent township officers expire. The  
27 election of the trustees and clerk of a township may  
28 be restored after approval of the appointment process  
29 under this subsection by a resolution of the board of  
30 supervisors submitting the question to the ~~eligible~~  
31 voters qualified electors who are eligible to vote for  
32 township officers of the township at the next general  
33 election. If the proposition to restore the election  
34 process is approved by a majority of the ~~eligible~~  
35 voters those voting on the question, the election of  
36 the township officers shall commence with the next  
37 primary and general elections. A resolution  
38 submitting the question of restoring the election of  
39 township officers at the next general election shall  
40 be adopted by the board of supervisors upon petition  
41 of at least ten percent of the ~~eligible-voters~~  
42 qualified electors of a township. The initial terms  
43 of the trustees shall be determined by lot, one for  
44 two years, ~~one-for-three-years~~, and ~~one two for four~~  
45 years. However, if a proposition to change the method  
46 of selecting township officers is adopted by the  
47 electorate, a resolution to change the method shall  
48 not be submitted to the electorate for four years.

49 2. By renumbering as necessary.

By BUHR of Polk

H-6004 FILED MARCH 28, 1988

*Adopted 3/30 (p. 1194)*



Y P R

GRONSTAL, CH.

SSB 2224

SSB 2224

STATE GOVERNMENT

STATE GOVERNMENT: Gronstal, Chair: Drake and Bruner

SENATE FILE 2232

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to elections and election procedures and  
2 providing an effective date.

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

- 4
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1 Section 1. Section 43.11, subsection 1, Code 1987, is  
2 amended to read as follows:

3 1. For an elective county office, in the office of the  
4 county commissioner not earlier than seventy-eight days nor  
5 later than five o'clock p.m. on the fifty-fifth day prior to  
6 the day fixed for holding the primary election.

7 Sec. 2. Section 43.20, subsection 1, Code 1987, is amended  
8 to read as follows:

9 1. If for a ~~state-office~~ governor, or United States  
10 senator, by at least one percent of the voters of the  
11 candidate's party, in each of at least ten counties of the  
12 state, and in the aggregate not less than one-half of one  
13 percent of the total vote of the candidate's party in the  
14 state, as shown by the last general election.

15 Sec. 3. Section 43.20, Code 1987, is amended by adding the  
16 following new subsection 2 and renumbering the subsequent  
17 subsections:

18 NEW SUBSECTION. 2. If for any other state office, by at  
19 least fifty signatures in each of at least ten counties of the  
20 state, and in the aggregate not less than one thousand  
21 signatures.

22 Sec. 4. Section 43.26, Code Supplement 1987, is amended to  
23 read as follows:

24 43.26 BALLOT -- FORM.

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

27 PRIMARY ELECTION BALLOT  
28 (Name of Party)  
29 of  
30 County of ....., State of Iowa, .....Rotation (if any).  
31 Primary election held on the ..... day of June, 19..  
32 FOR UNITED STATES SENATOR  
33 (Vote for no more than one.)  
34 \_\_\_\_\_ CANDIDATE'S NAME  
35 \_\_\_\_\_ CANDIDATE'S NAME

1  
2  
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\_\_\_\_\_  
FOR UNITED STATES  
REPRESENTATIVE  
(Vote for no more than one.)  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_

FOR GOVERNOR  
(Vote for no more than one.)  
\_\_\_\_\_  
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 no more than one.)  
\_\_\_\_\_  
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 no more than one.)  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_

FOR TOWNSHIP TRUSTEES  
(Vote for no more than two.)  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_  
CANDIDATE'S NAME  
\_\_\_\_\_

Sec. 5. NEW SECTION. 43.37 NUMBER OF VOTES PERMITTED PER OFFICE.

1 The elector shall be permitted to vote for no more candi-  
2 dates for any office than there are persons to be elected to  
3 the office. If an elector votes for more persons for any of-  
4 fice than the number permitted, the elector's ballot shall not  
5 be counted for that office.

6 Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1987,  
7 is amended to read as follows:

8 All candidates for nominations to be made in primary  
9 elections held pursuant to section 43.112 shall file  
10 nomination papers with the city clerk not less than thirty  
11 forty days prior to the date of the election as established by  
12 section 43.114, except that candidates for precinct committee  
13 member shall file affidavits of candidacy as required by  
14 section 420.130. The number of eligible electors signing  
15 petitions required for printing the name of a candidate upon  
16 the official primary ballot shall be one hundred for an office  
17 to be filled by the voters of the entire city and twenty-five  
18 for an office to be filled by the voters of a subdivision of  
19 the city.

20 Sec. 7. Section 44.4, unnumbered paragraphs 1 and 2, Code  
21 Supplement 1987, are amended to read as follows:

22 Nominations made under the provisions of this chapter and  
23 chapter 45 which are required to be filed in the office of the  
24 state commissioner shall be filed in that office not more than  
25 eighty-five days nor later than five o'clock p.m. on the  
26 sixty-seventh day prior to the date of the general election to  
27 be held in November; and those nominations made for a special  
28 election called pursuant to section 69.14 shall be filed not  
29 less than twenty days prior to the date of an election called  
30 upon at least forty days' notice and not less than seven days  
31 prior to the date of an election called upon at least ten  
32 days' notice. Nominations made pursuant to this chapter and  
33 chapter 45 which are required to be filed in the office of the  
34 commissioner shall be filed in that office not more than  
35 seventy-eight days nor later than five o'clock p.m. on the

1 fifty-fifth day prior to the date of the general election.  
2 Nominations made under this chapter or chapter 45 for city  
3 office shall be filed not more than ~~sixty-five~~ seventy-two  
4 days nor later than five o'clock p.m. on the ~~fortieth~~ forty-  
5 seventh day prior to the city election with the city clerk,  
6 who shall process them as provided by law.

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

14 Sec. 8. Section 44.8, Code 1987, is amended by adding the  
15 following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The hearing shall be held within  
17 twenty-four hours of the receipt of the objection if a primary  
18 election must be held for the office sought by the candidate  
19 against whom the objection has been filed.

20 Sec. 9. Section 48.1, Code 1987, is amended to read as  
21 follows:

22 48.1 COMMISSIONER OF REGISTRATION.

23 The commissioner of elections of each county is designated  
24 the commissioner of registration for that county, and may  
25 designate the city clerk of any city in the county, or the  
26 secretary of the board of directors of any school district  
27 which has its office in that county, as a deputy commissioner  
28 of registration who shall be responsible for voter  
29 registration, subject to the supervision of the county  
30 commissioner. The commissioner of registration or an employee  
31 of the commissioner of registration may visit each high school  
32 located in the county, during the month of May of each year,  
33 and at other times at the discretion of the commissioner of  
34 registration, and offer to register any person who is eligible  
35 under section 48.2 to be registered.

