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SENATE FILE 371
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 114)

Passed Senate, Date 3-21-89 (p. 890) Passed House, Date 4-18-89 (p. 1655)
Vote: Ayes 45 Nays 3 Vote: Ayes 94 Nays 0
Approved May 8, 1989

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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SF 371

1 Section 1. Section 6.6, Code 1989, is amended to read as
2 follows:

3 6.6 CERTIFICATION -- SAMPLE BALLOT.

4 The state commissioner of elections shall, not less than
5 ~~fifty-five~~ sixty-nine days preceding any election at which a
6 constitutional amendment or public measure is to be submitted
7 to a vote of the entire people of the state, transmit to the
8 county commissioner of elections of each county a certified
9 copy of ~~such~~ the amendment or measure and a sample of the
10 ballot to be used in such cases, prepared in accordance with
11 law.

12 Sec. 2. Section 43.4, unnumbered paragraph 2, Code 1989,
13 is amended to read as follows:

3182-14 There shall be selected among those present at a precinct
15 caucus a chairperson and a secretary who shall ~~forthwith~~
16 within seven days certify to the county central committee and
17 the county commissioner the names of those elected as party
18 committee members and delegates to the county convention.
19 When the rules of a political party require the selection and
20 reporting of delegates selected as part of the presidential
21 nominating process, or the rules of a political party require
22 the tabulation and reporting of the number of persons
23 attending the caucus favoring each presidential candidate, it
24 is the duty of a person designated as provided by the rules of
25 that political party to report the results of the precinct
26 caucus as directed by the state central committee of that
27 political party. When the person designated to report the
28 results of the precinct caucus reports the results,
29 representatives of each candidate ~~may~~, if they so choose, may
30 accompany the person as the results are being reported to
31 assure that an accurate report of the proceedings is reported.
32 If ballots are used at the precinct caucus, representatives of
33 each candidate or other persons attending the precinct caucus
34 may observe the tabulation of the results of the balloting.

35 Sec. 3. Section 43.6, subsections 1 and 2, Code 1989, are

1 amended to read as follows:

2 1. When a vacancy occurs in the office of senator in the
3 congress of the United States, lieutenant governor, secretary
4 of state, auditor of state, treasurer of state, secretary of
5 agriculture, or attorney general and section 69.13, subsection
6 1, requires that the vacancy be filled for the balance of the
7 unexpired term at a general election, candidates for the
8 office shall be nominated in the preceding primary election if
9 the vacancy occurs ~~seventy-five~~ eighty-nine or more days prior
10 ~~to before~~ the date of that primary election. If the vacancy
11 occurs less than ~~ninety~~ one hundred four days before the date
12 of that primary election, the state commissioner shall accept
13 nomination papers for that office only until five o'clock p.m.
14 on the ~~sixtieth~~ seventy-fourth day before the primary
15 election, the provisions of section 43.11 notwithstanding. If
16 the vacancy occurs later than ~~seventy-five~~ eighty-nine days
17 before the date of that primary election, but not less than
18 ~~seventy-five~~ eighty-nine days before the date of the general
19 election, the nominations shall be made in the manner
20 prescribed by this chapter for filling vacancies in
21 nominations for offices to be voted for at the general
22 election.

23 2. When a vacancy occurs in the office of county
24 supervisor or any of the offices listed in section 39.17 and
25 section 69.13, subsection 2, requires that the vacancy be
26 filled for the balance of the unexpired term at a general
27 election, candidates for the office shall be nominated in the
28 preceding primary election if the vacancy occurs ~~sixty~~
29 seventy-four or more days ~~prior-to before~~ the date of that
30 primary election. If the vacancy occurs less than ~~seventy-~~
31 ~~five~~ eighty-nine days before the date of that primary
32 election, the commissioner shall accept nomination papers for
33 that office only until five o'clock p.m. on the ~~forty-ninth~~
34 sixty-third day before the primary election, the provisions of
35 section 43.11 notwithstanding. If the vacancy occurs later

1 than ~~sixty-seventy-four~~ days before the date of that primary
2 election, but not less than ~~sixty-seventy-four~~ days before the
3 date of the general election, the nominations shall be made in
4 the manner prescribed by this chapter for filling vacancies in
5 nominations for offices to be voted for at the general
6 election.

