

Reprinted

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HOUSE FILE 2329
BY COMMITTEE ON STATE
GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 601)

Passed House, Date 2/20/90 (p. 494) Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

*Motion to reconsider (p. 504)
" prevailed 2/26*

Repassed House 2/26/90 (p. 654)
A BILL FOR
81-8

1 An Act relating to elections and election procedures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2329

1 Section 1. Section 39.2, subsections 1 and 2, Code 1989,
2 are amended to read as follows:

3 1. All special elections which are authorized or required
4 by law, unless the applicable law otherwise requires, shall be
5 held on Tuesday. ~~No~~ A special election ~~may~~ shall not be held
6 on the first ~~or~~ and second ~~Tuesday~~ Tuesdays preceding and
7 following the primary and the general elections.

8 A special election shall not be held in conjunction with
9 the primary election. A special election shall not be held in
10 conjunction with a school election unless the special election
11 is for a school district or merged area school.

12 2. A Except as otherwise provided in subsection 1, a
13 special election may be held on the same day as a regularly
14 scheduled election if the two elections are not in conflict
15 within the meaning of section 47.6, subsection 2. A special
16 election may be held on the same day as a regularly scheduled
17 election with which it does so conflict if the commissioner
18 who is responsible for conducting the elections concludes that
19 to do so will cause no undue difficulties.

20 Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989,
21 is amended to read as follows:

22 I am aware that I am required to organize a candidate's
23 committee which shall file an organization statement and
24 disclosure reports if ~~it-receives~~ my committee or I receive
25 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
26 indebtedness in excess of two hundred fifty dollars for the
27 purpose of supporting my candidacy for public office. This
28 paragraph does not apply to candidates for federal offices.

29

30 (Signed)

31 Sec. 3. Section 43.67, unnumbered paragraph 3, Code
32 Supplement 1989, is amended to read as follows:

33 I am aware that I am required to organize a candidate's
34 committee which shall file an organization statement and
35 disclosure reports if ~~it-receives~~ my committee or I receive

1 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
2 indebtedness in excess of two hundred fifty dollars for the
3 purpose of supporting my candidacy for public office. This
4 paragraph does not apply to candidates for federal offices.

5
6 (Signed)

7 Sec. 4. Section 43.78, subsection 4, Code Supplement 1989,
8 is amended to read as follows:

9 4. Political party candidates for a vacant seat in the
10 United States house of representatives, the board of
11 supervisors, the elected county offices, or the general
12 assembly which is to be filled at a special election called
13 pursuant to section 69.14 or 69.14A shall be nominated in the
14 manner provided by subsection 1 of this section for filling a
15 vacancy on the general election ballot for the same office.
16 The name of any a candidate so nominated shall be submitted in
17 writing to the state appropriate commissioner, as required by
18 section 43.88, at the earliest practicable time.

19 Sec. 5. Section 43.115, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 All candidates for nominations to be made in primary
22 elections held pursuant to section 43.112 shall file
23 nomination papers with the city clerk ~~not-less~~ no later than
24 five p.m. forty days ~~prior-to~~ before the date of the election
25 as established by section 43.114, except that candidates for
26 precinct committee member shall file affidavits of candidacy
27 as required by section 420.130. The number of eligible
28 electors signing petitions required for printing the name of a
29 candidate upon the official primary ballot shall be one
30 hundred for an office to be filled by the voters of the entire
31 city and twenty-five for an office to be filled by the voters
32 of a subdivision of the city.

33 Sec. 6. Section 44.3, subsection 2, unnumbered paragraph
34 5, Code 1989, is amended to read as follows:

35 I am aware that I am required to organize a candidate's

1 committee which shall file an organization statement and
2 disclosure reports if ~~it receives~~ my committee or I receive
3 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
4 indebtedness in excess of two hundred fifty dollars for the
5 purpose of supporting my candidacy for public office. This
6 paragraph does not apply to candidates for federal offices.

7 Sec. 7. Section 44.4, Code Supplement 1989, is amended to
8 read as follows:

9 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
10 FILING.

11 Nominations made pursuant to this chapter and chapter 45
12 which are required to be filed in the office of the state
13 commissioner shall be filed in that office not more than
14 ninety-nine days nor later than five ~~o'clock~~ p.m. on the
15 eighty-first day before the date of the general election to be
16 held in November; ~~and these nominations.~~ Nominations made for
17 a special election called pursuant to section 69.14 shall be
18 filed by five p.m. not less than twenty days before the date
19 of an election called upon at least forty days' notice and not
20 less than seven days before the date of an election called
21 upon at least ten days' notice. Nominations made for a
22 special election called pursuant to section 69.14A shall be
23 filed by five p.m. not less than twenty days before the date
24 of the election. Nominations made pursuant to this chapter
25 and chapter 45 which are required to be filed in the office of
26 the commissioner shall be filed in that office not more than
27 ninety-two days nor later than five ~~o'clock~~ p.m. on the sixty-
28 ninth day before the date of the general election.

29 Nominations made pursuant to this chapter or chapter 45 for
30 city office shall be filed not more than seventy-two days nor
31 later than five ~~o'clock~~ p.m. on the forty-seventh day before
32 the city election with the city clerk, who shall process them
33 as provided by law.

34 Objections to the legal sufficiency of a certificate of
35 nomination or nomination petition or to the eligibility of a

1 candidate may be filed by any person who would have the right
2 to vote for a candidate for the office in question. Such The
3 objections must be filed with the officer with whom the
4 certificate or petition is filed and within the following
5 time:

6 1. Those filed with the state commissioner, not less than
7 seventy-four days before the date of the election.

8 2. Those filed with the commissioner, not less than sixty-
9 four days before the date of the election.

10 3. Those filed with the city clerk, at least forty-two
11 days before the municipal election.

12 4. In the case of nominations to fill vacancies occurring
13 after the time when an original nomination for any an office
14 is required to be filed, objections shall be filed within
15 three days after the filing of the certificate.

16 Objections shall be filed no later than five p.m. on the
17 final date for filing.

18 Sec. 8. Section 45.3, unnumbered paragraph 6, Code
19 Supplement 1989, is amended to read as follows:

20 I am aware that I am required to organize a candidate's
21 committee which shall file an organization statement and
22 disclosure reports if ~~it-receives~~ my committee or I receive
23 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
24 indebtedness in excess of two hundred fifty dollars for the
25 purpose of supporting my candidacy for public office. This
26 paragraph does not apply to candidates for federal offices.

27 Sec. 9. Section 46.22, Code 1989, is amended to read as
28 follows:

29 46.22 VOTING.

30 Voting at judicial elections shall be by separate paper
31 ballot, special paper ballot, ballot cards, or by voting
32 machine in the space provided for public measures. If paper
33 ballots are used the election judges shall offer a ballot to
34 each voter. If special paper ballots or ballot cards are
35 used, either a separate ballot or a distinct heading may be

1 used to distinguish the judicial ballot. Separate ballot
2 boxes for the general election ballots and the judicial
3 election ballots ~~shall~~ are not be required. The general
4 election ballot and the judicial election ballot may be voted
5 in the same voting booth.

6 Sec. 10. Section 47.6, subsection 1, unnumbered paragraph
7 2, Code Supplement 1989, is amended to read as follows:

8 If the proposed date of the special election coincides with
9 the date of a regularly scheduled election, the notice shall
10 be given no later than five o'clock p.m. on the last day on
11 which nomination papers may be filed for the regularly
12 scheduled election. Otherwise, the notice shall be given at
13 least ~~thirty~~ thirty-two days in advance of the date of the
14 proposed special election. Upon receiving the notice, the
15 commissioner shall promptly give written approval of the
16 proposed date unless it appears that the special election, if
17 held on that date, would conflict with a regular election or
18 with another special election previously scheduled for that
19 date.

20 Sec. 11. Section 48.3, Code 1989, is amended to read as
21 follows:

22 48.3 REGISTRATION FORM.

23 As an alternative to the method of registration prescribed
24 by section 48.2, a person entitled to register under that
25 section may cause delivery of a completed voter registration
26 form to the commissioner of registration in the person's
27 county of residence. A registration form or the envelope
28 containing one or more registration forms for the use of
29 individual registrants must be postmarked ~~or otherwise~~
30 delivered by the fifteenth day prior to before an election or
31 received by the county commissioner of registration no later
32 than five p.m. on the date registration closes before an
33 election or the registration will not take effect for that
34 election. A separate registration form shall be signed by
35 each individual registrant. Within five working days after

1 receiving a registration, the commissioner shall send the
2 registrant a receipt of the registration by first class mail
3 marked "do not forward". If the receipt is returned by the
4 postal service the commissioner shall treat the registration
5 as prescribed by section 48.31, subsection 6. An improperly
6 addressed or delivered registration form shall be forwarded to
7 the appropriate county commissioner of registration within two
8 working days after it is received by any other official.

9 Sec. 12. Section 48.9, Code 1989, is amended to read as
10 follows:

11 48.9 USE OF UNIVERSITIES' FACILITIES.

12 The state board of regents shall provide access to the
13 designated public portions of its university residence halls
14 and lounges for a registrar, deputy registrar, mobile-deputy
15 registrar, person delivering voter registration forms provided
16 in section 48.3 to register eligible electors, or a candidate.
17 The state board of regents may establish reasonable
18 restrictions on the time, manner and place of access by those
19 registrars, persons and candidates.

20 Sec. 13. Section 48.11, unnumbered paragraph 2, Code 1989,
21 is amended to read as follows:

22 Registration shall close in a precinct at five o'clock
23 p.m., ten days before a general or primary election and eleven
24 days before all other elections, ~~except as provided in section~~
25 ~~48.3.~~ The commissioner's office shall be open from eight
26 o'clock a.m. until at least five o'clock p.m. on the day
27 registration closes prior to each regularly scheduled
28 election. ~~In counties where mobile-deputy registrars have~~
29 ~~been appointed, the commissioner's office shall remain open~~
30 ~~until at least six o'clock p.m. on the day registration closes~~
31 ~~for mobile-deputy registrars to deliver completed forms,~~
32 ~~unless all mobile-deputy registrars have turned in their~~
33 ~~supplies earlier.~~

34 Sec. 14. Section 49.30, Code 1989, is amended by striking
35 the section and inserting in lieu thereof the following:

1 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

2 The names of all candidates to be voted for in each
3 election precinct, other than presidential electors, shall be
4 printed on one ballot, except that separate ballots are
5 authorized under the following circumstances:

6 1. For judicial elections, separate ballots or headings
7 shall be used as required by section 46.22.

8 2. At an election where voting machines are used, and it
9 is impossible to place the names of all candidates on the
10 machine ballot, the commissioner may provide a separate paper
11 ballot for the candidates for judge of the district court and
12 the township offices, or either; one of the paper ballots
13 shall be furnished to each qualified elector.

14 3. Separate paper ballots may be used for the election of
15 township officers in precincts including both incorporated and
16 unincorporated areas.

17 Sec. 15. Section 49.31, Code Supplement 1989, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 6. For the purposes of ballot rotation
20 the absentee ballot and special voters precinct shall be
21 considered a separate precinct, unless the office will appear
22 on the ballot in only one precinct other than the absentee
23 ballot and special voters precinct.

24 Sec. 16. Section 49.33, Code 1989, is amended to read as
25 follows:

26 49.33 ONE SINGLE SQUARE FOR PRESIDENT-AND-VICE-PRESIDENT
27 CERTAIN PAIRED OFFICES.

28 Upon the left-hand margin of each separate column of the
29 ballot, immediately opposite the names of the candidates for
30 president and vice president, a single square, the sides of
31 which shall not be less than one-fourth of an inch in length,
32 shall be printed in front of a the bracket enclosing the names
33 of the said candidates for president and vice president, and a
34 separate square of the same size shall be printed in front of
35 the bracket enclosing the names of the candidates for governor

1 and lieutenant governor. The votes for said a team of
 2 candidates shall be counted and certified to by the election
 3 board ~~in-the-same-manner-as-the-votes-for-other-candidates~~ as
 4 a team. Write-in votes may be tabulated for each office
 5 separately.

6 Sec. 17. Section 49.42, Code 1989, is amended by striking
 7 the section and inserting in lieu thereof the following:

8 49.42 FORM OF OFFICIAL BALLOT.

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

12	__ REPUBLICAN	__ DEMOCRATIC	__ PROHIBITION	__ UNION LABOR
13	(For President,	(For President,	(For President,	(For President,
14	(A.... B....,	(N.... O....,	(A.... B....,	(N.... O....,
15	(of Ohio.	(of Virginia.	(of Maine.	(of Idaho.
16	_(For Vice	_(For Vice	_(For Vice	_(For Vice
17	(President,	(President,	(President,	(President,
18	(C.... D....,	(P.... Q....,	(C.... D....,	(P.... Q....,
19	(of New York.	(of Indiana.	(of Illinois.	(of Ohio.
20	For	For	For	For
21	United States	United States	United States	United States
22	Senator.	Senator.	Senator.	Senator.
23	_ E.... F....,	_ R.... S....,	_ E.... F....,	_ R.... S....,
24	For	For	For	For
25	United States	United States	United States	United States
26	Representative,	Representative,	Representative,	Representative,
27	_ G.... H....,	_ T.... U....,	_ G.... H....,	_ T.... U....,
28	(For Governor,	(For Governor,	(For Governor,	(For Governor,
29	(I.... J....,	(V.... W....,	(I.... J....,	(V.... W....,
30	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant
31	(Governor,	(Governor,	(Governor,	(Governor,
32	(K.... L....	(X.... Y....	(K.... L....	(X.... Y....

33 Sec. 18. Section 49.80, subsection 3, Code 1989, is
 34 amended by striking the subsection.

35 Sec. 19. Section 49.104, subsection 6, Code 1989, is

1 amended to read as follows:

2 6. Any persons expressing an interest in a ballot issue to
3 be voted upon at an election except a general or primary
4 election. Any such person shall file a notice of intent to
5 serve as an observer with the commissioner ~~prior-to~~ before
6 election day. If more than three ~~such~~ persons file a notice
7 of intent to serve at the same time with respect to ballot
8 issues at ~~any an~~ election, the commissioner shall appoint from
9 those submitting a notice of intent the three persons to who
10 may serve at that time as observers, and shall provide a
11 schedule to all persons who filed notices of intent. The
12 appointees, whenever possible, shall include both opponents
13 and proponents of the ballot issues.

14 Sec. 20. Section 49.107, subsection 8, Code Supplement
15 1989, is amended by striking the subsection and inserting in
16 lieu thereof the following:

17 8. Serving as a member of a challenging committee or
18 observer under section 49.104, subsection 2, 5, or 6, by a
19 precinct election official serving at the polls or by an
20 incumbent officeholder of, or a candidate for, an office being
21 voted for at the election in progress.

22 Sec. 21. Section 53.23, Code 1989, is amended by adding
23 the following new subsection after subsection 4 and
24 renumbering the subsequent subsection:

25 NEW SUBSECTION. 5. The special precinct election board
26 shall preserve the secrecy of all absentee and special
27 ballots. After the affidavits on the envelopes have been
28 reviewed and the qualifications of the persons casting the
29 ballots have been determined, those that have been accepted
30 for counting shall be opened. The ballots shall be removed
31 from the affidavit envelopes without being unfolded or
32 examined, and then shall be thoroughly intermingled, after
33 which they shall be unfolded and tabulated. If secrecy
34 folders or envelopes are used with special paper ballots, the
35 ballots shall be removed from the secrecy folders after the

1 ballots have been intermingled.

2 Sec. 22. Section 53.24, Code 1989, is amended to read as
3 follows:

4 53.24 COUNTIES USING VOTING MACHINES.

5 In counties which provide the ~~absentee-ballot-counting~~
6 special precinct election board with a voting machine
7 machines, the absentee ballot envelopes shall be opened by the
8 counting board and the ballots shall, without being unfolded,
9 be thoroughly intermingled ~~in-some-proper-manner~~, after which
10 they shall be unfolded and, under the personal supervision of
11 ~~all-the~~ precinct election officials of each of the political
12 parties, be registered on ~~the voting machine machines~~ the same
13 as if the absent voter had been present and voted in person,
14 except that a tally of the write-in votes may be kept in the
15 tally list rather than on the machine. When two or more
16 political subdivisions in the county are holding separate
17 elections simultaneously, the commissioner may arrange the
18 machine so that the absentee and special ballots for more than
19 one ~~such~~ election may be recorded on the same machine.