1 Sec. 10. Section 48.11, unnumbered paragraph 2, Code 1987,  
2 is amended to read as follows:

3 Registration shall close in a precinct at five o'clock  
4 p.m., ten days before a general or primary election and eleven  
5 days before all other elections, except as provided in section  
6 48.3. The commissioner's office shall be open from eight  
7 o'clock a.m. until at least ~~six~~ five o'clock p.m. on the day  
8 registration closes prior to each regularly scheduled  
9 election. In counties where mobile deputy registrars have  
10 been appointed, the commissioner's office shall remain open  
11 until at least six o'clock p.m. on the day registration closes  
12 for mobile deputy registrars to deliver completed forms,  
13 unless all mobile deputy registrars have turned in their  
14 supplies earlier.

15 Sec. 11. Section 48.29, Code 1987, is amended to read as  
16 follows:

17 48.29 REMOVAL OF REGISTRATION.

18 Upon registration in any county of an eligible elector who  
19 was previously a resident of another county, if that  
20 individual was a qualified elector in the former county of  
21 residence, the individual's name shall be struck from the  
22 record of voters currently registered in the former county of  
23 residence. If the registrar at any time discovers that the  
24 same individual is registered at more than one residence  
25 location, the commissioner or commissioners involved shall be  
26 informed and shall follow the procedure prescribed by section  
27 48.31, subsection 7 6.

28 Sec. 12. Section 49.12, unnumbered paragraph 2, Code  
29 Supplement 1987, is amended to read as follows:

30 If double counting boards are not appointed for precincts  
31 using paper ballots and using only three precinct election  
32 officials, a fourth precinct election official shall be  
33 appointed from the election board panel to serve beginning at  
34 ~~8:00-p.m.~~ the time the polls close to assist in counting the  
35 paper ballots.

1     Sec. 13. NEW SECTION. 49.41 MORE THAN ONE OFFICE PRO-  
2 HIBITED.

3     A candidate for public office shall not cause nomination  
4 papers to remain filed in the office of the state commissioner  
5 or the commissioner on the last day of filing nomination  
6 papers, for more than one office to be filled at the general  
7 election. A candidate for a public office to be filled at the  
8 general election who has filed nomination papers for more than  
9 one office shall, not later than the final date for filing,  
10 notify the state commissioner or commissioner by affidavit for  
11 which office the person elects to be a candidate, which in no  
12 case shall be more than one. In the event no such election is  
13 made by that date by the candidate, the state commissioner  
14 shall not certify the person's name to be placed on the ballot  
15 for any office nor shall the commissioner place the person's  
16 name on the ballot in any county.

17     Sec. 14. Section 49.43, Code 1987, is amended to read as  
18 follows:

19     49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

20     In precincts using paper ballots all public measures to be  
21 voted upon by an elector at a given election shall be printed  
22 upon one ballot of some color other than white. In precincts  
23 using voting machines all public measures shall be placed in  
24 the question row on the machine; however, if it is impossible  
25 to place all the public measures on the machine ballot, or if  
26 only a portion of the qualified electors of the precinct are  
27 entitled to vote upon any measure presented, the commissioner  
28 may provide a separate paper ballot for the public measure or  
29 measures.

30     Constitutional amendments and other public measures may be  
31 summarized by the commissioner as provided in section 52.25.

32     Sec. 15. Section 49.54, Code 1987, is amended to read as  
33 follows:

34     49.54 COST OF PUBLICATION.

35     The cost of the publication required by section 49.537

1 shall not exceed ~~an amount determined by the director of the~~  
2 ~~state department of general services or the director's~~  
3 ~~designee~~ three-fourths of the fee provided in section 618.11  
4 for the publication of legal notices.

5 Sec. 16. Section 49.56, Code 1987, is amended to read as  
6 follows:

7 49.56 MAXIMUM COST OF PRINTING.

8 The cost of printing the official election ballots and  
9 printed supplies for voting machines shall not exceed an  
10 ~~amount determined by the director of the department of general~~  
11 ~~services or the director's designee~~ the usual and customary  
12 rates that the printer charges its regular customers.

13 Sec. 17. Section 49.77, subsection 4, Code Supplement  
14 1987, is amended to read as follows:

15 4. A person whose name does not appear on the election  
16 register of the precinct in which that person claims the right  
17 to vote shall not be permitted to vote, except in the  
18 circumstance described in section 48.7, subsection 1,  
19 paragraph "b", unless the commissioner informs the precinct  
20 election officials that an error has occurred and that the  
21 person is a qualified elector of that precinct. If the  
22 commissioner finds no record of the person's registration but  
23 the person insists that the person is a qualified elector of  
24 that precinct, the precinct election officials shall allow the  
25 person to cast a ballot in the manner prescribed by section  
26 49.81.

27 Sec. 18. Section 49.80, subsection 3, Code 1987, is  
28 amended by striking the subsection and inserting in lieu  
29 thereof the following:

30 3. Any resident of a county whose registration in that  
31 county has been canceled because first class mail was returned  
32 by the postal service during the four years preceding the  
33 election in progress shall be permitted to vote in the  
34 precinct of the person's current residence if the person's  
35 previous registration in the county can be verified on



1 election day in the manner prescribed in section 48.7,  
2 subsection 1, paragraph "b".

3 Sec. 19. Section 50.45, Code 1987, is amended to read as  
4 follows:

5 50.45 CANVASS PUBLIC -- RESULT DETERMINED.

6 All canvasses of tally lists shall be public, and the  
7 persons having the greatest number of votes shall be declared  
8 elected. When a public measure has been submitted to the  
9 electors, the proposition shall be declared to have been  
10 adopted if the vote cast in favor of the question is equal to  
11 one vote more than fifty percent of the total vote cast in  
12 favor and against the question, unless laws pertaining  
13 specifically to the public measure election establish a higher  
14 percentage of a favorable vote. All ballots cast and not  
15 counted as a vote in favor or against the proposition shall  
16 not be used in computing the total vote cast in favor and  
17 against the proposition.

18 Sec. 20. Section 51.1, Code 1987, is amended to read as  
19 follows:

20 51.1 ELECTION COUNTING BOARD.

21 In all election precincts the board of supervisors may  
22 authorize the commissioner to appoint for each ~~primary and~~  
23 ~~general~~ election in which a high voter turnout is anticipated  
24 five additional precinct election officials to be known as the  
25 election counting board.