7 Sec. 4. Section 43.11, Code 1989, is amended to read as
8 follows:

9 43.11 FILING OF NOMINATION PAPERS.

10 Nomination papers in behalf of a candidate shall be filed:

11 1. For an elective county office, in the office of the
12 county commissioner not earlier than seventy-eight ninety-two
13 days nor later than five o'clock p.m. on the fifty-fifth
14 sixty-ninth day ~~prior to~~ before the day fixed for holding the
15 primary election.

16 2. For United States senator, for an elective state
17 office, for representative in Congress, and for member of the
18 general assembly, in the office of the state commissioner not
19 earlier than eighty-five ninety-nine days nor later than five
20 o'clock p.m. on the sixty-seventh eighty-first day ~~prior to~~
21 before the day fixed for holding the primary election.

22 Sec. 5. Section 43.15, subsection 3, Code 1989, is amended
23 to read as follows:

24 3. All signers, for all nominations, of each separate part
25 of a nomination paper, shall reside in the same county,
26 representative or senatorial district for members of the
27 general assembly. In counties where the supervisors are
28 elected from districts, signers of nomination petitions for
29 supervisor candidates shall reside in the supervisor district
30 the candidate seeks to represent.

31 Sec. 6. Section 43.16, unnumbered paragraphs 2 and 3, Code
32 1989, are amended to read as follows:

33 A person who has filed nomination petitions with the state
34 commissioner may withdraw as a candidate not later than the
35 sixty-second seventy-sixth day before the primary election by

1 notifying the state commissioner in writing.

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

6 Sec. 7. Section 43.21, Code 1989, is amended to read as
7 follows:

8 43.21 TOWNSHIP OFFICE.

9 The name of a candidate for a township office shall be
10 printed on the official primary ballot of the candidate's
11 party if the candidate files the candidate's personal
12 affidavit, in the form prescribed by section 43.18, with the
13 commissioner not earlier than ninety-two days nor later than
14 five o'clock p.m. of the ~~fifty-fifth~~ sixty-ninth day prior-to
15 before the primary election. If prior-to before that time
16 there is presented to the commissioner a nomination paper
17 signed by at least ten eligible electors of the township
18 requesting that the name of any person be placed on the
19 primary ballot as a candidate for a township office, and the
20 nomination paper is not accompanied by the candidate's
21 personal affidavit, the commissioner shall advise the
22 candidate that such an affidavit is required before the
23 candidate's name may be placed on the ballot.

24 Sec. 8. Section 43.22, unnumbered paragraph 1, Code 1989,
25 is amended to read as follows:

26 The state commissioner shall, at least ~~fifty-five~~ sixty-
27 nine days before a primary election, furnish to the
28 commissioner of each county a certificate under the state
29 commissioner's hand and seal, which certificate shall show:

30 Sec. 9. Section 43.23, Code 1989, is amended to read as
31 follows:

32 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

33 1. ~~When-any~~ If a person who has filed nomination papers
34 with the state commissioner as a candidate in a primary
35 election dies or withdraws up to the ~~sixty-second~~ seventy-

1 sixth day before the primary election, the appropriate
2 convention or central committee of that person's political
3 party may designate one additional primary election candidate
4 for the nomination that person was seeking, if the designation
5 is submitted to the state commissioner in writing by five
6 o'clock p.m. on the fifty-seventh seventy-first day before the
7 date of the primary election. The name of any candidate so
8 submitted shall be included in the appropriate certificate or
9 certificates furnished by the state commissioner under section
10 43.22.

11 2. When-any If a person who has filed nomination papers
12 with the commissioner as a candidate in a primary election
13 dies or withdraws up to the fifty-third sixty-seventh day
14 before the primary election, the appropriate convention or
15 central committee of that person's political party may
16 designate one additional primary election candidate for the
17 nomination that person was seeking, if the designation is
18 submitted to the commissioner in writing by five o'clock p.m.
19 on the forty-ninth sixty-third day before the primary
20 election. The name of any candidate so submitted shall be
21 placed on the appropriate ballot or ballots by the
22 commissioner.