20 Sec. 23. Section 62.18, Code 1989, is amended to read as
21 follows:

22 62.18 JUDGMENT.

23 The court shall ~~pronounce-judgment~~ adjudge whether the
24 incumbent or any other person was duly elected, and ~~adjudge~~
25 that the person ~~so-declared~~ elected ~~will-be~~ is entitled to the
26 certificate. If the court finds that the election resulted in
27 a tie vote for any office, the tie shall be resolved pursuant
28 to section 50.44. If the judgment ~~be~~ is against the
29 incumbent, and the incumbent has already received the
30 certificate, the judgment shall annul it the certificate. If
31 the court ~~find~~ finds that no person was elected, the judgment
32 shall be that the election be set aside.

33 Sec. 24. Section 111A.2, Code 1989, is amended to read as
34 follows:

35 111A.2 PETITION -- BOARD MEMBERSHIP.

1 Upon a petition to the board of supervisors which meets the
 2 requirements of section 331.306, the board shall submit to the
 3 voters at the next ~~primary-or~~ general election the question of
 4 whether a county conservation board shall be created as
 5 provided for in this chapter. If at the election the majority
 6 of votes favors the creation of a county conservation board,
 7 the board of supervisors within sixty days after the election
 8 shall create a county conservation board to consist of five
 9 bona fide residents of the county. The members first
 10 appointed shall hold office for the term of one, two, three,
 11 four, and five years respectively, as indicated and fixed by
 12 the board of supervisors. Thereafter, succeeding members
 13 shall be appointed for a term of five years, except that
 14 vacancies occurring otherwise than by expiration of term shall
 15 be filled by appointment for the unexpired term. When any a
 16 member of the board, during the term of office, ceases to be a
 17 bona fide resident of the county, the member is disqualified
 18 as a member and the office becomes vacant. Members of the
 19 board shall be selected and appointed on the basis of their
 20 demonstrated interest in conservation matters, and shall serve
 21 without compensation, but may be paid their actual and
 22 necessary expenses incurred in the performance of their
 23 official duties. Members of the county conservation board may
 24 be removed for cause by the board of supervisors as provided
 25 in section 331.321, subsection 3, if the cause is malfeasance,
 26 nonfeasance, or disability, or failure to participate in board
 27 activities as set forth by the rules of the conservation
 28 board.

29 Sec. 25. Section 277.4, unnumbered paragraph 1, Code
 30 Supplement 1989, is amended to read as follows:

31 Nomination papers for all candidates for election to office
 32 in each school district shall be filed with the secretary of
 33 the school board not more than sixty-four days, nor less than
 34 forty days ~~prior-to~~ before the election. Nomination petitions
 35 shall be filed not later than five o'clock p.m. on the last

1 day for filing. If the school board secretary is not readily
2 available during normal office hours, the secretary may
3 designate a full-time employee of the school district who is
4 ordinarily available to accept nomination papers under this
5 section. On the final date for filing nomination papers the
6 office of the school secretary shall remain open until five
7 p.m.

8 Sec. 26. Section 278.2, unnumbered paragraph 1, Code
9 Supplement 1989, is amended to read as follows:

10 The board may, and upon the written request of one hundred
11 eligible electors or a number of electors which equals thirty
12 percent of the number of votes-east electors who voted in the
13 last regular school board election, whichever number is
14 greater, shall, direct the county commissioner of elections to
15 provide in the notice of the regular election for the
16 submission of any proposition authorized by law to the voters.
17 When the board has directed the commissioner to submit to the
18 voters a proposition authorized by section 278.1, subsection 8
19 or 9, it shall not thereafter direct the commissioner to
20 submit at the same election any other proposition under either
21 of these those subsections.

22 Sec. 27. Section 279.1, unnumbered paragraph 1, Code 1989,
23 is amended to read as follows:

24 The board of directors of each school corporation shall
25 meet and organize at the first regular meeting after a the
26 canvass for the regular school election at some suitable place
27 to be designated by the secretary. Notice of the place and
28 hour of such the meeting shall be given by the secretary to
29 each member and each member-elect of the board.

30 Sec. 28. Section 280.9A, Code 1989, is amended to read as
31 follows:

32 280.9A HISTORY AND GOVERNMENT REQUIRED -- VOTER
33 REGISTRATION.

34 1. The board of directors of each local public school
35 district and the authorities in charge of each nonpublic

1 school shall require that all students in grades nine through
2 twelve complete, as a condition of graduation, instruction in
3 American history and the governments of Iowa and the United
4 States, including instruction in voting statutes and
5 procedures, voter registration requirements, the use of paper
6 ballots and voting machines in the election process, and the
7 method of acquiring and casting an absentee ballot.

5138 8 2. The board of directors of each local public school
5182 9 district and the authorities in charge of each nonpublic
5148 10 school shall submit a list of students who have attained the
11 age of eighteen years or will attain the age of eighteen years
12 within six months, twice each calendar year, to the county
13 commissioner of elections in the county or counties in which
14 the public school district or nonpublic school is located.
15 The list shall be submitted on September 30 and March 30 of
16 each school year and shall list the student's name, address,
17 and date of birth. The county commissioner of elections may
18 use this list to send a voter registration form to the
19 student.

20 Sec. 29. Section 359.8, Code Supplement 1989, is amended
21 to read as follows:

22 359.8 DIVISION -- EFFECT.

23 If the petition is signed by a majority of the eligible
24 qualified electors of the township residing without the
25 corporate limits of such the city, the board of supervisors
26 shall divide the township into two townships, as petitioned;
27 but, except for election purposes, including the appointment
28 of precinct election officers officials rendered necessary by
29 the change, the division shall not take effect until the first
30 day of January following the next general election which is
31 not a Sunday or a legal holiday.

32 Sec. 30. Section 376.4, unnumbered paragraph 5, Code
33 Supplement 1989, is amended to read as follows:

34 If the city clerk is not readily available during normal
35 office hours, the city clerk shall designate other employees

1 or officials of the city who are ordinarily available to
2 accept nomination papers under this section. On the final
3 date for filing nomination papers the office of the city clerk
4 shall remain open until five p.m.

5 PARAGRAPH DIVIDED. The city clerk shall accept the
6 petition for filing if on its face it appears to have the
7 requisite number of signatures and if it is timely filed. The
8 city clerk shall note upon each petition and affidavit
9 accepted for filing the date and time that ~~the-petition-was~~
10 they were filed.

11 Sec. 31. Section 467A.5, subsection 3, Code Supplement
12 1989, is amended to read as follows:

13 3. At each general election a successor shall be chosen
14 for each commissioner whose term will expire in the succeeding
15 January. Nomination of candidates for the office of
16 commissioner shall be made by petition in accordance with
17 chapter 45, except that each candidate's nominating petition
18 shall be signed by at least twenty-five eligible electors of
19 the district. The petition form shall be furnished by the
20 county commissioner of elections. Every candidate shall file
21 with the nomination papers an affidavit stating the
22 candidate's name, the candidate's residence, that the person
23 is a candidate and is eligible for the office of commissioner,
24 and that if elected the candidate will qualify for the office.
25 The signed petitions shall be filed with the county
26 commissioner of elections not later than five ~~e+eleek~~ p.m. on
27 the ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the general
28 election. The votes for the office of district commissioner
29 shall be canvassed in the same manner as the votes for county
30 officers, and the returns shall be certified to the
31 commissioners of the district. A plurality ~~shall-be~~ is
32 sufficient to elect commissioners, and ~~no~~ a primary election
33 for the office shall not be held. If the canvass shows that
34 the two candidates receiving the highest and the second
35 highest number of votes for the office of district

1 commissioner are both residents of the same township, the
2 board shall certify as elected the candidate who received the
3 highest number of votes for the office and the candidate
4 receiving the next highest number of votes for the office who
5 is not a resident of the same township as the candidate
6 receiving the highest number of votes.

7 Sec. 32. Sections 48.27 and 359.22, Code 1989, are
8 repealed.

9 EXPLANATION

10 This bill makes a number of miscellaneous changes in laws
11 governing elections and election procedures. The changes are
12 described below.

13 39.2: Prohibits holding special elections with the
14 partisan primary elections and with school elections.

15 43.18, 43.67, 44.3, 45.3: Revise statements regarding
16 campaign finance disclosure obligations to specify that
17 reports must be filed if either the candidate or the
18 candidate's committee receives contributions, makes
19 expenditures, or incurs indebtedness in excess of \$250. Notes
20 are added indicating an exception for candidates for federal
21 offices.

22 43.78: Changes the wording to require that the names of
23 nominees be filed with the "appropriate" commissioner of
24 elections, which would be the county commissioner for county
25 offices and the state commissioner for statewide offices.

26 43.115, 44.4, 277.4, 376.4: Specify the hour of five p.m.
27 as the deadline for certain filings and require that offices
28 remain open until that hour.

29 46.22: Amends provisions relating to judicial elections
30 where special paper ballots or ballot cards are used.

31 47.6: Changes requirements for notice of special elections
32 from 30 days to 32 days.

33 48.3: Extends the deadline for voter registration by mail
34 or other nonpersonal delivery.

35 48.9 and 48.11: Makes changes to eliminate references to

1 mobile deputy registrars (see repeal of section 48.27) and
2 conform to the change in section 48.3.

3 49.30: Revises provisions governing the circumstances
4 under which separate ballots may be used.

5 49.31: Provides that the absentee ballot and special
6 voters precinct is considered a separate precinct for purposes
7 of ballot rotation.

8 49.33 and 49.42: Make changes in ballot provisions to
9 facilitate voting for the governor and lieutenant governor as
10 a team.

11 49.80: Strikes the requirement for sending to the polls a
12 list of voters whose registration receipts have been returned
13 by the postal service.

14 49.104: Revises provisions governing observers at ballot
15 issue elections.

16 49.107: Amends provisions restricting who may serve as
17 poll watchers.

18 53.23: Specifies procedures for preserving the secrecy of
19 absentee and special ballots during the counting process.

20 53.24: Revises provisions governing the tabulation of
21 absentee ballots in counties using voting machines.

22 62.18: Provides for the resolution of a tie without
23 holding a new election where a contest court has found that
24 the election resulted in a tie vote.

25 111A.2: Provides that the question of creating a county
26 conservation board may not be submitted at a primary election.

27 278.2: Revises provisions governing the number of
28 signatures required to submit a question to the voters of a
29 school district.

30 279.1: Sets the date for the organizational meeting of
31 school boards for the first regular meeting after the canvass
32 of votes for the school election, rather than the first
33 meeting after the election.

34 280.9A: Requires public and nonpublic schools to submit
35 lists to the county commissioner of elections regarding

1 students who have attained the age of 18 years or will attain
2 the age of 18 years within 6 months.

3 359.8: Amends provisions governing signatures on petitions
4 for township division by substituting "qualified electors" for
5 "eligible electors," thereby requiring that a signer be
6 registered and providing a more accurate means of determining
7 the number of signatures required.

8 467A.5: Changes the filing date for petitions for the
9 office of soil and water district commissioner to the 69th day
10 before the general election. Currently the filing date is 55
11 days before the general election.

12 48.27 and 359.22: Repeal provisions relating to mobile
13 deputy registrars and requiring the township clerk to report
14 election results.

15 This bill may establish a state mandate as defined in
16 section 25B.3.

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HOUSE FILE 2329
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 601)

(As Amended and Passed by the House February 26, 1990)

Amended
Passed House, Date 3/27/90 (p. 1440) Passed Senate, Date 3/14/80 (p. 1078)
Vote: Ayes 94 Nays 1 Vote: Ayes 34 Nays 9
Approved May 3, 1990

A BILL FOR

1 An Act relating to elections and election procedures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

House Amendments _____

Conference Committee appointed 4/6/90

Rep. Davich (chair) Lundby, Halvorson, Spencer, & Knapp (p. 2068)
Senators Gronstal (chair) Floyd-Jones, Kibbi, Orin, & Lentz (p. 1601)

Passed w/ Conference Committee Report

House 4/8/90 (p. 2413)
79-3

Senate 4/8/90 (p. 1754)
36-2

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1 Section 1. Section 39.2, subsections 1 and 2, Code 1989,
2 are amended to read as follows:

3 1. All special elections which are authorized or required
4 by law, unless the applicable law otherwise requires, shall be
5 held on Tuesday. ~~No~~ A special election may shall not be held
6 on the first ~~or~~ and second ~~Tuesday~~ Tuesdays preceding and
7 following the primary and the general elections.

8 A special election shall not be held in conjunction with
9 the primary election. A special election shall not be held in
10 conjunction with a school election unless the special election
11 is for a school district or merged area school.

12 2. Except as otherwise provided in subsection 1, a
13 special election may be held on the same day as a regularly
14 scheduled election if the two elections are not in conflict
15 within the meaning of section 47.6, subsection 2. A special
16 election may be held on the same day as a regularly scheduled
17 election with which it does so conflict if the commissioner
18 who is responsible for conducting the elections concludes that
19 to do so will cause no undue difficulties.

20 Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989,
21 is amended to read as follows:

22 I am aware that I am required to organize a candidate's
23 committee which shall file an organization statement and
24 disclosure reports if ~~it-receives~~ my committee or I receive
25 contributions, makes make expenditures, or ~~incurs~~ incur
26 indebtedness in excess of two hundred fifty dollars for the
27 purpose of supporting my candidacy for public office. This
28 paragraph does not apply to candidates for federal offices.

29

30 (Signed)

31 Sec. 3. Section 43.67, unnumbered paragraph 3, Code
32 Supplement 1989, is amended to read as follows:

33 I am aware that I am required to organize a candidate's
34 committee which shall file an organization statement and
35 disclosure reports if ~~it-receives~~ my committee or I receive

1 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
2 indebtedness in excess of two hundred fifty dollars for the
3 purpose of supporting my candidacy for public office. This
4 paragraph does not apply to candidates for federal offices.

5

6 (Signed)

7 Sec. 4. Section 43.78, subsection 4, Code Supplement 1989,
8 is amended to read as follows:

9 4. Political party candidates for a vacant seat in the
10 United States house of representatives, the board of
11 supervisors, the elected county offices, or the general
12 assembly which is to be filled at a special election called
13 pursuant to section 69.14 or 69.14A shall be nominated in the
14 manner provided by subsection 1 of this section for filling a
15 vacancy on the general election ballot for the same office.
16 The name of any a candidate so nominated shall be submitted in
17 writing to the state appropriate commissioner, as required by
18 section 43.88, at the earliest practicable time.

19 Sec. 5. Section 43.115, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 All candidates for nominations to be made in primary
22 elections held pursuant to section 43.112 shall file
23 nomination papers with the city clerk ~~not-less~~ no later than
24 five p.m. forty days ~~prior-to~~ before the date of the election
25 as established by section 43.114, except that candidates for
26 precinct committee member shall file affidavits of candidacy
27 as required by section 420.130. The number of eligible
28 electors signing petitions required for printing the name of a
29 candidate upon the official primary ballot shall be one
30 hundred for an office to be filled by the voters of the entire
31 city and twenty-five for an office to be filled by the voters
32 of a subdivision of the city.

33 Sec. 6. Section 44.3, subsection 2, unnumbered paragraph
34 5, Code 1989, is amended to read as follows:

35 I am aware that I am required to organize a candidate's

1 committee which shall file an organization statement and
2 disclosure reports if ~~it receives~~ my committee or I receive
3 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
4 indebtedness in excess of two hundred fifty dollars for the
5 purpose of supporting my candidacy for public office. This
6 paragraph does not apply to candidates for federal offices.

7 Sec. 7. Section 44.4, Code Supplement 1989, is amended to
8 read as follows:

9 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
10 FILING.