26 Sec. 21. Section 51.7, Code 1987, is amended to read as  
27 follows:

28 51.7 DUTIES OF DOUBLE BOARDS.

29 The counting boards shall proceed to the respective voting  
30 places to which they have been appointed, ~~at one o'clock p.m. or~~  
31 ~~in any precinct in which the commissioner shall deem it~~  
32 ~~necessary at such earlier hour after nine o'clock a.m. at~~  
33 such time as the commissioner may direct, and shall take  
34 charge of the ballot box containing the ballots already cast  
35 in that precinct. ~~It~~ The counting board shall retire to a

1 partitioned space or room provided for that purpose and there  
2 proceed to count and tabulate the ballots as it shall find  
3 them deposited in the ballot box. The receiving board shall  
4 continue to receive the votes of electors in the other box  
5 provided, until such time as the counting board shall have  
6 finished counting and tabulating the ballots cast in the first  
7 ballot box. The two boards shall then exchange the first box  
8 for the second box and so continue until they have counted and  
9 tabulated all the votes cast on that election day. When the  
10 hour arrives for closing the polls, the receiving board shall  
11 certify to all matters pertaining to casting of ballots and  
12 shall then unite with the counting board in the counting of  
13 ballots. The precinct election officials shall then divide  
14 the ballots not counted and each group of officials shall  
15 proceed to canvass their portion of the same. When the  
16 canvass has been completed the officials shall report the  
17 result of their canvass in the manner provided by section  
18 50.11.

19 Sec. 22. Section 52.22, unnumbered paragraph 1, Code 1987,  
20 is amended to read as follows:

21 The precinct election officials shall, as soon as the count  
22 is completed and fully ascertained as in this chapter  
23 required, lock the machine against voting, and it shall so  
24 remain until thirty days after the proclamation of the results  
25 of ~~said~~ the election, except that it shall remain locked only  
26 ten days after a primary or school election, and only two days  
27 after a city primary election, if such election is not  
28 contested.

29 Sec. 23. Section 52.25, Code 1987, is amended to read as  
30 follows:

31 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

32 The question of a constitutional convention, amendments,  
33 and public measures including bond issues may be voted on the  
34 voting machines and on special paper ballots and ballot cards  
35 in the following manner:

1 The entire convention question, amendment or public measure  
2 shall be printed and displayed prominently in at least two  
3 four places within the voting precinct, and inside each voting  
4 booth, or on the left-hand side inside the curtain of each  
5 voting machine, ~~said~~ the printing to be in conformity with the  
6 provisions of chapter 49. The public measure shall be  
7 summarized by the commissioner and in the largest type  
8 possible printed on the special paper ballots, ballot cards,  
9 or inserts used in ~~said~~ the voting machines, except that:

10 1. In the case of the question of a constitutional  
11 convention, or of an amendment or measure to be voted on in  
12 the entire state, the ~~summary to-be-placed-in-the-voting~~  
13 ~~machine-inserts~~ shall be worded by the state commissioner of  
14 elections as required by section 49.44~~7~~-and.

15 2. In the case of a public question to be voted on in a  
16 political subdivision lying in more than one county, the  
17 summary shall be worded by the commissioner responsible under  
18 section 47.2 for conducting that election.

19 Sec. 24. Section 52.32, unnumbered paragraph 1, Code 1987,  
20 is amended to read as follows:

21 The provisions of this section ~~shall~~ apply, in lieu of  
22 sections 50.1 to 50.12, to any precinct for those elections at  
23 which voting is conducted by means of an electronic voting  
24 system and the ballots are to be counted at a counting center.

25 Sec. 25. Section 52.32, subsection 2, Code 1987, is  
26 amended to read as follows:

27 2. ~~The~~ If ballot cards are used and write-in votes are  
28 cast on a separate envelope or write-in ballot, the precinct  
29 election officials shall next count the write-in votes cast in  
30 the precinct, if any. ~~If ballot-cards-are-used7-and-separate~~  
31 ~~write-in-ballots-or-envelopes-for-recording-write-in-votes-are~~  
32 ~~used7-ait~~ special paper ballots or ballot cards are used and  
33 write-in votes are recorded directly upon the ballot, this  
34 subsection does not apply. All ballots or envelopes on which  
35 write-in votes have been recorded shall be serially numbered,

1 starting with the number one, and the same number shall be  
2 placed on the regular ballot card of that voter. The precinct  
3 election official shall compare the write-in votes with the  
4 votes cast on the ballot card. If the total number of votes  
5 for any office exceeds the number allowed by law, a notation  
6 to that effect shall be entered on the back of the ballot card  
7 and the votes for the office involved shall not be counted.

8 Sec. 26. Section 53.22, subsection 5, Code Supplement  
9 1987, is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. Absentee ballots voted under  
12 this subsection shall be delivered to the commissioner no  
13 later than the time the polls are closed on election day. If  
14 the ballot is returned by mail the carrier envelope must be  
15 clearly postmarked by an officially authorized postal service  
16 not later than the day before the election and received by the  
17 commissioner no later than the time established for the  
18 canvass by the board of supervisors for that election.

19 Sec. 27. Section 53.38, Code 1987, is amended to read as  
20 follows:

21 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

22 Whenever a ballot is requested pursuant to section 53.39 or  
23 53.45 on behalf of a voter in the armed forces of the United  
24 States, the affidavit upon the ballot envelope of such voter,  
25 if the voter is found to be an eligible elector of the county  
26 to which the ballot is submitted, shall constitute a  
27 sufficient registration under the provisions of chapter 48 and  
28 the commissioner shall place the voter's name on the  
29 registration record as a qualified elector, if it does not  
30 already appear there.

31 Sec. 28. Section 53.45, subsections 1 and 4, Code  
32 Supplement 1987, are amended to read as follows:

33 1. As provided in this section, the commissioner shall  
34 provide special absentee ballots to be used for state general  
35 elections. A special absentee ballot shall only be provided

1 to a-qualified an eligible elector who completes an  
2 application stating both of the following to the best of the  
3 qualified eligible elector's belief:

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

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

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

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

25 Sec. 29. NEW SECTION. 53.53 FEDERAL WRITE-IN BALLOTS.

26 Upon receipt of an official federal write-in ballot, the  
27 commissioner shall examine the voter's written declarations on  
28 the envelope. If it appears that the voter is eligible to  
29 vote under the provisions of this division, has applied in a  
30 timely fashion for an absentee ballot, and has complied with  
31 all requirements for the federal write-in ballot, then the  
32 federal write-in ballot is valid unless the Iowa absentee  
33 ballot is received in time to be counted.

34 The voter's declaration or affirmation on the federal  
35 write-in ballot constitutes a sufficient registration under

1 the provisions of chapter 48 and the commissioner shall place  
2 the voter's name on the registration record as a qualified  
3 elector, if the voter's name does not already appear on the  
4 registration record. No witness to the oath is necessary.

5 The federal write-in ballot shall not be counted if any of  
6 the following apply:

7 1. The ballot was submitted from within the United States.

8 2. The voter's application for a regular absentee ballot  
9 was received by the commissioner less than thirty days prior  
10 to the election.

11 3. The voter's completed regular or special Iowa absentee  
12 ballot was received by the deadline for return of absentee  
13 ballots established in section 53.17.

14 4. The voter's federal write-in ballot was received after  
15 the deadline for return of absentee ballots established in  
16 section 53.17.

17 Sec. 30. Section 277.4, unnumbered paragraph 2, Code  
18 Supplement 1987, is amended to read as follows:

19 The secretary of the school board shall accept the petition  
20 for filing if on its face it appears to have the requisite  
21 number of signatures and if it is timely filed. The secretary  
22 of the school board shall note upon each petition and  
23 affidavit accepted for filing the date and time that the  
24 petition was filed. The secretary of the school board shall  
25 deliver all nomination petitions, together with the complete  
26 text of any public measure being submitted by the board to the  
27 electorate, to the county commissioner of elections not later  
28 than five o'clock p.m. on the day following the last day on  
29 which nomination petitions can be filed.

30 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
31 petitions have been filed under this section may withdraw as a  
32 candidate by filing a signed statement to that effect with the  
33 commissioner secretary at any time prior to five o'clock p.m.  
34 on the thirty-fifth day before the election.

35 Sec. 31. NEW SECTION. 277.5 OBJECTIONS TO NOMINATIONS.

1     Objections to the legal sufficiency of a nomination peti-  
2     tion or to the eligibility of a candidate may be filed by any  
3     person who would have the right to vote for a candidate for  
4     the office in question. The objection must be filed with the  
5     secretary of the school board at least thirty days before the  
6     day of the school election. When objections are filed notice  
7     shall forthwith be given to the candidate affected, addressed  
8     to the candidate's place of residence as given on the  
9     candidate's affidavit, stating that objections have been made  
10    to the legal sufficiency of the petition or to the eligibility  
11    of the candidate, and also stating the time and place the  
12    objections will be considered.

13    Objections shall be considered not later than two working  
14    days following the receipt of the objections by the president  
15    of the school board, the secretary of the school board, and  
16    one additional member of the school board chosen by ballot.  
17    If objections have been filed to the nominations of either of  
18    those school officials, that official shall not pass on the  
19    objection. The official's place shall be filled by a member  
20    of the school board against whom no objection exists. The  
21    replacement shall be chosen by ballot.

22    Sec. 32. Section 280A.15, subsection 2, Code 1987, is  
23    amended to read as follows:

24    2. Each candidate for member of the board of directors of  
25    a merged area shall be nominated by a petition signed by not  
26    less than fifty eligible electors of the director district  
27    from which the member is to be elected. The petition shall  
28    state the number of the director district from which the  
29    candidate seeks election, and the candidate's name and status  
30    as an eligible elector of the director district. Signers of  
31    the petition, in addition to signing their names, shall show  
32    their residence, including street and number if any, the  
33    school district in which they reside, and the date they signed  
34    the petition. ~~Each nomination paper shall have appended to it~~  
35    ~~an affidavit of an eligible elector other than the candidate~~

1 ~~in-substantially-the-form-provided-in-section-43-17,-except-as~~  
2 ~~to-party-affiliation.~~ The petition shall include the  
3 affidavit of the candidate being nominated, stating the  
4 candidate's name and residence, and that the individual is a  
5 candidate, is eligible for the office sought, and if elected  
6 will qualify for the office.

7 Sec. 33. Section 331.203, subsection 1, Code 1987, is  
8 amended to read as follows:

9 1. The board may by resolution, or shall upon petition of  
10 the number of qualified eligible electors of the county as  
11 specified in section 331.306, submit to the qualified electors  
12 of the county at a general election a proposition to increase  
13 the number of supervisors to five.

14 Sec. 34. Section 331.204, subsection 1, Code 1987, is  
15 amended to read as follows:

16 1. In a county having a five-member board, the board may  
17 by resolution, or shall upon petition of the number of  
18 qualified eligible electors of the county as specified in  
19 section 331.306, submit to the qualified electors of the  
20 county at a general election a proposition to reduce the  
21 number of supervisors to three.

22 Sec. 35. Section 331.207, subsection 1, Code 1987, is  
23 amended to read as follows:

24 1. The board, upon petition of the number of qualified  
25 eligible electors of the county as specified in section  
26 331.306, shall call a special election to be held for the  
27 purpose of selecting one of the supervisor representation  
28 plans specified in section 331.206 under which the board of  
29 supervisors shall be elected.

30 Sec. 36. Section 303B.3, Code 1987, is amended by adding  
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. The votes cast in the election  
33 shall be canvassed and abstracts of the votes cast shall be  
34 promptly certified by the commissioner to the commissioner of  
35 elections who is responsible under section 47.2 for conducting



1 elections for that regional library board. In each county  
2 whose commissioner of elections is responsible under section  
3 47.2 for conducting elections held for a regional library  
4 board, the county board of supervisors shall convene at nine  
5 o'clock a.m. on the third Monday in November, canvass the  
6 abstracts of votes cast and declare the results of the voting.  
7 The commissioner shall at once issue certificates of election  
8 to each person declared elected.

9 Sec. 37. Section 376.4, unnumbered paragraphs 5 and 6,  
10 Code Supplement 1987, are amended to read as follows:

11 If the city clerk is not readily available during normal  
12 office hours, the city clerk shall designate other employees  
13 or officials of the city who are ordinarily available to  
14 accept nomination papers under this section. The city clerk  
15 shall accept the petition for filing if on its face it appears  
16 to have the requisite number of signatures and if it is timely  
17 filed. The city clerk shall note upon each petition and  
18 affidavit accepted for filing the date and time that the  
19 petition was filed.

20 The city clerk shall deliver all nomination petitions  
21 together with the text of any public measure being submitted  
22 by the city council to the electorate to the county  
23 commissioner of elections not later than five o'clock p.m. on  
24 the day following the last day on which nomination petitions  
25 can be filed.