11 Nominations made pursuant to this chapter and chapter 45
12 which are required to be filed in the office of the state
13 commissioner shall be filed in that office not more than
14 ninety-nine days nor later than five o'clock p.m. on the
15 eighty-first day before the date of the general election to be
16 held in November; ~~and these nominations.~~ Nominations made for
17 a special election called pursuant to section 69.14 shall be
18 filed by five p.m. not less than twenty days before the date
19 of an election called upon at least forty days' notice and not
20 less than seven days before the date of an election called
21 upon at least ten days' notice. Nominations made for a
22 special election called pursuant to section 69.14A shall be
23 filed by five p.m. not less than twenty days before the date
24 of the election. Nominations made pursuant to this chapter
25 and chapter 45 which are required to be filed in the office of
26 the commissioner shall be filed in that office not more than
27 ninety-two days nor later than five o'clock p.m. on the sixty-
28 ninth day before the date of the general election.

29 Nominations made pursuant to this chapter or chapter 45 for
30 city office shall be filed not more than seventy-two days nor
31 later than five o'clock p.m. on the forty-seventh day before
32 the city election with the city clerk, who shall process them
33 as provided by law.

34 Objections to the legal sufficiency of a certificate of
35 nomination or nomination petition or to the eligibility of a

1 candidate may be filed by any person who would have the right
2 to vote for a candidate for the office in question. Such The
3 objections must be filed with the officer with whom the
4 certificate or petition is filed and within the following
5 time:

6 1. Those filed with the state commissioner, not less than
7 seventy-four days before the date of the election.

8 2. Those filed with the commissioner, not less than sixty-
9 four days before the date of the election.

10 3. Those filed with the city clerk, at least forty-two
11 days before the municipal election.

12 4. In the case of nominations to fill vacancies occurring
13 after the time when an original nomination for any an office
14 is required to be filed, objections shall be filed within
15 three days after the filing of the certificate.

16 Objections shall be filed no later than five p.m. on the
17 final date for filing.

18 Sec. 8. Section 45.3, unnumbered paragraph 6, Code
19 Supplement 1989, is amended to read as follows:

20 I am aware that I am required to organize a candidate's
21 committee which shall file an organization statement and
22 disclosure reports if ~~it-receives~~ my committee or I receive
23 contributions, makes make expenditures, or incurs incur
24 indebtedness in excess of two hundred fifty dollars for the
25 purpose of supporting my candidacy for public office. This
26 paragraph does not apply to candidates for federal offices.

27 Sec. 9. Section 46.22, Code 1989, is amended to read as
28 follows:

29 46.22 VOTING.

30 Voting at judicial elections shall be by separate paper
31 ballot, special paper ballot, ballot cards, or by voting
32 machine in the space provided for public measures. If paper
33 ballots are used the election judges shall offer a ballot to
34 each voter. If special paper ballots or ballot cards are
35 used, either a separate ballot or a distinct heading may be

1 used to distinguish the judicial ballot. Separate ballot
2 boxes for the general election ballots and the judicial
3 election ballots ~~shall~~ are not be required. The general
4 election ballot and the judicial election ballot may be voted
5 in the same voting booth.

6 Sec. 10. Section 47.6, subsection 1, unnumbered paragraph
7 2, Code Supplement 1989, is amended to read as follows:

8 If the proposed date of the special election coincides with
9 the date of a regularly scheduled election, the notice shall
10 be given no later than five ~~o'clock~~ p.m. on the last day on
11 which nomination papers may be filed for the regularly
12 scheduled election. Otherwise, the notice shall be given at
13 least ~~thirty~~ thirty-two days in advance of the date of the
14 proposed special election. Upon receiving the notice, the
15 commissioner shall promptly give written approval of the
16 proposed date unless it appears that the special election, if
17 held on that date, would conflict with a regular election or
18 with another special election previously scheduled for that
19 date.

20 Sec. 11. Section 48.3, Code 1989, is amended to read as
21 follows:

22 48.3 REGISTRATION FORM.

23 As an alternative to the method of registration prescribed
24 by section 48.2, a person entitled to register under that
25 section may cause delivery of a completed voter registration
26 form to the commissioner of registration in the person's
27 county of residence. A registration form or the envelope
28 containing one or more registration forms for the use of
29 individual registrants must be postmarked ~~or-otherwise~~
30 delivered by the fifteenth day prior-to before an election or
31 received by the county commissioner of registration no later
32 than five p.m. on the date registration closes before an
33 election or the registration will not take effect for that
34 election. A separate registration form shall be signed by
35 each individual registrant. Within five working days after

1 receiving a registration, the commissioner shall send the
2 registrant a receipt of the registration by first class mail
3 marked "do not forward". If the receipt is returned by the
4 postal service the commissioner shall treat the registration
5 as prescribed by section 48.31, subsection 6. An improperly
6 addressed or delivered registration form shall be forwarded to
7 the appropriate county commissioner of registration within two
8 working days after it is received by any other official.

9 Sec. 12. Section 48.9, Code 1989, is amended to read as
10 follows:

11 48.9 USE OF UNIVERSITIES' FACILITIES.

12 The state board of regents shall provide access to the
13 designated public portions of its university residence halls
14 and lounges for a registrar, deputy registrar, mobile-deputy
15 registrar, person delivering voter registration forms provided
16 in section 48.3 to register eligible electors, or a candidate.
17 The state board of regents may establish reasonable
18 restrictions on the time, manner and place of access by those
19 registrars, persons and candidates.

20 Sec. 13. Section 48.11, unnumbered paragraph 2, Code 1989,
21 is amended to read as follows:

22 Registration shall close in a precinct at five o'clock
23 p.m., ten days before a general or primary election and eleven
24 days before all other elections, ~~except as provided in section~~
25 ~~48.3.~~ The commissioner's office shall be open from eight
26 o'clock a.m. until at least five o'clock p.m. on the day
27 registration closes prior to each regularly scheduled
28 election. ~~In counties where mobile-deputy registrars have~~
29 ~~been appointed, the commissioner's office shall remain open~~
30 ~~until at least six o'clock p.m. on the day registration closes~~
31 ~~for mobile-deputy registrars to deliver completed forms,~~
32 ~~unless all mobile-deputy registrars have turned in their~~
33 ~~supplies earlier.~~

34 Sec. 14. NEW SECTION. 48.23 COMPLETING A VOTER
35 REGISTRATION FORM.

1 A person offering a voter registration form to another
2 person shall not complete any portion of the form without
3 prior consent from the person being registered.

4 Sec. 15. Section 49.30, Code 1989, is amended by striking
5 the section and inserting in lieu thereof the following:

6 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

7 The names of all candidates to be voted for in each
8 election precinct, other than presidential electors, shall be
9 printed on one ballot, except that separate ballots are
10 authorized under the following circumstances:

11 1. For judicial elections, separate ballots or headings
12 shall be used as required by section 46.22.

13 2. At an election where voting machines are used, and it
14 is impossible to place the names of all candidates on the
15 machine ballot, the commissioner may provide a separate paper
16 ballot for the candidates for judge of the district court and
17 the township offices, or either; one of the paper ballots
18 shall be furnished to each qualified elector.

19 3. Separate paper ballots may be used for the election of
20 township officers in precincts including both incorporated and
21 unincorporated areas.

22 Sec. 16. Section 49.31, Code Supplement 1989, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 6. For the purposes of ballot rotation
25 the absentee ballot and special voters precinct shall be
26 considered a separate precinct, unless the office will appear
27 on the ballot in only one precinct other than the absentee
28 ballot and special voters precinct.

29 Sec. 17. Section 49.33, Code 1989, is amended to read as
30 follows:

31 49.33 ONE SINGLE SQUARE FOR PRESIDENT-AND-VICE-PRESIDENT
32 CERTAIN PAIRED OFFICES.

33 Upon the left-hand margin of each separate column of the
34 ballot, immediately opposite the names of the candidates for
35 president and vice president, a single square, the sides of

1 which shall not be less than one-fourth of an inch in length,
 2 shall be printed in front of a the bracket enclosing the names
 3 of the ~~said~~ candidates for president and vice president, and a
 4 separate square of the same size shall be printed in front of
 5 the bracket enclosing the names of the candidates for governor
 6 and lieutenant governor. The votes for ~~said~~ a team of
 7 candidates shall be counted and certified to by the election
 8 board ~~in-the-same-manner-as-the-votes-for-other-candidates~~ as
 9 a team. Write-in votes may be tabulated for each office
 10 separately.

11 Sec. 18. Section 49.42, Code 1989, is amended by striking
 12 the section and inserting in lieu thereof the following:

13 49.42 FORM OF OFFICIAL BALLOT.

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

17	__ REPUBLICAN	__ DEMOCRATIC	__ PROHIBITION	__ UNION LABOR
18	(For President,	(For President,	(For President,	(For President,
19	(A.... B....,	(N.... O....,	(A.... B....,	(N.... O....,
20	(of Ohio.	(of Virginia.	(of Maine.	(of Idaho.
21	_(For Vice	_(For Vice	_(For Vice	_(For Vice
22	(President,	(President,	(President,	(President,
23	(C.... D....,	(P.... Q....,	(C.... D....,	(P.... Q....,
24	(of New York.	(of Indiana.	(of Illinois.	(of Ohio.
25	For	For	For	For
26	United States	United States	United States	United States
27	Senator.	Senator.	Senator.	Senator.
28	_ E.... F....,	_ R.... S....,	_ E.... F....,	_ R.... S....,
29	For	For	For	For
30	United States	United States	United States	United States
31	Representative,	Representative,	Representative,	Representative,
32	_ G.... H....,	_ T.... U....,	_ G.... H....,	_ T.... U....,
33	(For Governor,	(For Governor,	(For Governor,	(For Governor,
34	(I.... J....,	(V.... W....,	(I.... J....,	(V.... W....,
35	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant

1 (Governor, (Governor, (Governor, (Governor,
2 (K.... L.... (X.... Y.... (K.... L.... (X.... Y....

3 Sec. 19. Section 49.80, subsection 3, Code 1989, is
4 amended by striking the subsection.

5 Sec. 20. Section 49.104, subsection 6, Code 1989, is
6 amended to read as follows:

7 6. Any persons expressing an interest in a ballot issue to
- 8 be voted upon at an election except a general or primary
9 election. Any such person shall file a notice of intent to
10 serve as an observer with the commissioner ~~prior to~~ before
11 election day. If more than three ~~such~~ persons file a notice
12 of intent to serve at the same time with respect to ballot
13 issues at any an election, the commissioner shall appoint from
14 those submitting a notice of intent the three persons to who
15 may serve at that time as observers, and shall provide a
16 schedule to all persons who filed notices of intent. The
17 appointees, whenever possible, shall include both opponents
18 and proponents of the ballot issues.

19 Sec. 21. Section 49.107, subsection 8, Code Supplement
20 1989, is amended by striking the subsection and inserting in
21 lieu thereof the following:

22 8. Serving as a member of a challenging committee or
23 observer under section 49.104, subsection 2, 5, or 6, by a
24 precinct election official serving at the polls or by an
25 incumbent officeholder of, or a candidate for, an office being
26 voted for at the election in progress.

27 Sec. 22. Section 53.23, Code 1989, is amended by adding
28 the following new subsection after subsection 4 and
29 renumbering the subsequent subsection:

30 NEW SUBSECTION. 5. The special precinct election board
31 shall preserve the secrecy of all absentee and special
32 ballots. After the affidavits on the envelopes have been
33 reviewed and the qualifications of the persons casting the
34 ballots have been determined, those that have been accepted
35 for counting shall be opened. The ballots shall be removed

1 from the affidavit envelopes without being unfolded or
2 examined, and then shall be thoroughly intermingled, after
3 which they shall be unfolded and tabulated. If secrecy
4 folders or envelopes are used with special paper ballots, the
5 ballots shall be removed from the secrecy folders after the
6 ballots have been intermingled.

7 Sec. 23. Section 53.24, Code 1989, is amended to read as
8 follows:

9 53.24 COUNTIES USING VOTING MACHINES.

10 In counties which provide the ~~absentee-ballot-counting~~
11 special precinct election board with a voting machine
12 machines, the absentee ballot envelopes shall be opened by the
13 counting board and the ballots shall, without being unfolded,
14 be thoroughly intermingled ~~in some proper manner~~, after which
15 they shall be unfolded and, under the personal supervision of
16 ~~all the~~ precinct election officials of each of the political
17 parties, be registered on ~~the~~ voting machine machines the same
18 as if the absent voter had been present and voted in person,
19 except that a tally of the write-in votes may be kept in the
20 tally list rather than on the machine. When two or more
21 political subdivisions in the county are holding separate
22 elections simultaneously, the commissioner may arrange the
23 machine so that the absentee and special ballots for more than
24 one ~~such~~ election may be recorded on the same machine.

25 Sec. 24. Section 62.18, Code 1989, is amended to read as
26 follows:

27 62.18 JUDGMENT.

28 The court shall ~~pronounce-judgment~~ adjudge whether the
29 incumbent or any other person was duly elected, and ~~adjudge~~
30 that the person ~~so-declared~~ elected ~~will-be~~ is entitled to the
31 certificate. If the court finds that the election resulted in
32 a tie vote for any office, the tie shall be resolved pursuant
33 to section 50.44. If the judgment ~~be~~ is against the
34 incumbent, and the incumbent has already received the
35 certificate, the judgment shall annul ~~it~~ the certificate. If

1 the court ~~find~~ finds that no person was elected, the judgment
2 shall be that the election be set aside.

3 Sec. 25. Section 111A.2, Code 1989, is amended to read as
4 follows:

5 111A.2 PETITION -- BOARD MEMBERSHIP.

6 Upon a petition to the board of supervisors which meets the
7 requirements of section 331.306, the board shall submit to the
8 voters at the next ~~primary-or~~ general election the question of
9 whether a county conservation board shall be created as
10 provided for in this chapter. If at the election the majority
11 of votes favors the creation of a county conservation board,
12 the board of supervisors within sixty days after the election
13 shall create a county conservatic board to consist of five
14 bona fide residents of the county. The members first
15 appointed shall hold office for the term of one, two, three,
16 four, and five years respectively, as indicated and fixed by
17 the board of supervisors. Thereafter, succeeding members
18 shall be appointed for a term of five years, except that
19 vacancies occurring otherwise than by expiration of term shall
20 be filled by appointment for the unexpired term. When ~~any~~ a
21 member of the board, during the term of office, ceases to be a
22 bona fide resident of the county, the member is disqualified
23 as a member and the office becomes vacant. Members of the
24 board shall be selected and appointed on the basis of their
25 demonstrated interest in conservation matters, and shall serve
26 without compensation, but may be paid their actual and
27 necessary expenses incurred in the performance of their
28 official duties. Members of the county conservation board may
29 be removed for cause by the board of supervisors as provided
30 in section 331.321, subsection 3, if the cause is malfeasance,
31 nonfeasance, or disability, or failure to participate in board
32 activities as set forth by the rules of the conservation
33 board.

34 Sec. 26. Section 277.4, unnumbered paragraph 1, Code
35 Supplement 1989, is amended to read as follows:

1 Nomination papers for all candidates for election to office
2 in each school district shall be filed with the secretary of
3 the school board not more than sixty-four days, nor less than
4 forty days ~~prior-to~~ before the election. Nomination petitions
5 shall be filed not later than five ~~e+eleek~~ p.m. on the last
6 day for filing. If the school board secretary is not readily
7 available during normal office hours, the secretary may
8 designate a full-time employee of the school district who is
9 ordinarily available to accept nomination papers under this
10 section. On the final date for filing nomination papers the
11 office of the school secretary shall remain open until five
12 p.m.

13 Sec. 27. Section 278.2, unnumbered paragraph 1, Code
14 Supplement 1989, is amended to read as follows:

15 The board may, and upon the written request of one hundred
16 eligible electors or a number of electors which equals thirty
17 percent of the number of ~~votes-east~~ electors who voted in the
18 last regular school board election, whichever number is
19 greater, shall, direct the county commissioner of elections to
20 provide in the notice of the regular election for the
21 submission of any proposition authorized by law to the voters.
22 When the board has directed the commissioner to submit to the
23 voters a proposition authorized by section 278.1, subsection 8
24 or 9, it shall not thereafter direct the commissioner to
25 submit at the same election any other proposition under either
26 of ~~these~~ those subsections.