26 PARAGRAPH DIVIDED. Any person on whose behalf nomination  
27 petitions have been filed under this section may withdraw as a  
28 candidate by filing a signed statement to that effect as  
29 prescribed in section 44.9. Objections to the legal  
30 sufficiency of petitions shall be filed in accordance with the  
31 provisions of sections 44.4, 44.5, and 44.8.

32 Sec. 38. Section 376.6, Code 1987, is amended by adding  
33 the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Each city clerk shall certify to  
35 the commissioner of elections responsible under section 47.2

1 for conducting elections for that city the type of nomination  
2 process to be used for the city no later than seventy-seven  
3 days before the date of the regular city election. If the  
4 city has by ordinance chosen a runoff election or has chosen  
5 to have nominations made in the manner provided by chapter 44  
6 or 45, or has repealed nomination provisions under those  
7 sections in preference for the primary election method, a copy  
8 of the city ordinance shall be attached. No changes in the  
9 method of nomination to be used in a city shall be made after  
10 the clerk has filed the certification with the commissioner,  
11 unless the change will not take effect until after the next  
12 regular city election.

13 Sec. 39. Section 376.8, subsection 2, Code 1987, is  
14 amended by adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. In calculating the number of  
16 votes necessary to constitute a majority, fractions shall be  
17 rounded up to the next higher whole number.

18 Sec. 40. Section 376.11, Code 1987, is amended by striking  
19 the section and inserting in lieu thereof the following:

20 376.11 WRITE-IN VOTES.

21 Write-in votes are permitted to be cast in all elections  
22 for city offices. A person who receives a sufficient number  
23 of write-in votes to be elected to a city office shall be  
24 declared the winner of the election. If a person who was  
25 elected by write-in votes chooses not to serve in that office  
26 the person shall submit a resignation in writing to the city  
27 clerk not later than five o'clock p.m. on the day following  
28 the canvass of the election. If a person who was elected by  
29 write-in votes resigns at a later time, the office shall be  
30 considered vacant at the end of the term and the council shall  
31 fill the vacancy pursuant to the provisions of section 372.13,  
32 subsection 2.

33 Except in cities where the council has chosen a runoff  
34 election in lieu of a primary, following the resignation of a  
35 person who was elected by write-in votes, the city clerk shall

1 notify the person who received the next highest number of  
2 votes cast for the office that the person may assume the  
3 office. If the person accepts the position, the person shall  
4 be considered the duly elected officer unless a petition  
5 requesting a special election is filed by eligible electors of  
6 the city equal in number to twenty-five percent of the number  
7 of persons who voted for the office at the election. If the  
8 person declines, the person shall do so in writing to the city  
9 clerk within ten days and the office shall be considered  
10 vacant at the end of the term. The vacancy shall be filled  
11 pursuant to the provisions of section 372.13, subsection 2.  
12 If the council chooses to appoint, the appointment may be made  
13 before the end of the current term.

14 In city primary elections any person who receives write-in  
15 votes shall execute an affidavit in substantially the form  
16 required by section 45.3, and file it with the county com-  
17 missioner of elections or the city clerk not later than five  
18 o'clock p.m. on the day after the canvass of the primary  
19 election. If any person who received write-in votes fails to  
20 file the affidavit at the time required, the county commis-  
21 sioner shall disregard the write-in votes cast for that per-  
22 son. A notation shall be made on the abstract of votes  
23 showing which persons who received write-in votes filed af-  
24 fidavits. The total number of votes cast for each office on  
25 the ballot shall be amended by subtracting the write-in votes  
26 of those candidates who failed to file the affidavit. It is  
27 not necessary for a candidate whose name was printed upon the  
28 ballot to file an affidavit. Of the remaining candidates,  
29 those who receive the highest number of votes to the extent of  
30 twice the number of unfilled positions shall be placed on the  
31 ballot for the regular city election as candidates for that  
32 office.

33 In cities in which the city council has chosen a runoff  
34 election in lieu of a primary, if a person who was elected by  
35 write-in votes chooses not to accept the office by filing a

1 resignation notice with the city clerk or commissioner of  
2 elections not later than five o'clock p.m. on the day follow-  
3 ing the canvass, all remaining persons who received write-in  
4 votes and who wish to be considered candidates for the runoff  
5 election shall execute an affidavit in substantially the form  
6 required by section 45.3 and file it with the county commis-  
7 sioner or the city clerk not later than five o'clock p.m. of  
8 the fourth day following the canvass. If a person receiving  
9 write-in votes fails to file the affidavit at the time  
10 required, the county commissioner of elections shall disregard  
11 the write-in votes cast for that person. The abstract of  
12 votes shall be amended to show that the person who was  
13 declared elected declined the office and a notation shall be  
14 made next to the names of those persons who did not file the  
15 affidavit. A runoff election shall be held with the remaining  
16 candidates who have the highest number of votes to the extent  
17 of twice the number of unfilled positions.

18 In a city in which the council has chosen a runoff election  
19 if no person was declared elected for an office all persons  
20 who received write-in votes shall execute an affidavit in  
21 substantially the form required by section 45.3 and file it  
22 with the county commissioner of elections or the city clerk  
23 not later than five o'clock p.m. on the day following the  
24 canvass of votes. If any person who received write-in votes  
25 fails to file the affidavit the county commissioner of elec-  
26 tions shall disregard the write-in votes cast for that person.  
27 The abstract of votes shall be amended to note which of the  
28 write-in candidates failed to file the affidavit. A runoff  
29 election shall be held with the remaining candidates who have  
30 the highest number of votes to the extent of twice the number  
31 of unfilled positions.

32 Sec. 41. Section 420.130, Code 1987, is amended to read as  
33 follows:

34 420.130 AFFIDAVIT OF CANDIDACY.

35 Candidates for city precinct committee member shall cause

1 their names to be printed on the primary ballot by filing an  
2 affidavit as provided for in section 43.18 with the county  
3 commissioner of elections at least ~~thirty~~ forty days prior to  
4 the day fixed for conducting the primary election.

5 Sec. 42. EFFECTIVE DATE. Section 1 of this Act takes  
6 effect January 1, 1989.

7

EXPLANATION

8 This bill makes numerous technical and other changes in the  
9 laws governing elections and election procedures. The changes  
10 affect filing dates, the number of signatures required to  
11 nominate a partisan candidate, the explanations regarding  
12 maximum number of candidates for whom a primary election voter  
13 may vote, procedures for objections to nominations, hours and  
14 times auditors' offices must be open for voter registration,  
15 the number of offices a candidate may seek, the cost of  
16 publication and printing of ballots, procedures relating to  
17 change of address within a county, the percentage of votes  
18 needed to pass a public measure, procedures for tabulating  
19 votes, absentee ballot and federal write-in ballot provisions,  
20 procedures in school, merged area, and regional library  
21 elections, and nominations, write-ins, and other procedures in  
22 city elections.