27 Sec. 28. Section 279.1, unnumbered paragraph 1, Code 1989,
28 is amended to read as follows:

29 The board of directors of each school corporation shall
30 meet and organize at the first regular meeting after ~~a~~ the
31 canvass for the regular school election at some suitable place
32 to be designated by the secretary. Notice of the place and
33 hour of ~~such~~ the meeting shall be given by the secretary to
34 each member and ~~each~~ member-elect of the board.

35 Sec. 29. Section 280.9A, Code 1989, is amended to read as

1 follows:

2 280.9A HISTORY AND GOVERNMENT REQUIRED -- VOTER

3 REGISTRATION.

4 1. The board of directors of each local public school
5 district and the authorities in charge of each nonpublic
6 school shall require that all students in grades nine through
7 twelve complete, as a condition of graduation, instruction in
8 American history and the governments of Iowa and the United
9 States, including instruction in voting statutes and
10 procedures, voter registration requirements, the use of paper
11 ballots and voting machines in the election process, and the
12 method of acquiring and casting an absentee ballot.

13 2. The board of directors of each local public school
14 district and the authorities in charge of each nonpublic
15 school shall submit a list of currently enrolled full-time and
16 part-time students who have attained the age of eighteen years
17 or will attain the age of eighteen years within six months,
18 twice each calendar year, to the county commissioner of
19 elections in the county or counties in which the public school
20 district or nonpublic school is located. The list shall be
21 submitted on September 30 and March 30 of each school year and
22 shall list the student's name, address, and date of birth.
23 The county commissioner of elections may use this list to send
24 a voter registration form to the student.

25 Sec. 30. Section 359.8, Code Supplement 1989, is amended
26 to read as follows:

27 359.8 DIVISION -- EFFECT.

28 If the petition is signed by a majority of the eligible
29 qualified electors of the township residing without the
30 corporate limits of ~~such~~ the city, the board of supervisors
31 shall divide the township into two townships, as petitioned;
32 but, except for election purposes, including the appointment
33 of precinct election ~~officers~~ officials rendered necessary by
34 the change, the division shall not take effect until the first
35 day of January following the next general election which is

1 not a Sunday or a legal holiday.

2 Sec. 31. Section 376.4, unnumbered paragraph 5, Code
3 Supplement 1989, is amended to read as follows:

4 If the city clerk is not readily available during normal
5 office hours, the city clerk shall designate other employees
6 or officials of the city who are ordinarily available to
7 accept nomination papers under this section. On the final
8 date for filing nomination papers the office of the city clerk
9 shall remain open until five p.m.

10 PARAGRAPH DIVIDED. The city clerk shall accept the
11 petition for filing if on its face it appears to have the
12 requisite number of signatures and if it is timely filed. The
13 city clerk shall note upon each petition and affidavit
14 accepted for filing the date and time that ~~the-petition-was~~
15 they were filed.

16 Sec. 32. Section 467A.5, subsection 3, Code Supplement
17 1989, is amended to read as follows:

18 3. At each general election a successor shall be chosen
19 for each commissioner whose term will expire in the succeeding
20 January. Nomination of candidates for the office of
21 commissioner shall be made by petition in accordance with
22 chapter 45, except that each candidate's nominating petition
23 shall be signed by at least twenty-five eligible electors of
24 the district. The petition form shall be furnished by the
25 county commissioner of elections. Every candidate shall file
26 with the nomination papers an affidavit stating the
27 candidate's name, the candidate's residence, that the person
28 is a candidate and is eligible for the office of commissioner,
29 and that if elected the candidate will qualify for the office.
30 The signed petitions shall be filed with the county
31 commissioner of elections not later than five o'clock p.m. on
32 the ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the general
33 election. The votes for the office of district commissioner
34 shall be canvassed in the same manner as the votes for county
35 officers, and the returns shall be certified to the

1 commissioners of the district. A plurality ~~shall-be~~ is
2 sufficient to elect commissioners, and ~~no~~ a primary election
3 for the office shall not be held. If the canvass shows that
4 the two candidates receiving the highest and the second
5 highest number of votes for the office of district
6 commissioner are both residents of the same township, the
7 board shall certify as elected the candidate who received the
8 highest number of votes for the office and the candidate
9 receiving the next highest number of votes for the office who
10 is not a resident of the same township as the candidate
11 receiving the highest number of votes.

12 Sec. 33. Sections 48.27 and 359.22, Code 1989, are
13 repealed.

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HOUSE FILE 2329

H-5136

- 1 Amend House File 2329 as follows:
- 2 1. Page 6, by inserting after line 33, the
- 3 following:
- 4 "Sec. . NEW SECTION. 48.23 PARTY PREFERENCE
- 5 ON VOTER REGISTRATION FORM.
- *6 A person shall not provide a voter registration
- 7 form to any person if the form has already been marked
- 8 as to political party preference. A violation of this
- 9 section is subject to the penalty provided in section
- 10 48.16."
- 11 2. By numbering and renumbering as necessary.

By SPENNER of Henry

H-5136 FILED FEBRUARY 13, 1990

House 2/20 (p. 415)

HOUSE FILE 2329

H-5138

- 1 Amend House File 2329 as follows:
- 2 1. Page 13, by striking lines 9 and 10 and
- 3 inserting the following: "district shall submit a
- 4 list of students who have attained the".
- 5 2. Page 13, by striking line 14 and inserting the
- 6 following: "the district is located."
- 7 3. Page 13, line 17, by inserting after the word
- 8 "birth." the following: "Authorities in charge of
- 9 nonpublic schools may also submit lists in accordance
- 10 with this subsection."
- 11 4. Page 13, line 18, by striking the words "this
- 12 list" and inserting the following: "the lists".

By SPEAR of Lee

H-5138 FILED FEBRUARY 13, 1990

House 2/20 (p. 415)

HOUSE FILE 2329

H-5148

- 1 Amend House File 2329 as follows:
- 2 1. Page 13, line 10, by inserting before the word
- 3 "students" the following: "currently enrolled full-
- 4 time and part-time".

By METCALF of Polk

H-5148 FILED FEBRUARY 14, 1990

House 2/20 (p. 413)

HOUSE FILE 2329

H-5182

- 1 Amend House File 2329 as follows:
- 2 1. Page 13, by striking line 9 and inserting the
- 3 following: "district".
- 4 2. Page 13, line 10, by striking the word
- 5 "school".
- 6 3. Page 13, by striking line 14 and inserting the
- 7 following: "the district is located."
- 8 4. Page 13, line 17, by inserting after the word
- 9 "birth." the following: "Authorities in charge of
- 10 nonpublic schools may also submit lists in accordance
- 11 with this subsection."
- 12 5. Page 13, line 18, by striking the words "this
- 13 list" and inserting the following: "the lists".

By SPEAR of Lee

H-5182 FILED FEBRUARY 19, 1990

House 2/20 (p. 413)

HOUSE FILE 2329

H-5247

1 Amend amendment H-5136, to House File 2329 as
2 follows:
3 1. Page 1, by striking lines 8 through 10 and
4 inserting the following: "as to political party
5 preference."

By SPENNER of Henry

H-5247 FILED FEBRUARY 20, 1990
ADOPTED BY UNANIMOUS CONSENT (p. 492)

HOUSE FILE 2329

H-5272

1 Amend House File 2329 as follows:
2 1. Page 6, by inserting after line 33, the
3 following:
4 "Sec. ____ . NEW SECTION. 48.23 COMPLETING A VOTER
5 REGISTRATION FORM.
6 A person offering a voter registration form to
7 another person shall not complete any portion of the
8 form without prior consent from the person being
9 registered."
10 2. By numbering and renumbering as necessary.

By SPENNER of Henry

H-5272 FILED FEBRUARY 21, 1990

Adopted 2/26 (p. 657)

HOUSE FILE 2329

S-5473

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 30 the
4 following:
5 "Sec. ____ . Section 43.49, Code 1989, is amended to
6 read as follows:
7 43.49 CANVASS BY COUNTY BOARD.
8 ~~On the Monday~~ Within ten working days following the
9 primary election, the board of supervisors shall meet,
10 open and canvass the returns from each voting precinct
11 in the county, and make abstracts thereof, stating in
12 words written at length:
13 1. The number of ballots cast in the county in
14 each precinct by each political party, separately, for
15 each office.
16 2. The name of each person voted for and the
17 number of votes given to each person for each
18 different office.
19 ~~If the day designated by this section for the~~
20 ~~canvass is a public holiday, the provisions of section~~
21 ~~4-1, subsection 22, shall apply."~~
22 2. Page 5, by inserting after line 5 the
23 following:
24 "Sec. ____ . Section 46.24, unnumbered paragraph 1,
25 Code 1989, is amended to read as follows:
26 A judge of the supreme court, court of appeals, or
27 district court including a district associate judge,
28 or a clerk of the district court must receive more
29 affirmative than negative votes to be retained in
30 office. When the poll is closed, the election judges
31 shall publicly canvass the vote forthwith. The board
32 of supervisors shall canvass the returns ~~at its~~
33 meeting on Monday within ten working days after the
34 election, and shall promptly certify the number of
35 affirmative and negative votes on each judge or clerk
36 to the state commissioner of elections."
37 3. Page 9, by inserting after line 4 the
38 following:
39 "Sec. ____ . Section 49.99, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:
41 The voter may also insert in writing in the proper
42 place the name of any person for whom the voter
43 desires to vote and place a cross or check in the
44 square opposite ~~thereto~~ the name. ~~The~~ If the voter is
45 using a voting system other than an electronic voting
46 system as defined in section 52.1, the writing of such
47 the name shall constitute a valid vote for the person
48 whose name has been written on the ballot without
49 regard to whether the voter has made a cross or check
50 opposite thereto the name. However, the state

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Page 2

1 commissioner of elections may provide by rule that
2 when a write-in vote is cast using an electronic
3 voting system, the ballot must also be marked in the
4 corresponding space in order to be counted. The
5 making of a cross or check in a square opposite a
6 blank without writing a name therein in the blank,
7 shall not affect the validity of the remainder of the
8 ballot."

9 4. Page 9, by inserting after line 26 the
10 following:

11 "Sec. ____ . Section 50.21, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 The commissioner shall reconvene the election board
14 of the special precinct established by section 53.20
15 not earlier than noon on the second day following each
16 election which is required by law to be canvassed on
17 ~~the-Monday~~ within ten working days following the
18 election. If the second day following such an
19 election is a legal holiday the special precinct
20 election board may be convened at noon on the day
21 following the election, and if the canvass of the
22 election is required scheduled at any time earlier
23 than the Monday following the election, the special
24 precinct election board shall be reconvened at noon on
25 the day following the election.

26 Sec. ____ . Section 50.24, unnumbered paragraph 1,
27 Code Supplement 1989, is amended to read as follows:

28 The county board of supervisors shall meet to
29 canvass the vote ~~at-nine-o'clock-on-the-morning-of-the~~
30 first-Monday within ten working days after the day of
31 each election to which this chapter is applicable,
32 unless the law authorizing the election specifies
33 another date for the canvass. ~~if-that-Monday-is-a~~
34 ~~public-holiday, section 4-17-subsection 22 controls.~~
35 Upon convening, the board shall open and canvass the
36 tally lists and shall prepare abstracts stating, in
37 words written at length, the number of votes cast in
38 the county, or in that portion of the county in which
39 the election was held, for each office and on each
40 question on the ballot for the election. The board
41 shall contact the chairperson of the special precinct
42 board before adjourning and include in the canvass any
43 absentee ballots which were received after the polls
44 closed in accordance with section 53.17 and which were
45 canvassed by the special precinct board after election
46 day. The abstract shall further indicate the name of
47 each person who received votes for each office on the
48 ballot, and the number of votes each person named
49 received for that office, and the number of votes for
50 and against each question submitted to the voters at

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Page 3

1 the election.

2 Sec. Section 50.46, Code 1989, is amended to

3 read as follows:

4 50.46 SPECIAL ELECTIONS -- CANVASS AND
5 CERTIFICATE.

6 When a special election has been held to fill a
7 vacancy, pursuant to section 69.14, the board of
8 county canvassers shall meet ~~at one o'clock in the~~
9 ~~afternoon of the second day thereafter~~ on the date of
10 the next regular meeting of the board of supervisors,
11 or on another date not more than ten working days
12 after the election, and canvass the votes cast ~~thereat~~
13 at the election. The commissioner, as soon as the
14 canvass is completed, shall transmit to the state
15 commissioner an abstract of the votes so canvassed,
16 and the state board, within five days after receiving
17 such abstracts, shall canvass the tally lists. A
18 certificate of election shall be issued by the county
19 or state board of canvassers, as in other cases. All
20 the provisions regulating elections, obtaining tally
21 lists, and canvass of votes at general elections,
22 except as to time, shall apply to special elections."

23 5. By numbering and renumbering as necessary.

By DONALD V. DOYLE

S-5473 FILED MARCH 13, 1990

(Adopted 3/4 (p. 10.18))

HOUSE FILE 2329

S-5429

- 1 Amend House File 2329 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 9, by inserting before line 27, the
4 following:
5 "Sec. _____. Section 53.1, Code 1989, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 3. When the elector expects to be
8 unable to go to the polls and vote on election day."
9 2. Page 11, by inserting after line 2 the
10 following:
11 "Sec. _____. Section 69.14A, subsection 2, Code
12 Supplement 1989, is amended to read as follows:
13 2. When a vacancy exists in an elected county
14 office, the board of supervisors shall publish notice
15 as provided in section 331.305 indicating the method,
16 appointment or special election, by which the board
17 intends to fill the vacancy. If appointment is
18 selected by the board, the appointment may be made
19 before publication of the notice, but the appointment
20 shall not be made within earlier than fourteen days or
21 more than forty days after the vacancy occurs. The
22 board may appoint a prospective appointee to serve as
23 a deputy before a vacancy occurs. However, if within
24 fourteen days after the date of the notice or within
25 fourteen days after the appointment is made, whichever
26 date is later, a petition requesting a special
27 election to fill the vacancy is filed with the county
28 auditor, the appointment is temporary and a special
29 election shall be called as provided in subsection 3.
30 The petition shall meet the requirements of section
31 331.306."
32 3. Page 15, by inserting after line 13 the
33 following:
34 "Sec. 1001. 1990 Iowa Acts, chapter 1007, being
35 House File 2001 of the Seventy-third General Assembly,
36 is amended by adding the following new section:
37 SEC. 3 EFFECTIVE DATE.
38 This Act, being deemed of immediate importance,
39 takes effect upon the enactment of 1990 Iowa Acts,
40 House File 2329, if enacted by the Seventy-third
41 General Assembly, and is retroactively applicable to
42 voting booths approved or furnished on or after the
43 enactment of this Act.
44 Sec. 1002. EFFECTIVE DATE.
45 1. Section 1001 and this section of this Act,
46 being deemed of immediate importance, take effect upon
47 enactment.
48 2. All other sections of this Act take effect July
49 1, 1990."
50 4. Title page, line 1, by inserting after the

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Page 2

1 word "procedures" the following: ", and providing

2 effective and applicability dates".

3 5. By renumbering, relettering, or redesignating

4 and correcting internal references as necessary.

By COMMITTEE ON STATE GOVERNMENT

JOHN P. KIBBIE, Chairperson

S-5429 FILED MARCH 12, 1990

Adopted 3/14 (p. 1018)

HOUSE FILE 2329

S-5458

1 Amend House File 2329, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 26 the

4 following:

5 "Sec. ____ . Section 50.24, unnumbered paragraph 1,

6 Code Supplement 1989, is amended to read as follows:

7 The county board of supervisors shall meet to

8 canvass the vote ~~at nine o'clock on the morning of the~~

9 ~~first Monday~~ within ten working days after the day of

10 each election to which this chapter is applicable,

11 unless the law authorizing the election specifies

12 another date for the canvass. ~~If that Monday is a~~

13 ~~public holiday, section 4.17, subsection 22 controls.~~

14 Upon convening, the board shall open and canvass the

15 tally lists and shall prepare abstracts stating, in

16 words written at length, the number of votes cast in

17 the county, or in that portion of the county in which

18 the election was held, for each office and on each

19 question on the ballot for the election. The board

20 shall contact the chairperson of the special precinct

21 board before adjourning and include in the canvass any

22 absentee ballots which were received after the polls

23 closed in accordance with section 53.17 and which were

24 canvassed by the special precinct board after election

25 day. The abstract shall further indicate the name of

26 each person who received votes for each office on the

27 ballot, and the number of votes each person named

28 received for that office, and the number of votes for

29 and against each question submitted to the voters at

30 the election."

31 2. By numbering and renumbering as necessary.

By DONALD V. DOYLE

S-5458 FILED MARCH 13, 1990

Adopted 3/14 (p. 1018)

SENATE AMENDMENT TO HOUSE FILE 2329

H-5701

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. _____. Section 43.49, Code 1989, is amended to
6 read as follows:

7 43.49 CANVASS BY COUNTY BOARD.

8 ~~On-the-Monday~~ Within ten working days following the
9 primary election, the board of supervisors shall meet,
10 open and canvass the returns from each voting precinct
11 in the county, and make abstracts thereof, stating in
12 words written at length:

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

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

19 ~~If the day designated by this section for the~~
20 ~~canvass is a public holiday, the provisions of section~~
21 ~~4.17, subsection 22, shall apply."~~

22 2. Page 5, by inserting after line 5 the
23 following:

24 "Sec. _____. Section 46.24, unnumbered paragraph 1,
25 Code 1989, is amended to read as follows:

26 A judge of the supreme court, court of appeals, or
27 district court including a district associate judge,
28 or a clerk of the district court must receive more
29 affirmative than negative votes to be retained in
30 office. When the poll is closed, the election judges
31 shall publicly canvass the vote forthwith. The board
32 of supervisors shall canvass the returns ~~at its~~
33 meeting on Monday within ten working days after the
34 election, and shall promptly certify the number of
35 affirmative and negative votes on each judge or clerk
36 to the state commissioner of elections."

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

39 "Sec. _____. Section 49.99, unnumbered paragraph 1,
40 Code 1989, is amended to read as follows:

41 The voter may also insert in writing in the proper
42 place the name of any person for whom the voter
43 desires to vote and place a cross or check in the
44 square opposite ~~thereto~~ the name. The If the voter is
45 using a voting system other than an electronic voting
46 system as defined in section 52.1, the writing of such
47 the name shall constitute a valid vote for the person
48 whose name has been written on the ballot without
49 regard to whether the voter has made a cross or check
50 opposite ~~thereto~~ the name. However, the state

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Page 2

1 commissioner of elections may provide by rule that
2 when a write-in vote is cast using an electronic
3 voting system, the ballot must also be marked in the
4 corresponding space in order to be counted. The
5 making of a cross or check in a square opposite a
6 blank without writing a name therein in the blank,
7 shall not affect the validity of the remainder of the
8 ballot."

9 4. Page 9, by inserting after line 26 the
10 following:

11 "Sec. ____ . Section 50.21, unnumbered paragraph 1,
12 Code 1989, is amended to read as follows:

13 The commissioner shall reconvene the election board
14 of the special precinct established by section 53.20
15 not earlier than noon on the second day following each
16 election which is required by law to be canvassed on
17 the-Monday within ten working days following the
18 election. If the second day following such an
19 election is a legal holiday the special precinct
20 election board may be convened at noon on the day
21 following the election, and if the canvass of the
22 election is required scheduled at any time earlier
23 than the Monday following the election, the special
24 precinct election board shall be reconvened at noon on
25 the day following the election.

26 Sec. ____ . Section 50.24, unnumbered paragraph 1,
27 Code Supplement 1989, is amended to read as follows:

28 The county board of supervisors shall meet to
29 canvass the vote ~~at nine o'clock on the morning of the~~
30 first-Monday within ten working days after the day of
31 each election to which this chapter is applicable,
32 unless the law authorizing the election specifies
33 another date for the canvass. ~~If that Monday is a~~
34 ~~public holiday, section 4-17-subsection 22 controls.~~
35 Upon convening, the board shall open and canvass the
36 tally lists and shall prepare abstracts stating, in
37 words written at length, the number of votes cast in
38 the county, or in that portion of the county in which
39 the election was held, for each office and on each
40 question on the ballot for the election. The board
41 shall contact the chairperson of the special precinct
42 board before adjourning and include in the canvass any
43 absentee ballots which were received after the polls
44 closed in accordance with section 53.17 and which were
45 canvassed by the special precinct board after election
46 day. The abstract shall further indicate the name of
47 each person who received votes for each office on the
48 ballot, and the number of votes each person named
49 received for that office, and the number of votes for
50 and against each question submitted to the voters at

H-5701

Page 3

1 the election.

2 Sec. ____ . Section 50.46, Code 1989, is amended to
3 read as follows:

4 50.46 SPECIAL ELECTIONS -- CANVASS AND
5 CERTIFICATE.

6 When a special election has been held to fill a
7 vacancy, pursuant to section 69.14, the board of
8 county canvassers shall meet ~~at one o'clock in the~~
9 ~~afternoon of the second day thereafter~~ on the date of
10 the next regular meeting of the board of supervisors,
11 or on another date not more than ten working days
12 after the election, and canvass the votes cast ~~thereat~~
13 at the election. The commissioner, as soon as the
14 canvass is completed, shall transmit to the state
15 commissioner an abstract of the votes so canvassed,
16 and the state board, within five days after receiving
17 such abstracts, shall canvass the tally lists. A
18 certificate of election shall be issued by the county
19 or state board of canvassers, as in other cases. All
20 the provisions regulating elections, obtaining tally
21 lists, and canvass of votes at general elections,
22 except as to time, shall apply to special elections."

23 5. Page 9, by inserting before line 27, the
24 following:

25 "Sec. ____ . Section 53.1, Code 1989, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 3. When the elector expects to be
unable to go to the polls and vote on election day."

28 6. Page 11, by inserting after line 2 the
29 following:

30 "Sec. ____ . Section 69.14A, subsection 2, Code
31 Supplement 1989, is amended to read as follows:

32 2. When a vacancy exists in an elected county
33 office, the board of supervisors shall publish notice
34 as provided in section 331.305 indicating the method,
35 appointment or special election, by which the board
36 intends to fill the vacancy. If appointment is
37 selected by the board, the appointment may be made
38 before publication of the notice, but the appointment
39 shall not be made within earlier than fourteen days or
40 more than forty days after the vacancy occurs. The
41 board may appoint a prospective appointee to serve as
42 a deputy before a vacancy occurs. However, if within
43 fourteen days after the date of the notice or within
44 fourteen days after the appointment is made, whichever
45 date is later, a petition requesting a special
46 election to fill the vacancy is filed with the county
47 auditor, the appointment is temporary and a special
48 election shall be called as provided in subsection 3.
49 The petition shall meet the requirements of section

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1 331.306."
 2 7. Page 15, by inserting after line 13 the
 3 following:
 4 "Sec. 1001. 1990 Iowa Acts, chapter 1007, being
 5 House File 2001 of the Seventy-third General Assembly,
 6 is amended by adding the following new section:
 7 SEC. 3. EFFECTIVE DATE.
 8 This Act, being deemed of immediate importance,
 9 takes effect upon the enactment of 1990 Iowa Acts,
 10 House File 2329, if enacted by the Seventy-third
 11 General Assembly, and is retroactively applicable to
 12 voting booths approved or furnished on or after the
 13 enactment of this Act.
 14 Sec. 1002. EFFECTIVE DATE.
 15 1. Section 1001 and this section of this Act,
 16 being deemed of immediate importance, take effect upon
 17 enactment.
 18 2. All other sections of this Act take effect July
 19 1, 1990."
 20 8. Title page, line 1, by inserting after the
 21 word "procedures" the following: ", and providing
 22 effective and applicability dates".
 23 9. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5701 FILED MARCH 15, 1990

House amended (5803, 5871) Concurring
 3/27 (p. 1440)

HOUSE FILE 2329

H-5803

1 Amend the Senate amendment, H-5701, to House File
 2 2329, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 36.
 5 2. Page 1, line 50, by striking the words "the
 6 state".
 7 3. Page 2, by striking line 1.
 8 4. By striking page 2, line 9, through page 3,
 9 line 22.
 10 5. Page 4, by striking line 12 and inserting the
 11 following: "voting booths approved by the board of
 12 examiners for voting machines and electronic voting
 13 systems and furnished before the".

By PAVICH of Pottawattamie

H-5803 FILED MARCH 21, 1990

Adopted 3/27 (p. 1440)

HOUSE FILE 2329

H-5871

1 Amend Senate amendment, H-5701, to House File 2329,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, by striking lines 41 through 43, and
5 inserting the following: "more than forty days after
6 the vacancy occurs. However, if within".

By HANSON of Delaware
PAVICH of Pottawattamie

H-5871 FILED MARCH 26, 1990

Adopted 3/27 (p. 1440)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2329

S-5723

- 1 Amend the Senate amendment, H-5701, to House File
- 2 2329, as amended, passed, and reprinted by the House,
- 3 as follows:
 - 4 1. Page 1, by striking lines 3 through 36.
 - 5 2. Page 1, line 50, by striking the words "the
 - 6 state".
 - 7 3. Page 2, by striking line 1.
 - 8 4. By striking page 2, line 9, through page 3,
 - 9 line 22.
 - 10 5. Page 3, by striking lines 41 through 43, and
 - 11 inserting the following: "more than forty days after
 - 12 the vacancy occurs. However, if within".
 - 13 6. Page 4, by striking line 12 and inserting the
 - 14 following: "voting booths approved by the board of
 - 15 examiners for voting machines and electronic voting
 - 16 systems and furnished before the".
 - 17 7. By renumbering, relettering, or redesignating
 - 18 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5723 FILED MARCH 28, 1990

*Senate referred to concurred
House insisted 4/5 (p. 2068)*

CONFERENCE COMMITTEE REPORT ON
HOUSE FILE 2329

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

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2329, a bill for An Act relating to elections and election procedures, respectfully make the following report:

1. That the House recedes from its amendment, S-5723.
2. That the Senate recedes from its amendment, H-5701.
3. That House File 2329, as amended, passed, and reprinted by the House, is amended to read as follows:

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

"Section 1. Section 39.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. No A special election may shall not be held on the first or and second Tuesday Tuesdays preceding and following the primary and the general elections.

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or merged area school.

2. A Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

CCR-2329

Page 2

Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it-receives~~ my committee or I receive contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 3. Section 43.49, unnumbered paragraph 1, Code 1989, is amended to read as follows:

On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

Sec. 4. Section 43.67, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it-receives~~ my committee or I receive contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 5. Section 43.78, subsection 4, Code Supplement 1989, is amended to read as follows:

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the

CCR-2329

Page 3

manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of any a candidate so nominated shall be submitted in writing to the state appropriate commissioner, as required by section 43.88, at the earliest practicable time.

Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1989, 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~~ no later than five p.m. ~~forty days prior-to~~ before 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. 7. Section 44.3, subsection 2, unnumbered paragraph 5, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it-receives~~ my committee or I receive contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 8. Section 44.4, Code Supplement 1989, is amended to read as follows:

44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF FILING.

Nominations made pursuant to 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

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ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the date of the general election to be held in November; ~~and these nominations;~~ Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days before the date of the election. 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 ninety-two days nor later than five o'clock p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five o'clock p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

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 The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than seventy-four days before the date of the election.
2. Those filed with the commissioner, not less than sixty-four days before the date of the election.
3. Those filed with the city clerk, at least forty-two days before the municipal election.
4. In the case of nominations to fill vacancies occurring after the time when an original nomination for any an office

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is required to be filed, objections shall be filed within three days after the filing of the certificate.

Objections shall be filed no later than five p.m. on the final date for filing.

Sec. 9. Section 45.3, unnumbered paragraph 6, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it-receives~~ my committee or I receive contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 10. Section 46.22, Code 1989, is amended to read as follows:

46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot, special paper ballot, ballot cards, or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. If special paper ballots or ballot cards are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots ~~shall~~ are not be required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 11. Section 46.24, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns ~~at-its~~

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meeting on the Monday or Tuesday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

Sec. 12. Section 47.6, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least ~~thirty~~ thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 13. Section 48.3, Code 1989, is amended to read as follows:

48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked ~~or otherwise~~ delivered by the fifteenth day prior to before an election or received by the county commissioner of registration no later than five p.m. on the date registration closes before an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail

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marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 14. Section 48.9, Code 1989, is amended to read as follows:

48.9 USE OF UNIVERSITIES' FACILITIES.

The state board of regents shall provide access to the designated public portions of its university residence halls and lounges for a registrar, deputy registrar, mobile-deputy registrar, person delivering voter registration forms provided in section 48.3 to register eligible electors, or a candidate. The state board of regents may establish reasonable restrictions on the time, manner and place of access by those registrars, persons and candidates.

Sec. 15. Section 48.11, unnumbered paragraph 2, Code 1989, 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 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. 16. NEW SECTION. 48.23 COMPLETING A VOTER REGISTRATION FORM.

A person offering a voter registration form to another person shall not complete any portion of the form without

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prior consent from the person being registered.

Sec. 17. Section 49.30, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

The names of all candidates to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.

2. At an election where voting machines are used, and it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the township offices, or either; one of the paper ballots shall be furnished to each qualified elector.

3. Separate paper ballots may be used for the election of township officers in precincts including both incorporated and unincorporated areas.

Sec. 18. Section 49.31, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the purposes of ballot rotation the absentee ballot and special voters precinct shall be considered a separate precinct, unless the office will appear on the ballot in only one precinct other than the absentee ballot and special voters precinct.

Sec. 19. Section 49.33, Code 1989, is amended to read as follows:

49.33 ONE SINGLE SQUARE FOR PRESIDENT-AND-VICE-PRESIDENT CERTAIN PAIRED OFFICES.

Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of a the bracket enclosing the names

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of the said candidates for president and vice president, and a separate square of the same size shall be printed in front of the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for said a team of candidates shall be counted and certified to by the election board in-the-same-manner-as-the-votes-for-other-candidates as a team. Write-in votes may be tabulated for each office separately.

Sec. 20. Section 49.42, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.42 FORM OF OFFICIAL BALLOT.

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

<u>REPUBLICAN</u>	<u>DEMOCRATIC</u>	<u>PROHIBITION</u>	<u>UNION LABOR</u>
(For President, (A.... B...., (of Ohio. _ (For Vice (President, (C.... D...., (of New York. For United States Senator. _ E.... F...., For United States Representative, _ G.... H...., (For Governor, (I.... J...., _ (For Lieutenant (Governor, (K.... L....	(For President, (N.... O...., (of Virginia. _ (For Vice (President, (P.... Q...., (of Indiana. For United States Senator. _ R.... S...., For United States Representative, _ T.... U...., (For Governor, (V.... W...., _ (For Lieutenant (Governor, (X.... Y....	(For President, (A.... B...., (of Maine. _ (For Vice (President, (C.... D...., (of Illinois. For United States Senator. _ E.... F...., For United States Representative, _ G.... H...., (For Governor, (I.... J...., _ (For Lieutenant (Governor, (K.... L....	(For President, (N.... O...., (of Idaho. _ (For Vice (President, (P.... Q...., (of Ohio. For United States Senator. _ R.... S...., For United States Representative, _ T.... U...., (For Governor, (V.... W...., _ (For Lieutenant (Governor, (X.... Y....

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Sec. 21. Section 49.80, subsection 3, Code 1989, is amended by striking the subsection.

Sec. 22. Section 49.99, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The voter may also insert in writing in the proper place the name of any person for whom the voter desires to vote and place a cross or check in the square opposite ~~thereto~~ the name. The If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of such the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a cross or check opposite thereto the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. The making of a cross or check in a square opposite a blank without writing a name ~~therein~~ in the blank, shall not affect the validity of the remainder of the ballot.