23 Section 1, relating to an initial filing date for candi-  
24 dates for county offices, takes effect January 1, 1989. Other  
25 provisions take effect July 1, 1988.

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## SENATE FILE 2232

## AN ACT

RELATING TO ELECTIONS AND ELECTION PROCEDURES AND PROVIDING  
AN EFFECTIVE DATE.

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

Section 1. Section 39.22, subsection 1, Code Supplement 1987, is amended to read as follows:

1. BY APPOINTMENT. The county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of elections to submit the question to the eligible-voters qualified electors of the township at the next general election. In a township which does not include a city, ~~eligible-voters shall consist of~~ the voters of the entire township are eligible to vote on the question. In a township which includes a city, ~~eligible voters are only~~ those voters who reside outside the corporate limits of a city are eligible to vote on the question. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of the ~~eligible voters~~ those voting on the question, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire. The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the ~~eligible-voters qualified electors who are eligible to vote~~ for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of the ~~eligible-voters~~ those voting

on the question, the election of the township officers shall commence with the next primary and general elections. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon petition of at least ten percent of the eligible-voters qualified electors of a township. The initial terms of the trustees shall be determined by lot, one for two years, one-for-three-years, and one two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

Sec. 2. Section 43.11, subsection 1, Code 1987, is amended to read as follows:

1. For an elective county office, in the office of the county commissioner not earlier than seventy-eight days nor later than five o'clock p.m. on the fifty-fifth day prior to the day fixed for holding the primary election.

Sec. 3. Section 43.20, subsection 1, Code 1987, is amended to read as follows:

1. If for a ~~state-office~~ governor, or United States senator, by at least one percent of the voters of the candidate's party, in each of at least ten counties of the state, and in the aggregate not less than one-half of one percent of the total vote of the candidate's party in the state, as shown by the last general election.

Sec. 4. Section 43.20, Code 1987, is amended by adding the following new subsection 2 and renumbering the subsequent subsections:

NEW SUBSECTION. 2. If for any other state office, by at least fifty signatures in each of at least ten counties of the state, and in the aggregate not less than one thousand signatures.

Sec. 5. Section 43.26, Code Supplement 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

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

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

FOR UNITED STATES SENATOR

(Vote for no more than one.)

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ .....

FOR UNITED STATES

REPRESENTATIVE

(Vote for no more than one.)

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ .....

FOR GOVERNOR

(Vote for no more than one.)

\_\_\_\_\_ 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 no more than one.)

\_\_\_\_\_ 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 no more than one.)

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ .....

FOR TOWNSHIP TRUSTEES

(Vote for no more than two.)

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ CANDIDATE'S NAME

\_\_\_\_\_ .....

Sec. 6. NEW SECTION. 43.37 NUMBER OF VOTES PERMITTED PER OFFICE.

The elector shall be permitted to vote for no more candidates for any office than there are persons to be elected to the office. If an elector votes for more persons for any office than the number permitted, the elector's ballot shall not be counted for that office.

Sec. 7. Section 43.115, unnumbered paragraph 1, Code 1987, is amended to read as follows:

All candidates for nominations to be made in primary elections held pursuant to section 43.112 shall file nomination papers with the city clerk not less than thirty forty days prior to the date of the election as established by section 43.114, except that candidates for precinct committee member shall file affidavits of candidacy as required by section 420.130. The number of eligible electors signing petitions required for printing the name of a candidate upon the official primary ballot shall be one hundred for an office to be filled by the voters of the entire city and twenty-five for an office to be filled by the voters of a subdivision of the city.

Sec. 8. Section 44.4, unnumbered paragraphs 1 and 2, Code Supplement 1987, are amended to read as follows:

Nominations made under the provisions of this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than eighty-five days nor later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election to

be held in November; and those nominations made for a special election called pursuant to section 69.14 shall be filed not less than twenty days prior to the date of an election called upon at least forty days' notice and not less than seven days prior to the date of an election called upon at least ten days' notice. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than seventy-eight days nor later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election. Nominations made under this chapter or chapter 45 for city office shall be filed not more than sixty-five seventy-two days nor later than five o'clock p.m. on the fortieth forty-seventh day prior to the city election with the city clerk, who shall process them as provided by law.

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

Sec. 9. Section 44.8, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The hearing shall be held within twenty-four hours of the receipt of the objection if a primary election must be held for the office sought by the candidate against whom the objection has been filed.

Sec. 10. Section 45.1, subsection 4, paragraph a, Code 1987, is amended to read as follows:

a. In Except as otherwise provided in subsection 5, in cities having a population of three thousand five hundred or greater according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than twenty-five eligible electors who are residents of the city or ward.

Sec. 11. Section 45.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Nominations for candidates other than partisan candidates for elective offices in special charter cities subject to section 43.112 may be submitted as follows:

a. For the office of mayor and alderman at large, nominations may be made by nomination papers signed by eligible electors residing in the city equal in number to at least two percent of the total vote received by all candidates for mayor at the last preceding city election.

b. For the office of ward alderman, nominations may be made by nomination papers signed by eligible electors residing in the ward equal in number to at least two percent of the total vote received by all candidates for ward alderman in that ward at the last preceding city election.

Sec. 12. Section 48.1, Code 1987, is amended to read as follows:

48.1 COMMISSIONER OF REGISTRATION.

The commissioner of elections of each county is designated the commissioner of registration for that county, and may designate the city clerk of any city in the county, or the secretary of the board of directors of any school district which has its office in that county, as a deputy commissioner of registration who shall be responsible for voter registration, subject to the supervision of the county commissioner. The commissioner of registration or an employee of the commissioner of registration may visit each high school located in the county, during the month of May of each year, and at other times at the discretion of the commissioner of registration, and offer to register any person who is eligible under section 48.2 to be registered.

Sec. 13. Section 48.11, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Registration shall close in a precinct at five o'clock p.m., ten days before a general or primary election and eleven days before all other elections, except as provided in section



48.3. The commissioner's office shall be open from eight o'clock a.m. until at least ~~six~~ five o'clock p.m. on the day registration closes prior to each regularly scheduled election. In counties where mobile deputy registrars have been appointed, the commissioner's office shall remain open until at least six o'clock p.m. on the day registration closes for mobile deputy registrars to deliver completed forms, unless all mobile deputy registrars have turned in their supplies earlier.