Sec. 23. Section 49.104, subsection 6, Code 1989, is amended to read as follows:

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner ~~prior-to~~ before election day. If more than three ~~such~~ persons file a notice of intent to serve at the same time with respect to ballot issues at ~~any an~~ an election, the commissioner shall appoint from those submitting a notice of intent the three persons to who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 24. Section 49.107, subsection 8, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

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8. Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, by a precinct election official serving at the polls or by an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress.

Sec. 25. Section 50.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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

Sec. 26. Section 50.24, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The county board of supervisors shall meet to canvass the vote ~~at nine o'clock on the morning of~~ the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were

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canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 27. Section 50.46, Code 1989, is amended to read as follows:

50.46 SPECIAL ELECTIONS -- CANVASS AND CERTIFICATE.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of the second day thereafter after the election, and canvass the votes cast thereat at the election. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 28. Section 53.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. When the elector expects to be unable to go to the polls and vote on election day.

Sec. 29. Section 53.17, subsection 2, Code 1989, is amended to read as follows:

2. The sealed carrier envelope may be mailed to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.

PARAGRAPH DIVIDED. In order for the ballot to be counted,

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the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than ~~the time established for the canvass by the board of supervisors for that~~ noon on the Monday following the election.

If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election.

The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to before the canvass for that election by the board of supervisors.

Sec. 30. Section 53.23, Code 1989, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsection:

NEW SUBSECTION. 5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

Sec. 31. Section 53.24, Code 1989, is amended to read as

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follows:

53.24 COUNTIES USING VOTING MACHINES.

In counties which provide the ~~absentee-ballot-counting~~ special precinct election board with a voting machine machines, the absentee ballot envelopes shall be opened by the counting board and the ballots shall, without being unfolded, be thoroughly intermingled ~~in-some-proper-manner~~, after which they shall be unfolded and, under the personal supervision of ~~all-the~~ precinct election officials of each of the political parties, be registered on ~~the~~ voting machine machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and special ballots for more than one such election may be recorded on the same machine.

Sec. 32. Section 62.18, Code 1989, is amended to read as follows:

62.18 JUDGMENT.

The court shall ~~pronounce-judgment~~ adjudge whether the incumbent or any other person was duly elected, and adjudge that the person ~~so-declared~~ elected ~~will-be~~ is entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. If the judgment ~~be~~ is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul ~~it~~ the certificate. If the court ~~find~~ finds that no person was elected, the judgment shall be that the election be set aside.

Sec. 33. Section 69.14A, subsection 2, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in

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section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs.

b. When the board is notified, in writing, by the county officer of the officer's wish to vacate an office, the board shall publish notice of the vacancy if the board selects appointment by which to fill the vacancy. Following publication of notice of the vacancy, the board may appoint a prospective appointee, to serve as a deputy, no earlier than fourteen days before the vacancy occurs.

c. If within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

Sec. 34. Section 111A.2, Code 1989, is amended to read as follows:

111A.2 PETITION -- BOARD MEMBERSHIP.

Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board shall submit to the voters at the next primary-or general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that

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vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When any a member of the board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, or disability, or failure to participate in board activities as set forth by the rules of the conservation board.

Sec. 35. Section 277.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days ~~prior to~~ before the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until five p.m.

Sec. 36. Section 278.2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of ~~votes-cast~~ electors who voted in the last regular school board election, whichever number is

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greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 8 or 9, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of ~~these~~ those subsections.

Sec. 37. Section 279.1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The board of directors of each school corporation shall meet and organize at the first regular meeting after a the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of ~~such~~ the meeting shall be given by the secretary to each member and each member-elect of the board.

Sec. 38. Section 280.9A, Code 1989, is amended to read as follows:

280.9A HISTORY AND GOVERNMENT REQUIRED -- VOTER REGISTRATION.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

2. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of

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elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

Sec. 39. Section 359.8, Code Supplement 1989, is amended to read as follows:

359.8 DIVISION -- EFFECT.

If the petition is signed by a majority of the eligible qualified electors of the township residing without the corporate limits of ~~such~~ the city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of precinct election officers officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 40. Section 376.4, unnumbered paragraph 5, Code Supplement 1989, is 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. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

PARAGRAPH DIVIDED. 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~~ they were filed.

Sec. 41. Section 467A.5, subsection 3, Code Supplement 1989, is amended to read as follows:

3. At each general election a successor shall be chosen

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for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day ~~prior to~~ before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality ~~shall be~~ is sufficient to elect commissioners, and ~~no a~~ a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest ~~and the second~~ highest number of votes for the office of district commissioner are both residents of the ~~same~~ township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 42. Section 48.19, subsection 2, if enacted in 1990 Iowa Acts, House File 2009, is amended to read as follows:

2. If the commissioner is unable to make available to a county precinct the information required of an eligible elector who registers through special late registration procedures, on the election register of a county precinct or through the provision of a separate listing of the eligible

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electors who register through special late registration procedures, an eligible elector may obtain from the commissioner of registration a form of affidavit prescribed by the state commissioner of elections to serve as evidence of special late registration. If the affidavit is completed by the elector and notarized by the commissioner of registration or the commissioner's designee, the elector is deemed registered under special late registration procedures and may present the affidavit at the elector's polling place on election day as proof that the elector is registered to vote. The election officials of the elector's precinct shall accept the elector's affidavit of special late registration and shall proceed as if the elector's name were listed in the election register. The election officials shall preserve all affidavits submitted pursuant to this section and forward them to the commissioner of registration at the time the election register is returned. A registration under this section is subject to verification as provided in section 48.3.

Sec. 43. Sections 48.27 and 359.22, Code 1989, are repealed.

Sec. 44. 1990 Iowa Acts, chapter 1007, being House File 2001 of the Seventy-third General Assembly, is amended by adding the following new section:

SEC. 3. EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon the enactment of 1990 Iowa Acts, House File 2329, if enacted by the Seventy-third General Assembly, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before the enactment of this Act.

Sec. 45. EFFECTIVE DATE.

1. Section 44 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. All other sections of this Act take effect July 1, 1990."

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2. Title page, line 1, by inserting after the word "procedures" the following: ", and providing effective and applicability dates".

ON THE PART OF THE HOUSE:

EMIL PAVICH, Chairperson
ROD HALVORSON
MARY LUNDBY
DONALD KNAPP
GREGORY SPENNER

ON THE PART OF THE SENATE:

MICHAEL E. GRONSTAL, Chairperson
JOHN KIBBIE
JEAN LLOYD-JONES

CCR-2329 FILED APRIL 8, 1990
REPORT ADOPTED. (*p 1754*)

Senate adopted (p 2413)

HSB 601

STATE GOVERNMENT

HOUSE FILE 2379

BY (PROPOSED SECRETARY OF
OF STATE BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to elections and election procedures.

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

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1 Section 1. Section 39.2, subsections 1 and 2, Code 1989,
2 are amended to read as follows:

3 1. All special elections which are authorized or required
4 by law, unless the applicable law otherwise requires, shall be
5 held on Tuesday. ~~No~~ A special election may shall not be held
6 on the first ~~or~~ and second ~~Tuesday~~ Tuesdays preceding and
7 following the primary and the general elections.

8 A special election shall not be held in conjunction with
9 the primary election. A special election shall not be held in
10 conjunction with a school election unless the special election
11 is for a school district or merged area school.

12 2. A Except as otherwise provided in subsection 1, a
13 special election may be held on the same day as a regularly
14 scheduled election if the two elections are not in conflict
15 within the meaning of section 47.6, subsection 2. A special
16 election may be held on the same day as a regularly scheduled
17 election with which it does so conflict if the commissioner
18 who is responsible for conducting the elections concludes that
19 to do so will cause no undue difficulties.

20 Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989,
21 is amended to read as follows:

22 I am aware that I am required to organize a candidate's
23 committee which shall file an organization statement and
24 disclosure reports if ~~it-receives~~ my committee or I receive
25 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
26 indebtedness in excess of two hundred fifty dollars for the
27 purpose of supporting my candidacy for public office. This
28 paragraph does not apply to candidates for federal offices.

29

30 (Signed)

31 Sec. 3. Section 43.67, unnumbered paragraph 3, Code
32 Supplement 1989, is amended to read as follows:

33 I am aware that I am required to organize a candidate's
34 committee which shall file an organization statement and
35 disclosure reports if ~~it-receives~~ my committee or I receive

1 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
2 indebtedness in excess of two hundred fifty dollars for the
3 purpose of supporting my candidacy for public office. This
4 paragraph does not apply to candidates for federal offices.

5
6 (Signed)

7 Sec. 4. Section 43.78, subsection 4, Code Supplement 1989,
8 is amended to read as follows:

9 4. Political party candidates for a vacant seat in the
10 United States house of representatives, the board of
11 supervisors, the elected county offices, or the general
12 assembly which is to be filled at a special election called
13 pursuant to section 69.14 or 69.14A shall be nominated in the
14 manner provided by subsection 1 of this section for filling a
15 vacancy on the general election ballot for the same office.
16 The name of any a candidate so nominated shall be submitted in
17 writing to the state appropriate commissioner, as required by
18 section 43.88, at the earliest practicable time.

19 Sec. 5. Section 43.115, unnumbered paragraph 1, Code 1989,
20 is amended to read as follows:

21 All candidates for nominations to be made in primary
22 elections held pursuant to section 43.112 shall file
23 nomination papers with the city clerk ~~not-less~~ no later than
24 five p.m. forty days ~~prior-to~~ before the date of the election
25 as established by section 43.114, except that candidates for
26 precinct committee member shall file affidavits of candidacy
27 as required by section 420.130. The number of eligible
28 electors signing petitions required for printing the name of a
29 candidate upon the official primary ballot shall be one
30 hundred for an office to be filled by the voters of the entire
31 city and twenty-five for an office to be filled by the voters
32 of a subdivision of the city.

33 Sec. 6. Section 44.3, subsection 2, unnumbered paragraph
34 5, Code 1989, is amended to read as follows:

35 I am aware that I am required to organize a candidate's

1 committee which shall file an organization statement and
2 disclosure reports if ~~it-receives~~ my committee or I receive
3 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
4 indebtedness in excess of two hundred fifty dollars for the
5 purpose of supporting my candidacy for public office. This
6 paragraph does not apply to candidates for federal offices.

7 Sec. 7. Section 44.4, Code Supplement 1989, is amended to
8 read as follows:

9 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
10 FILING.

11 Nominations made pursuant to this chapter and chapter 45
12 which are required to be filed in the office of the state
13 commissioner shall be filed in that office not more than
14 ninety-nine days nor later than five o'clock p.m. on the
15 eighty-first day before the date of the general election to be
16 held in November; ~~and these nominations.~~ Nominations made for
17 a special election called pursuant to section 69.14 shall be
18 filed by five p.m. not less than twenty days before the date
19 of an election called upon at least forty days' notice and not
20 less than seven days before the date of an election called
21 upon at least ten days' notice. Nominations made for a
22 special election called pursuant to section 69.14A shall be
23 filed by five p.m. not less than twenty days before the date
24 of the election. Nominations made pursuant to this chapter
25 and chapter 45 which are required to be filed in the office of
26 the commissioner shall be filed in that office not more than
27 ninety-two days nor later than five o'clock p.m. on the sixty-
28 ninth day before the date of the general election.
29 Nominations made pursuant to this chapter or chapter 45 for
30 city office shall be filed not more than seventy-two days nor
31 later than five o'clock p.m. on the forty-seventh day before
32 the city election with the city clerk, who shall process them
33 as provided by law.

34 Objections to the legal sufficiency of a certificate of
35 nomination or nomination petition or to the eligibility of a

1 candidate may be filed by any person who would have the right
2 to vote for a candidate for the office in question. Such The
3 objections must be filed with the officer with whom the
4 certificate or petition is filed and within the following
5 time:

6 1. Those filed with the state commissioner, not less than
7 seventy-four days before the date of the election.

8 2. Those filed with the commissioner, not less than sixty-
9 four days before the date of the election.

10 3. Those filed with the city clerk, at least forty-two
11 days before the municipal election.

12 4. In the case of nominations to fill vacancies occurring
13 after the time when an original nomination for any an office
14 is required to be filed, objections shall be filed within
15 three days after the filing of the certificate.

16 Objections shall be filed no later than five p.m. on the
17 final date for filing.

18 Sec. 8. Section 45.3, unnumbered paragraph 6, Code
19 Supplement 1989, is amended to read as follows:

20 I am aware that I am required to organize a candidate's
21 committee which shall file an organization statement and
22 disclosure reports if ~~it-receives~~ my committee or I receive
23 contributions, ~~makes~~ make expenditures, or ~~incurs~~ incur
24 indebtedness in excess of two hundred fifty dollars for the
25 purpose of supporting my candidacy for public office. This
26 paragraph does not apply to candidates for federal offices.

27 Sec. 9. Section 46.22, Code 1989, is amended to read as
28 follows:

29 46.22 VOTING.

30 Voting at judicial elections shall be by separate paper
31 ballot, special paper ballot, ballot cards, or by voting
32 machine in the space provided for public measures. If paper
33 ballots are used the election judges shall offer a ballot to
34 each voter. If special paper ballots or ballot cards are
35 used; either a separate ballot or a distinct heading may be

1 used to distinguish the judicial ballot. Separate ballot
2 boxes for the general election ballots and the judicial
3 election ballots ~~shall~~ are not be required. The general
4 election ballot and the judicial election ballot may be voted
5 in the same voting booth.

6 Sec. 10. Section 47.6, subsection 1, unnumbered paragraph
7 2, Code Supplement 1989, is amended to read as follows:

8 If the proposed date of the special election coincides with
9 the date of a regularly scheduled election, the notice shall
10 be given no later than five o'clock p.m. on the last day on
11 which nomination papers may be filed for the regularly
12 scheduled election. Otherwise, the notice shall be given at
13 least ~~thirty~~ thirty-two days in advance of the date of the
14 proposed special election. Upon receiving the notice, the
15 commissioner shall promptly give written approval of the
16 proposed date unless it appears that the special election, if
17 held on that date, would conflict with a regular election or
18 with another special election previously scheduled for that
19 date.

20 Sec. 11. Section 49.30, Code 1989, is amended by striking
21 the section and inserting in lieu thereof the following:

22 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

23 The names of all candidates to be voted for in each
24 election precinct, other than presidential electors, shall be
25 printed on one ballot, except that separate ballots are
26 authorized under the following circumstances:

27 1. For judicial elections, separate ballots or headings
28 shall be used as required by section 46.22.

29 2. At an election where voting machines are used, and it
30 is impossible to place the names of all candidates on the
31 machine ballot, the commissioner may provide a separate paper
32 ballot for the candidates for judge of the district court and
33 the township offices, or either; one of the paper ballots
34 shall be furnished to each qualified elector.

35 3. Separate paper ballots may be used for the election of

1 township officers in precincts including both incorporated and
2 unincorporated areas.

3 Sec. 12. Section 49.31, Code Supplement 1989, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 6. For the purposes of ballot rotation
6 the absentee ballot and special voters precinct shall be
7 considered a separate precinct, unless the office will appear
8 on the ballot in only one precinct other than the absentee
9 ballot and special voters precinct.

10 Sec. 13. Section 49.33, Code 1989, is amended to read as
11 follows:

12 49.33 ONE SINGLE SQUARE FOR PRESIDENT-AND-VICE-PRESIDENT
13 CERTAIN PAIRED OFFICES.

14 Upon the left-hand margin of each separate column of the
15 ballot, immediately opposite the names of the candidates for
16 president and vice president, a single square, the sides of
17 which shall not be less than one-fourth of an inch in length,
18 shall be printed in front of a the bracket enclosing the names
19 of the said candidates for president and vice president, and a
20 separate square of the same size shall be printed in front of
21 the bracket enclosing the names of the candidates for governor
22 and lieutenant governor. The votes for said a team of
23 candidates shall be counted and certified to by the election
24 board in-the-same-manner-as-the-votes-for-other-candidates as
25 a team. Write-in votes may be tabulated for each office
26 separately.

27 Sec. 14. Section 49.42, Code 1989, is amended by striking
28 the section and inserting in lieu thereof the following:

29 49.42 FORM OF OFFICIAL BALLOT.

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

33	___ REPUBLICAN	___ DEMOCRATIC	___ PROHIBITION	___ UNION LABOR
34	(For President,	(For President,	(For President,	(For President,
35	(A.... B....,	(N.... O....,	(A.... B....,	(N.... O....,

1	(of Ohio.	(of Virginia.	(of Maine.	(of Idaho.
2	_(For Vice	_(For Vice	_(For Vice	_(For Vice
3	(President,	(President,	(President,	(President,
4	(C.... D....,	(P.... Q....,	(C.... D....,	(P.... Q....,
5	(of New York.	(of Indiana.	(of Illinois.	(of Ohio.
6	For	For	For	For
7	United States	United States	United States	United States
8	Senator.	Senator.	Senator.	Senator.
9	_ E.... F....,	_ R.... S....,	_ E.... F....,	_ R.... S....,
10	For	For	For	For
11	United States	United States	United States	United States
12	Representative,	Representative,	Representative,	Representative,
13	_ G.... H....,	_ T.... U....,	_ G.... H....,	_ T.... U....,
14	(For Governor,	(For Governor,	(For Governor,	(For Governor,
15	(I.... J....,	(V.... W....,	(I.... J....,	(V.... W....,
16	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant	_(For Lieutenant
17	(Governor,	(Governor,	(Governor,	(Governor,
18	(K.... L....	(X.... Y....	(K.... L....	(X.... Y....

19 Sec. 15. Section 49.80, subsection 3, Code 1989, is
20 amended by striking the subsection.

21 Sec. 16. Section 49.104, subsection 6, Code 1989, is
22 amended to read as follows:

23 6. Any persons expressing an interest in a ballot issue to
24 be voted upon at an election except a general or primary
25 election. Any such person shall file a notice of intent to
26 serve as an observer with the commissioner ~~prior to~~ before
27 election day. If more than three such persons file a notice
28 of intent to serve at the same time with respect to ballot
29 issues at any an election, the commissioner shall appoint from
30 those submitting a notice of intent the three persons to who
31 may serve at that time as observers, and shall provide a
32 schedule to all persons who filed notices of intent. The
33 appointees, whenever possible, shall include both opponents
34 and proponents of the ballot issues.

35 Sec. 17. Section 49.107, subsection 8, Code Supplement

1 1989, is amended by striking the subsection and inserting in
2 lieu thereof the following:

3 8. Serving as a member of a challenging committee or
4 observer under section 49.104, subsection 2, 5, or 6, by a
5 precinct election official serving at the polls or by an
6 incumbent officeholder of, or a candidate for, an office being
7 voted for at the election in progress.

8 Sec. 18. Section 53.23, Code 1989, is amended by adding
9 the following new subsection after subsection 4 and
10 renumbering the subsequent subsection:

11 NEW SUBSECTION. 5. The special precinct election board
12 shall preserve the secrecy of all absentee and special
13 ballots. After the affidavits on the envelopes have been
14 reviewed and the qualifications of the persons casting the
15 ballots have been determined, those that have been accepted
16 for counting shall be opened. The ballots shall be removed
17 from the affidavit envelopes without being unfolded or
18 examined, and then shall be thoroughly intermingled, after
19 which they shall be unfolded and tabulated. If secrecy
20 folders or envelopes are used with special paper ballots, the
21 ballots shall be removed from the secrecy folders after the
22 ballots have been intermingled.

23 Sec. 19. Section 53.24, Code 1989, is amended to read as
24 follows:

25 53.24 COUNTIES USING VOTING MACHINES.

26 In counties which provide the absentee-ballot-counting
27 special precinct election board with a voting machine
28 machines, the absentee ballot envelopes shall be opened by the
29 counting board and the ballots shall, without being unfolded,
30 be thoroughly intermingled in-some-proper-manner, after which
31 they shall be unfolded and, under the personal supervision of
32 all-the precinct election officials of each of the political
33 parties, be registered on the voting machine machines the same
34 as if the absent voter had been present and voted in person,
35 except that a tally of the write-in votes may be kept in the

1 tally list rather than on the machine. When two or more
2 political subdivisions in the county are holding separate
3 elections simultaneously, the commissioner may arrange the
4 machine so that the absentee and special ballots for more than
5 one such election may be recorded on the same machine.

6 Sec. 20. Section 62.18, Code 1989, is amended to read as
7 follows:

8 62.18 JUDGMENT.

9 The court shall ~~pronounce-judgment~~ adjudge whether the
10 incumbent or any other person was duly elected, and adjudge
11 that the person ~~so-declared~~ elected ~~will-be~~ is entitled to the
12 certificate. If the court finds that the election resulted in
13 a tie vote for any office, the tie shall be resolved pursuant
14 to section 50.44. If the judgment ~~be~~ is against the
15 incumbent, and the incumbent has already received the
16 certificate, the judgment shall annul ~~it~~ the certificate. If
17 the court ~~find~~ finds that no person was elected, the judgment
18 shall be that the election be set aside.

19 Sec. 21. Section 111A.2, Code 1989, is amended to read as
20 follows:

21 111A.2 PETITION -- BOARD MEMBERSHIP.

22 Upon a petition to the board of supervisors which meets the
23 requirements of section 331.306, the board shall submit to the
24 voters at the next ~~primary-or~~ general election the question of
25 whether a county conservation board shall be created as
26 provided for in this chapter. If at the election the majority
27 of votes favors the creation of a county conservation board,
28 the board of supervisors within sixty days after the election
29 shall create a county conservation board to consist of five
30 bona fide residents of the county. The members first
31 appointed shall hold office for the term of one, two, three,
32 four, and five years respectively, as indicated and fixed by
33 the board of supervisors. Thereafter, succeeding members
34 shall be appointed for a term of five years, except that
35 vacancies occurring otherwise than by expiration of term shall

1 be filled by appointment for the unexpired term. When any a
2 member of the board, during the term of office, ceases to be a
3 bona fide resident of the county, the member is disqualified
4 as a member and the office becomes vacant. Members of the
5 board shall be selected and appointed on the basis of their
6 demonstrated interest in conservation matters, and shall serve
7 without compensation, but may be paid their actual and
8 necessary expenses incurred in the performance of their
9 official duties. Members of the county conservation board may
10 be removed for cause by the board of supervisors as provided
11 in section 331.321, subsection 3, if the cause is malfeasance,
12 nonfeasance, or disability, or failure to participate in board
13 activities as set forth by the rules of the conservation
14 board.

15 Sec. 22. Section 277.4, unnumbered paragraph 1, Code
16 Supplement 1989, is amended to read as follows:

17 Nomination papers for all candidates for election to office
18 in each school district shall be filed with the secretary of
19 the school board not more than sixty-four days, nor less than
20 forty days ~~prior to~~ before the election. Nomination petitions
21 shall be filed not later than five o'clock p.m. on the last
22 day for filing. If the school board secretary is not readily
23 available during normal office hours, the secretary may
24 designate a full-time employee of the school district who is
25 ordinarily available to accept nomination papers under this
26 section. On the final date for filing nomination papers the
27 office of the school secretary shall remain open until five
28 p.m.

29 Sec. 23. Section 278.2, unnumbered paragraph 1, Code
30 Supplement 1989, is amended to read as follows:

31 The board may, and upon the written request of one hundred
32 eligible electors or a number of electors which equals thirty
33 percent of the number of ~~votes-cast~~ electors who voted in the
34 last regular school board election, whichever number is
35 greater, shall, direct the county commissioner of elections to

1 provide in the notice of the regular election for the
2 submission of any proposition authorized by law to the voters.
3 When the board has directed the commissioner to submit to the
4 voters a proposition authorized by section 278.1, subsection 8
5 or 9, it shall not thereafter direct the commissioner to
6 submit at the same election any other proposition under either
7 of these those subsections.

8 Sec. 24. Section 279.1, unnumbered paragraph 1, Code 1989,
9 is amended to read as follows:

10 The board of directors of each school corporation shall
11 meet and organize at the first regular meeting after a the
12 canvass for the regular school election at some suitable place
13 to be designated by the secretary. Notice of the place and
14 hour of such the meeting shall be given by the secretary to
15 each member and each member-elect of the board.

16 Sec. 25. Section 359.8, Code Supplement 1989, is amended
17 to read as follows:

18 359.8 DIVISION -- EFFECT.

19 If the petition is signed by a majority of the eligible
20 qualified electors of the township residing without the
21 corporate limits of such the city, the board of supervisors
22 shall divide the township into two townships, as petitioned;
23 but, except for election purposes, including the appointment
24 of precinct election officers officials rendered necessary by
25 the change, the division shall not take effect until the first
26 day of January following the next general election which is
27 not a Sunday or a legal holiday.

28 Sec. 26. Section 376.4, unnumbered paragraph 5, Code
29 Supplement 1989, is amended to read as follows:

30 If the city clerk is not readily available during normal
31 office hours, the city clerk shall designate other employees
32 or officials of the city who are ordinarily available to
33 accept nomination papers under this section. On the final
34 date for filing nomination papers the office of the city clerk
35 shall remain open until five p.m.

1 PARAGRAPH DIVIDED. The city clerk shall accept the
2 petition for filing if on its face it appears to have the
3 requisite number of signatures and if it is timely filed. The
4 city clerk shall note upon each petition and affidavit
5 accepted for filing the date and time that ~~the-petition-was~~
6 they were filed.

7 Sec. 27. Section 467A.5, subsection 3, Code Supplement
8 1989, is amended to read as follows:

9 3. At each general election a successor shall be chosen
10 for each commissioner whose term will expire in the succeeding
11 January. Nomination of candidates for the office of
12 commissioner shall be made by petition in accordance with
13 chapter 45, except that each candidate's nominating petition
14 shall be signed by at least twenty-five eligible electors of
15 the district. The petition form shall be furnished by the
16 county commissioner of elections. Every candidate shall file
17 with the nomination papers an affidavit stating the
18 candidate's name, the candidate's residence, that the person
19 is a candidate and is eligible for the office of commissioner,
20 and that if elected the candidate will qualify for the office.
21 The signed petitions shall be filed with the county
22 commissioner of elections not later than five o'clock p.m. on
23 the ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the general
24 election. The votes for the office of district commissioner
25 shall be canvassed in the same manner as the votes for county
26 officers, and the returns shall be certified to the
27 commissioners of the district. A plurality ~~shall-be~~ is
28 sufficient to elect commissioners, and ~~no~~ a primary election
29 for the office shall not be held. If the canvass shows that
30 the two candidates receiving the highest and the second
31 highest number of votes for the office of district
32 commissioner are both residents of the same township, the
33 board shall certify as elected the candidate who received the
34 highest number of votes for the office and the candidate
35 receiving the next highest number of votes for the office who

1 is not a resident of the same township as the candidate
2 receiving the highest number of votes.

3 Sec. 28. Section 359.22, Code 1989, is repealed.

4 EXPLANATION

5 This bill makes a number of miscellaneous changes in laws
6 governing elections and election procedures. The changes are
7 described below.

8 39.2: Prohibits holding special elections with the
9 partisan primary elections and with school elections.

10 43.18, 43.67, 44.3, 45.3: Revise statements regarding
11 campaign finance disclosure obligations to specify that
12 reports must be filed if either the candidate or the
13 candidate's committee receives contributions, makes
14 expenditures, or incurs indebtedness in excess of \$250. Notes
15 are added indicating an exception for candidates for federal
16 offices.

17 43.78: Changes the wording to require that the names of
18 nominees be filed with the "appropriate" commissioner of
19 elections, which would be the county commissioner for county
20 offices and the state commissioner for statewide offices.

21 43.115, 44.4, 277.4, 376.4: Specify the hour of five p.m.
22 as the deadline for certain filings and require that offices
23 remain open until that hour.

24 46.22: Amends provisions relating to judicial elections
25 where special paper ballots or ballot cards are used.

26 47.6: Changes requirements for notice of special elections
27 from 30 days to 32 days.

28 49.30: Revises provisions governing the circumstances
29 under which separate ballots may be used.

30 49.31: Provides that the absentee ballot and special
31 voters precinct is considered a separate precinct for purposes
32 of ballot rotation.

33 49.33 and 49.42: Make changes in ballot provisions to
34 facilitate voting for the governor and lieutenant governor as
35 a team.

1 49.80: Strikes the requirement for sending to the polls a
2 list of voters whose registration receipts have been returned
3 by the postal service.

4 49.104: Revises provisions governing observers at ballot
5 issue elections.

6 49.107: Amends provisions restricting who may serve as
7 poll watchers.

8 53.23: Specifies procedures for preserving the secrecy of
9 absentee and special ballots during the counting process.

10 53.24: Revises provisions governing the tabulation of
11 absentee ballots in counties using voting machines.

12 62.18: Provides for the resolution of a tie without
13 holding a new election where a contest court has found that
14 the election resulted in a tie vote.

15 111A.2: Provides that the question of creating a county
16 conservation board may not be submitted at a primary election.

17 278.2: Revises provisions governing the number of
18 signatures required to submit a question to the voters of a
19 school district.

20 279.1: Sets the date for the organizational meeting of
21 school boards for the first regular meeting after the canvass
22 of votes for the school election, rather than the first
23 meeting after the election.

24 359.8: Amends provisions governing signatures on petitions
25 for township division by substituting "qualified electors" for
26 "eligible electors," thereby requiring that a signer be
27 registered and providing a more accurate means of determining
28 the number of signatures required.

29 467A.5: Changes the filing date for petitions for the
30 office of soil and water district commissioner to the 69th day
31 before the general election. Currently the filing date is 55
32 days before the general election.

33 359.22: Repeals the section requiring the township clerk
34 to report election results.

35 This bill may establish a state mandate as defined in

1 section 25B.3.

2

BACKGROUND STATEMENT

3

SUBMITTED BY THE AGENCY

4 Prohibits holding special elections with partisan primary
5 elections and school elections. Removes the provision that
6 allows the question of whether a county conservation board
7 shall be created to be voted upon at a primary election.

8 Rewords the statements on candidates' affidavits regarding
9 campaign finance disclosure obligations to indicate that
10 reports must be filed if the candidate or the candidate's
11 committee receives contributions, makes expenditures, or
12 incurs indebtedness in excess of two hundred fifty dollars.

13 Adds a specific time (5 p.m.) to some filing deadlines.
14 Changes the number of days from 30 days to 32 days before a
15 proposed election date that jurisdictions are required to
16 provide notice to the county auditor. Adds the requirement
17 that the offices of school secretaries and city clerks remain
18 open until five p.m. on the final date upon which nomination
19 petitions may be filed in those offices.

20 Permits separate headings to be used on machine-read
21 ballots to designate the area of the ballot containing the
22 judges. Clarifies and expands the circumstances under which
23 more than one ballot may be used to vote for candidates at an
24 election. Explains the role of the absentee and special
25 voters precinct in determining ballot rotation. Includes the
26 offices of governor and lieutenant governor in the section
27 regarding printing ballots for offices voted for in pairs.
28 Permits tabulating write-in votes for president and vice
29 president, and governor and lieutenant governor, separately.
30 Adds to the sample ballot an example showing that the governor
31 and lieutenant governor are voted for as a team.

32 Limits the number of observers at an election for public
33 measures to three at the same time. Clarifies that candidates
34 for offices being voted for at an election may not serve as
35 poll watchers at that election. Repeals the requirement that

1 the county commissioner send to the polls a list of voters
2 whose registration receipts were returned by the postal
3 service since the last election.

4 Requires that the special precinct board intermingle
5 absentee ballots before unfolding them in order to preserve
6 the secrecy of the ballots. Corrects the language regarding
7 the tabulation of absentee ballots using a lever voting
8 machine to conform to other references in the Code.

9 Specifies that lots are drawn if a contest court rules that
10 the result of the election was a tie vote. Sets the date for
11 the organizational meeting of school boards for the first
12 regular meeting after the canvass of votes for the school
13 election, rather than the first meeting after the election.
14 Repeals the requirement that the township clerk report to the
15 county auditor the results of township elections. Makes other
16 corrections.

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(1) Plastic products which are regularly purchased by the commission for which starch-based product alternatives are available. The report shall also include the cost of the plastic products purchased and the cost of the starch-based product alternatives.