Sec. 14. Section 48.29, Code 1987, is amended to read as follows:

48.29 REMOVAL OF REGISTRATION.

Upon registration in any county of an eligible elector who was previously a resident of another county, if that individual was a qualified elector in the former county of residence, the individual's name shall be struck from the record of voters currently registered in the former county of residence. If the registrar at any time discovers that the same individual is registered at more than one residence location, the commissioner or commissioners involved shall be informed and shall follow the procedure prescribed by section 48.31, subsection 7 6.

Sec. 15. Section 49.12, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

If double counting boards are not appointed for precincts using paper ballots and using only three precinct election officials, a fourth precinct election official shall be appointed from the election board panel to serve beginning at ~~8:00 p.m.~~ the time the polls close to assist in counting the paper ballots.

Sec. 16. NEW SECTION. 49.41 MORE THAN ONE OFFICE PROHIBITED.

A candidate for public office shall not cause nomination papers to remain filed in the office of the state commissioner or the commissioner on the last day of filing nomination papers, for more than one office to be filled at the general

election. A candidate for a public office to be filled at the general election who has filed nomination papers for more than one office shall, not later than the final date for filing, notify the state commissioner or commissioner by affidavit for which office the person elects to be a candidate, which in no case shall be more than one. In the event no such election is made by that date by the candidate, the state commissioner shall not certify the person's name to be placed on the ballot for any office nor shall the commissioner place the person's name on the ballot in any county.

Sec. 17. Section 49.43, Code 1987, is amended to read as follows:

49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

In precincts using paper ballots all public measures to be voted upon by an elector at a given election shall be printed upon one ballot of some color other than white. In precincts using voting machines all public measures shall be placed in the question row on the machine; however, if it is impossible to place all the public measures on the machine ballot, or if only a portion of the qualified electors of the precinct are entitled to vote upon any measure presented, the commissioner may provide a separate paper ballot for the public measure or measures.

Constitutional amendments and other public measures may be summarized by the commissioner as provided in section 52.25.

Sec. 18. Section 49.56, Code 1987, is amended to read as follows:

49.56 MAXIMUM COST OF PRINTING.

The cost of printing the official election ballots and printed supplies for voting machines shall not exceed an amount-determined-by-the-director-of-the-department-of-general-services-or-the-director's-designee the usual and customary rates that the printer charges its regular customers.

Sec. 19. Section 49.77, subsection 4, Code Supplement 1987, is amended to read as follows:

4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, except in the circumstance described in section 48.7, subsection 1, paragraph "b", unless the commissioner informs the precinct election officials that an error has occurred and that the person is a qualified elector of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a qualified elector of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

Sec. 20. Section 50.22, Code Supplement 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 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.

PARAGRAPH DIVIDED. The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If the challenged voter's registration was canceled in the same county where the person attempted to vote because first class mail was returned by the postal service during the four years preceding the election in progress, the person's ballot shall be accepted for counting and the elector's registration shall be reinstated.

If a 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 special ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of special ballots rejected and not counted, at the time of the canvass of the election.

Sec. 21. Section 50.45, Code 1987, is amended to read as follows:

50.45 CANVASS PUBLIC -- RESULT DETERMINED.

All canvasses of tally lists shall be public, and the persons having the greatest number of votes shall be declared elected. When a public measure has been submitted to the electors, the proposition shall be declared to have been adopted if the vote cast in favor of the question is greater than fifty percent of the total vote cast in favor and against the question, unless laws pertaining specifically to the public measure election establish a higher percentage of a favorable vote. All ballots cast and not counted as a vote in favor or against the proposition shall not be used in computing the total vote cast in favor and against the proposition.

Sec. 22. Section 51.1, Code 1987, is amended to read as follows:

51.1 ELECTION COUNTING BOARD.

In all election precincts the board of supervisors may authorize the commissioner to appoint for each primary and general election in which a high voter turnout is anticipated five additional precinct election officials to be known as the election counting board.

Sec. 23. Section 51.7, Code 1987, is amended to read as follows:

51.7 DUTIES OF DOUBLE BOARDS.

The counting boards shall proceed to the respective voting places to which they have been appointed ~~at one of the election places~~

~~or in any precinct in which the commissioner shall deem it necessary, at such earlier hour after nine o'clock a.m., at such time~~ as the commissioner may direct, and shall take charge of the ballot box containing the ballots already cast in that precinct. ~~It~~ The counting board shall retire to a partitioned space or room provided for that purpose and there proceed to count and tabulate the ballots as it shall find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other box provided, until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The two boards shall then exchange the first box for the second box and so continue until they have counted and tabulated all the votes cast on that election day. When the hour arrives for closing the polls, the receiving board shall certify to all matters pertaining to casting of ballots and shall then unite with the counting board in the counting of ballots. The precinct election officials shall then divide the ballots not counted and each group of officials shall proceed to canvass their portion of the same. When the canvass has been completed the officials shall report the result of their canvass in the manner provided by section 50.11.

Sec. 24. Section 52.22, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The precinct election officials shall, as soon as the count is completed and fully ascertained as in this chapter required, lock the machine against voting, and it shall so remain until thirty days after the proclamation of the results of said the election, except that it shall remain locked only ten days after a primary or school election, and only two days after a city primary election, if such election is not contested.

Sec. 25. Section 52.25, Code 1987, is amended to read as follows:

52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

The question of a constitutional convention, amendments, and public measures including bond issues may be voted on the voting machines and on special paper ballots and ballot cards in the following manner:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least two four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the curtain of each voting machine, said the printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the special paper ballots, ballot cards, or inserts used in said the voting machines, except that:

1. In the case of the question of a constitutional convention, or of an amendment or measure to be voted on in the entire state, the ~~summary to be placed in the voting machine inserts~~ shall be worded by the state commissioner of elections as required by section 49.44--and.

2. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the commissioner responsible under section 47.2 for conducting that election.

Sec. 26. Section 52.32, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The provisions of this section shall apply, in lieu of sections 50.1 to 50.12, to any precinct for those elections at which voting is conducted by means of an electronic voting system and the ballots are to be counted at a counting center.

Sec. 27. Section 52.32, subsection 2, Code 1987, is amended to read as follows:

2. The If ballot cards are used and write-in votes are cast on a separate envelope or write-in ballot, the precinct election officials shall next count the write-in votes cast in the precinct, if any. If ballot-cards-are-used-and-separate write-in-ballots-or-envelopes-for-recording-write-in-votes-are used-at special paper ballots or ballot cards are used and

write-in votes are recorded directly upon the ballot, this subsection does not apply. All ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

Sec. 28. Section 53.22, subsection 5, Code Supplement 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail 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 no later than the time established for the canvass by the board of supervisors for that election.