(2) Information relating to soybean-based inks and starch-based garbage can liners regularly purchased by the commission. The report shall include the cost of purchasing soybean-based inks and starch-based garbage can liners, the percentage of inks purchased which are soybean-based and the percentage of liners purchased which are starch-based.

Sec. 6. Section 601L.3, subsection 12, Code Supplement 1989, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. The department of natural resources shall review the procurement specifications currently used by the commission to eliminate, wherever possible, discrimination against the procurement of products manufactured with starch-based plastics and soybean-based inks.

NEW PARAGRAPH. e. The department of natural resources shall assist the commission in locating suppliers of starch-based plastics and soybean-based inks, and collecting data on recycled content, starch-based plastic, and soybean-based ink purchases.

NEW PARAGRAPH. f. The commission, in conjunction with the department of natural resources, shall adopt rules to carry out the provisions of this section.

NEW PARAGRAPH. g. The department of natural resources shall cooperate with the commission in all phases of implementing this section.

Approved May 3, 1990

CHAPTER 1238

ELECTION LAWS

H.F. 2329

AN ACT relating to elections and election procedures, and providing effective and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 39.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. ~~No A special election may shall not be held on the first or and second Tuesday Tuesdays~~ preceding and following the primary and the general elections.

A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a school election unless the special election is for a school district or merged area school.

2. ~~A~~ Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties.

Sec. 2. Section 43.18, unnumbered paragraph 3, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it receives my committee or I receive~~ contributions, ~~makes make~~ expenditures, or ~~incurs incur~~ indebtedness in excess of two hundred fifty dollars

for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 3. Section 43.49, unnumbered paragraph 1, Code 1989, is amended to read as follows:
On the Monday or Tuesday following the primary election, the board of supervisors shall meet, open and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length:

Sec. 4. Section 43.67, unnumbered paragraph 3, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

.....
(Signed)

Sec. 5. Section 43.78, subsection 4, Code Supplement 1989, is amended to read as follows:

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of any a candidate so nominated shall be submitted in writing to the state appropriate commissioner, as required by section 43.88, at the earliest practicable time.

Sec. 6. Section 43.115, unnumbered paragraph 1, Code 1989, 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 no later than five p.m. forty days prior to before 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. 7. Section 44.3, subsection 2, unnumbered paragraph 5, Code 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if it receives my committee or I receive contributions, makes make expenditures, or incurs incur indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 8. Section 44.4, Code Supplement 1989, is amended to read as follows:

44.4 NOMINATIONS AND OBJECTIONS – TIME AND PLACE OF FILING.

Nominations made pursuant to 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 ninety-nine days nor later than five o'clock p.m. on the eighty-first day before the date of the general election to be held in November; and those nominations. Nominations made for a special election called pursuant to section 69.14 shall be filed by five p.m. not less than twenty days before the date of an election called upon at least forty days' notice and not less than seven days before the date of an election called upon at least ten days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by five p.m. not less than twenty days

before the date of the election. 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 ninety-two days nor later than five o'clock p.m. on the sixty-ninth day before the date of the general election. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than five o'clock p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

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~~ The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

1. Those filed with the state commissioner, not less than seventy-four days before the date of the election.

2. Those filed with the commissioner, not less than sixty-four days before the date of the election.

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

4. In the case of nominations to fill vacancies occurring after the time when an original nomination for any an office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Objections shall be filed no later than five p.m. on the final date for filing.

Sec. 9. Section 45.3, unnumbered paragraph 6, Code Supplement 1989, is amended to read as follows:

I am aware that I am required to organize a candidate's committee which shall file an organization statement and disclosure reports if ~~it receives my committee or I receive~~ contributions, ~~makes make~~ expenditures, or ~~incurs incur~~ indebtedness in excess of two hundred fifty dollars for the purpose of supporting my candidacy for public office. This paragraph does not apply to candidates for federal offices.

Sec. 10. Section 46.22, Code 1989, is amended to read as follows:

46.22 VOTING.

Voting at judicial elections shall be by separate paper ballot, special paper ballot, ballot cards, or by voting machine in the space provided for public measures. If paper ballots are used the election judges shall offer a ballot to each voter. If special paper ballots or ballot cards are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots ~~shall~~ are not be required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

Sec. 11. Section 46.24, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A judge of the supreme court, court of appeals, or district court including a district associate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns ~~at its meeting on the Monday or Tuesday~~ after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

Sec. 12. Section 47.6, subsection 1, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

If the proposed date of the special election coincides with the date of a regularly scheduled election, the notice shall be given no later than five o'clock p.m. on the last day on which nomination papers may be filed for the regularly scheduled election. Otherwise, the notice shall be given at least ~~thirty~~ thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the

proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 13. Section 48.3, Code 1989, is amended to read as follows:
48.3 REGISTRATION FORM.

As an alternative to the method of registration prescribed by section 48.2, a person entitled to register under that section may cause delivery of a completed voter registration form to the commissioner of registration in the person's county of residence. A registration form or the envelope containing one or more registration forms for the use of individual registrants must be postmarked ~~or otherwise delivered~~ by the fifteenth day ~~prior to~~ before an election ~~or received by the county commissioner of registration no later than five p.m. on the date registration closes before~~ an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 14. Section 48.9, Code 1989, is amended to read as follows:
48.9 USE OF UNIVERSITIES' FACILITIES.

The state board of regents shall provide access to the designated public portions of its university residence halls and lounges for a registrar, deputy registrar, ~~mobile deputy registrar~~, person delivering voter registration forms provided in section 48.3 to register eligible electors, or a candidate. The state board of regents may establish reasonable restrictions on the time, manner and place of access by those registrars, persons and candidates.

Sec. 15. Section 48.11, unnumbered paragraph 2, Code 1989, 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 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. 16. **NEW SECTION. 48.23 COMPLETING A VOTER REGISTRATION FORM.**

A person offering a voter registration form to another person shall not complete any portion of the form without prior consent from the person being registered.

Sec. 17. Section 49.30, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.30 ALL CANDIDATES ON ONE BALLOT - EXCEPTIONS.

The names of all candidates to be voted for in each election precinct, other than presidential electors, shall be printed on one ballot, except that separate ballots are authorized under the following circumstances:

1. For judicial elections, separate ballots or headings shall be used as required by section 46.22.

2. At an election where voting machines are used, and it is impossible to place the names of all candidates on the machine ballot, the commissioner may provide a separate paper ballot for the candidates for judge of the district court and the township offices, or either; one of the paper ballots shall be furnished to each qualified elector.

3. Separate paper ballots may be used for the election of township officers in precincts including both incorporated and unincorporated areas.

Sec. 18. Section 49.31, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. For the purposes of ballot rotation the absentee ballot and special voters precinct shall be considered a separate precinct, unless the office will appear on the ballot in only one precinct other than the absentee ballot and special voters precinct.

Sec. 19. Section 49.33, Code 1989, is amended to read as follows:

49.33 ONE SINGLE SQUARE FOR PRESIDENT AND VICE PRESIDENT CERTAIN PAIRED OFFICES.

Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for president and vice president, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of a the bracket enclosing the names of the said candidates for president and vice president, and a separate square of the same size shall be printed in front of the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for said a team of candidates shall be counted and certified to by the election board in the same manner as the votes for other candidates as a team. Write-in votes may be tabulated for each office separately.

Sec. 20. Section 49.42, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

49.42 FORM OF OFFICIAL BALLOT.

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

<u>REPUBLICAN</u>	<u>DEMOCRATIC</u>	<u>PROHIBITION</u>	<u>UNION LABOR</u>
(For President, (A.... B...., (of Ohio.	(For President, (N.... O...., (of Virginia.	(For President, (A.... B...., (of Maine.	(For President, (N.... O...., (of Idaho.
_(For Vice (President, (C.... D...., (of New York.	_(For Vice (President, (P.... Q...., (of Indiana.	_(For Vice (President, (C.... D...., (of Illinois.	_(For Vice (President, (P.... Q...., (of Ohio.
For United States Senator.	For United States Senator.	For United States Senator.	For United States Senator.
—E.... F...., For United States Representative,	—R.... S...., For United States Representative,	—E.... F...., For United States Representative,	—R.... S...., For United States Representative,
—G.... H...., (For Governor, (I.... J...., (For Lieutenant (Governor, (K.... L....	—T.... U...., (For Governor, (V.... W...., (For Lieutenant (Governor, (X.... Y....	—G.... H...., (For Governor, (I.... J...., (For Lieutenant (Governor, (K.... L....	—T.... U...., (For Governor, (V.... W...., (For Lieutenant (Governor, (X.... Y....

Sec. 21. Section 49.80, subsection 3, Code 1989, is amended by striking the subsection.

Sec. 22. Section 49.99, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The voter may also insert in writing in the proper place the name of any person for whom the voter desires to vote and place a cross or check in the square opposite thereto the name. The If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of such the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a cross or check opposite thereto the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. The

making of a cross or check in a square opposite a blank without writing a name therein in the blank, shall not affect the validity of the remainder of the ballot.

Sec. 23. Section 49.104, subsection 6, Code 1989, is amended to read as follows:

6. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner prior to before election day. If more than three such persons file a notice of intent to serve at the same time with respect to ballot issues at any an election, the commissioner shall appoint from those submitting a notice of intent the three persons to who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

Sec. 24. Section 49.107, subsection 8, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

8. Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, by a precinct election official serving at the polls or by an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress.

Sec. 25. Section 50.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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

Sec. 26. Section 50.24, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 22 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election.

Sec. 27. Section 50.46, Code 1989, is amended to read as follows:

50.46 SPECIAL ELECTIONS — CANVASS AND CERTIFICATE.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet at one o'clock in the afternoon of the second day thereafter after the election, and canvass the votes cast thereat at the election. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

Sec. 28. Section 53.1, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 3. When the elector expects to be unable to go to the polls and vote on election day.

Sec. 29. Section 53.17, subsection 2, Code 1989, is amended to read as follows:

2. The sealed carrier envelope may be mailed to the commissioner. The carrier envelope shall indicate that greater postage than ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.

PARAGRAPH DIVIDED. In order for the ballot to be counted, the carrier envelope must be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than the time established for the canvass by the board of supervisors for that noon on the Monday following the election.

If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour prior to before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office prior to before the canvass for that election by the board of supervisors.

Sec. 30. Section 53.23, Code 1989, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsection:

NEW SUBSECTION. 5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

Sec. 31. Section 53.24, Code 1989, is amended to read as follows:

53.24 COUNTIES USING VOTING MACHINES.

In counties which provide the absentee ballot counting special precinct election board with a voting machine machines, the absentee ballot envelopes shall be opened by the counting board and the ballots shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the precinct election officials of each of the political parties, be registered on the voting machine machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and special ballots for more than one such election may be recorded on the same machine.

Sec. 32. Section 62.18, Code 1989, is amended to read as follows:

62.18 JUDGMENT.

The court shall pronounce judgment adjudge whether the incumbent or any other person was duly elected, and adjudge that the person so declared elected will be is entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. If the judgment be is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul ~~it~~ the certificate. If

the court ~~find~~ finds that no person was elected, the judgment shall be that the election be set aside.

Sec. 33. Section 69.14A, subsection 2, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. When a vacancy exists in an elected county office, the board of supervisors shall publish notice as provided in section 331.305 indicating the method, appointment or special election, by which the board intends to fill the vacancy. If appointment is selected by the board, the appointment may be made before publication of the notice, but the appointment shall be made within forty days after the vacancy occurs.

b. When the board is notified, in writing, by the county officer of the officer's wish to vacate an office, the board shall publish notice of the vacancy if the board selects appointment by which to fill the vacancy. Following publication of notice of the vacancy, the board may appoint a prospective appointee, to serve as a deputy, no earlier than fourteen days before the vacancy occurs.

c. If within fourteen days after the date of the notice or within fourteen days after the appointment is made, whichever date is later, a petition requesting a special election to fill the vacancy is filed with the county auditor, the appointment is temporary and a special election shall be called as provided in subsection 3. The petition shall meet the requirements of section 331.306.

Sec. 34. Section 111A.2, Code 1989, is amended to read as follows:

111A.2 PETITION — BOARD MEMBERSHIP.

Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board shall submit to the voters at the next ~~primary or~~ general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When ~~any~~ a member of the board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant. Members of the board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, ~~or~~ disability, or failure to participate in board activities as set forth by the rules of the conservation board.

Sec. 35. Section 277.4, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-four days, nor less than forty days ~~prior to~~ before the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section. On the final date for filing nomination papers the office of the school secretary shall remain open until five p.m.

Sec. 36. Section 278.2, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of ~~votes cast~~ electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of

any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 8 or 9, it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of ~~these~~ those subsections.

Sec. 37. Section 279.1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The board of directors of each school corporation shall meet and organize at the first regular meeting after a the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of such the meeting shall be given by the secretary to each member and each member-elect of the board.

Sec. 38. Section 280.9A, Code 1989, is amended to read as follows:

280.9A HISTORY AND GOVERNMENT REQUIRED - VOTER REGISTRATION.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.

2. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall submit a list of currently enrolled full-time and part-time students who have attained the age of eighteen years or will attain the age of eighteen years within six months, twice each calendar year, to the county commissioner of elections in the county or counties in which the public school district or nonpublic school is located. The list shall be submitted on September 30 and March 30 of each school year and shall list the student's name, address, and date of birth. The county commissioner of elections may use this list to send a voter registration form to the student.

Sec. 39. Section 359.8, Code Supplement 1989, is amended to read as follows:

359.8 DIVISION - EFFECT.

If the petition is signed by a majority of the ~~eligible~~ qualified electors of the township residing without the corporate limits of ~~such~~ the city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of ~~precinct election officers~~ officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

Sec. 40. Section 376.4, unnumbered paragraph 5, Code Supplement 1989, is 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. On the final date for filing nomination papers the office of the city clerk shall remain open until five p.m.

PARAGRAPH DIVIDED. 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 they were filed.

Sec. 41. Section 467A.5, subsection 3, Code Supplement 1989, is amended to read as follows:

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January. Nomination of candidates for the office of commissioner shall be made by petition in accordance with chapter 45, except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that

if elected the candidate will qualify for the office. The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day ~~prior to~~ before the general election. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality ~~shall be~~ is sufficient to elect commissioners, and ~~no~~ a primary election for the office shall not be held. If the canvass shows that the two candidates receiving the highest and the second highest number of votes for the office of district commissioner are both residents of the same township, the board shall certify as elected the candidate who received the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township as the candidate receiving the highest number of votes.

Sec. 42. Section 48.19, subsection 2, if enacted in 1990 Iowa Acts, House File 2009,* is amended to read as follows:

2. If the commissioner is unable to make available to a county precinct the information required of an eligible elector who registers through special late registration procedures, on the election register of a county precinct or through the provision of a separate listing of the eligible electors who register through special late registration procedures, an eligible elector may obtain from the commissioner of registration a form of affidavit prescribed by the state commissioner of elections to serve as evidence of special late registration. If the affidavit is completed by the elector and notarized by the commissioner of registration or the commissioner's designee, the elector is deemed registered under special late registration procedures and may present the affidavit at the elector's polling place on election day as proof that the elector is registered to vote. The election officials of the elector's precinct shall accept the elector's affidavit of special late registration and shall proceed as if the elector's name were listed in the election register. The election officials shall preserve all affidavits submitted pursuant to this section and forward them to the commissioner of registration at the time the election register is returned. A registration under this section is subject to verification as provided in section 48.3.

Sec. 43. Sections 48.27 and 359.22, Code 1989, are repealed.

Sec. 44. 1990 Iowa Acts, chapter 1007, being House File 2001 of the Seventy-third General Assembly, is amended by adding the following new section:

SEC. 3. EFFECTIVE DATE.

This Act, being deemed of immediate importance, takes effect upon the enactment of 1990 Iowa Acts, House File 2329, if enacted by the Seventy-third General Assembly, and is retroactively applicable to voting booths and electronic voting systems approved by the board of examiners and furnished before the enactment of this Act.

Sec. 45. EFFECTIVE DATE.

1. Section 44 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

2. All other sections of this Act take effect July 1, 1990.

Approved May 3, 1990

*House File 2009 vetoed