Sec. 29. Section 53.38, Code 1987, is amended to read as follows:

53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ballot envelope of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if it does not already appear there.

Sec. 30. Section 53.45, subsections 1 and 4, Code Supplement 1987, are amended to read as follows:

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 an eligible elector who completes an application stating both of the following to the best of the qualified eligible elector's belief:

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

4. Notwithstanding the provisions of section 53.49, a qualified an eligible 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. 31. NEW SECTION. 53.53 FEDERAL WRITE-IN BALLOTS.

Upon receipt of an official federal write-in ballot, the commissioner shall examine the voter's written declarations on the envelope. If it appears that the voter is eligible to vote under the provisions of this division, has applied in a timely fashion for an absentee ballot, and has complied with all requirements for the federal write-in ballot, then the federal write-in ballot is valid unless the Iowa absentee ballot is received in time to be counted.

The voter's declaration or affirmation on the federal write-in ballot constitutes a sufficient registration under the provisions of chapter 48 and the commissioner shall place the voter's name on the registration record as a qualified elector, if the voter's name does not already appear on the registration record. No witness to the oath is necessary.

The federal write-in ballot shall not be counted if any of the following apply:

1. The ballot was submitted from within the United States.
2. The voter's application for a regular absentee ballot was received by the commissioner less than thirty days prior to the election.
3. The voter's completed regular or special Iowa absentee ballot was received by the deadline for return of absentee ballots established in section 53.17.
4. The voter's federal write-in ballot was received after the deadline for return of absentee ballots established in section 53.17.

Sec. 32. Section 277.4, unnumbered paragraph 2, Code Supplement 1987, is amended to read as follows:

The secretary of the school board shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The secretary of the school board shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver all nomination petitions, together with the complete text of any public measure being submitted by the board to the electorate, to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.

**PARAGRAPH DIVIDED.** Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the commissioner secretary at any time prior to five o'clock p.m. on the thirty-fifth day before the election.

Sec. 33. NEW SECTION. 277.5 OBJECTIONS TO NOMINATIONS.

Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the secretary of the school board at least thirty days before the day of the school election. When objections are filed notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

Objections shall be considered not later than two working days following the receipt of the objections by the president of the school board, the secretary of the school board, and one additional member of the school board chosen by ballot. If objections have been filed to the nominations of either of those school officials, that official shall not pass on the objection. The official's place shall be filled by a member of the school board against whom no objection exists. The replacement shall be chosen by ballot.

Sec. 34. Section 280A.15, subsection 2, Code 1987, is amended to read as follows:

2. Each candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. ~~Each nomination paper shall have appended to it an affidavit of an eligible elector other than the candidate in substantially the form provided in section 43.177 except as~~

~~to-party-affiliation:~~ The petition shall include the affidavit of the candidate being nominated, stating the candidate's name and residence, and that the individual is a candidate, is eligible for the office sought, and if elected will qualify for the office.

Sec. 35. Section 331.203, subsection 1, Code 1987, is amended to read as follows:

1. The board may by resolution, or shall upon petition of the number of qualified eligible electors of the county as specified in section 331.306, submit to the qualified electors of the county at a general election a proposition to increase the number of supervisors to five.

Sec. 36. Section 331.204, subsection 1, Code 1987, is amended to read as follows:

1. In a county having a five-member board, the board may by resolution, or shall upon petition of the number of qualified eligible electors of the county as specified in section 331.306, submit to the qualified electors of the county at a general election a proposition to reduce the number of supervisors to three.

Sec. 37. Section 331.207, subsection 1, Code 1987, is amended to read as follows:

1. The board, upon petition of the number of qualified eligible electors of the county as specified in section 331.306, shall call a special election to be held for the purpose of selecting one of the supervisor representation plans specified in section 331.206 under which the board of supervisors shall be elected.

Sec. 38. Section 303B.3, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The votes cast in the election shall be canvassed and abstracts of the votes cast shall be promptly certified by the commissioner to the commissioner of elections who is responsible under section 47.2 for conducting elections for that regional library board. In each county whose commissioner of elections is responsible under section

47.2 for conducting elections held for a regional library board, the county board of supervisors shall convene at nine o'clock a.m. on the third Monday in November, canvass the abstracts of votes cast and declare the results of the voting. The commissioner shall at once issue certificates of election to each person declared elected.

Sec. 39. Section 376.4, unnumbered paragraphs 5 and 6, Code Supplement 1987, are amended to read as follows:

If the city clerk is not readily available during normal office hours, the city clerk shall designate other employees or officials of the city who are ordinarily available to accept nomination papers under this section. The city clerk shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The city clerk shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

The city clerk shall deliver all nomination petitions together with the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections not later than five o'clock p.m. on the day following the last day on which nomination petitions can be filed.

PARAGRAPH DIVIDED. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

Sec. 40. Section 376.6, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Each city clerk shall certify to the commissioner of elections responsible under section 47.2 for conducting elections for that city the type of nomination process to be used for the city no later than seventy-seven days before the date of the regular city election. If the

city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

Sec. 41. Section 376.8, subsection 2, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.

Sec. 42. Section 376.11, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

376.11 WRITE-IN VOTES.

Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If a person who was elected by write-in votes chooses not to serve in that office the person shall submit a resignation in writing to the city clerk not later than five o'clock p.m. on the day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If the person accepts the position, the person shall be considered the duly elected officer unless a petition

requesting a special election is filed by eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the city clerk within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections or the city clerk not later than five o'clock p.m. on the day after the canvass of the primary election. If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the city clerk or commissioner of elections not later than five o'clock p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form

required by section 45.3 and file it with the county commissioner or the city clerk not later than five o'clock p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

In a city in which the council has chosen a runoff election if no person was declared elected for an office all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections or the city clerk not later than five o'clock p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

Sec. 43. Section 420.130, Code 1987, is amended to read as follows:

420.130 AFFIDAVIT OF CANDIDACY.

Candidates for city precinct committee member shall cause their names to be printed on the primary ballot by filing an affidavit as provided for in section 43.18 with the county commissioner of elections at least ~~thirty~~ forty days prior to the day fixed for conducting the primary election.

Sec. 44. EFFECTIVE DATE.

1. This Act, being deemed of immediate importance, takes effect upon enactment.

2. However, the amendment to section 43.11, subsection 1, Code 1987, as enacted by this Act, takes effect January 1, 1989, and all sections of this Act except the sections amending section 43.11, subsection 1, and section 50.22, Code Supplement 1987, take effect July 1, 1988.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2232, Seventy-second General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved April 27 1988

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor

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