23 Sec. 10. Section 43.24, subsection 1, paragraphs a, b, and
24 d, Code 1989, are amended to read as follows:

25 a. Those filed with the state commissioner, not less than
26 sixty seventy-four days before the date of the election.

27 b. Those filed with the commissioner, not less than fifty
28 sixty-four days before the date of the election.

29 d. Those filed with the city clerk under this chapter, at
30 least thirty thirty-six days prior-to before the municipal
31 election.

32 Sec. 11. NEW SECTION. 43.29 FORM OF NAME ON BALLOT.

33 The name of a candidate printed on the ballot shall not
34 include parentheses, quotation marks, or any personal or
35 professional title.

1 Sec. 12. Section 43.30, Code 1989, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The commissioner may make sample
4 ballots available to the public. The sample ballots shall be
5 stamped with the words "sample ballot" and a facsimile of the
6 commissioner's signature. A reasonable fee may be charged for
7 printing costs if a person requests multiple copies of sample
8 ballots.

9 Sec. 13. Section 43.45, unnumbered paragraph 1, Code 1989,
10 is amended to read as follows:

11 Upon the closing of the polls the precinct election
12 officials shall immediately publicly canvass the vote in the
13 following manner:

14 Sec. 14. Section 43.48, Code 1989, is amended to read as
15 follows:

16 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

17 Any elector of the county shall have the right, before the
18 day fixed for canvassing the returns, to ascertain the vote
19 cast for any candidate in any precinct in the county, as shown
20 on the outside of the envelope containing the ~~election~~
21 register tally list.

22 Sec. 15. Section 43.54, Code 1989, is amended to read as
23 follows:

24 43.54 RIGHT TO PLACE ON BALLOT.

25 Each candidate so nominated ~~shall be~~ pursuant to section
26 43.53 is entitled to have the candidate's name printed on the
27 official ballot to be voted for at the general election
28 ~~without other certificate~~ if the candidate files an affidavit
29 in the form required by section 43.67 not later than five
30 o'clock p.m. on the seventh day following the completion of
31 the canvass.

32 Sec. 16. NEW SECTION. 43.56 PRIMARY ELECTION RECOUNT
33 PROVISIONS.

34 Recounts of votes for primary elections shall be conducted
35 following the procedure outlined in section 50.48. However,

1 if a recount is requested for an office for which no candidate
2 has received the required thirty-five percent to be nominated,
3 the recount board shall consist of the following persons:

4 1. One person chosen by the candidate requesting the
5 recount, who shall be named in the request.

6 2. One person chosen by the candidate who received the
7 highest number of votes for the nomination being recounted.
8 However, if the candidate who requested the recount received
9 more votes than anyone else for the nomination, the candidate
10 who received the second highest number of votes shall
11 designate this person to serve on the recount board.

12 3. A third person mutually agreeable to the board members
13 designated by the candidates.

14 A bond is not necessary for a primary election recount
15 under these circumstances if the difference between the number
16 of votes needed to be nominated and the number of votes
17 received by the candidate requesting the recount is less than
18 fifty votes or one percent of the total number of votes cast
19 for the nomination in question, whichever is greater. If a
20 bond is required, the bond shall be in the amount specified in
21 section 50.48, subsection 2.

22 Sec. 17. Section 43.67, unnumbered paragraph 1, Code 1989,
23 is amended to read as follows:

24 Each candidate so nominated shall be pursuant to section
25 43.66 is entitled to have the candidate's name printed on the
26 official ballot to be voted at the general election without
27 other certificate, except that a candidate whose name was not
28 printed on the official primary election ballot must execute
29 and deliver to the commissioner or the state commissioner, as
30 the case may be, an affidavit in substantially the following
31 form:

32 Sec. 18. Section 43.73, unnumbered paragraph 1, Code 1989,
33 is amended to read as follows:

34 Not less than ~~fifty-five~~ sixty-nine days before the general
35 election the state commissioner shall certify to each

1 commissioner, under separate party headings, the name of each
2 person nominated as shown by the official canvass made by the
3 executive council, or as certified to the state commissioner
4 by the proper persons when any person has been nominated by a
5 convention or by a party committee, or by petition, the office
6 to which the person is nominated, and the order in which the
7 tickets of the several political parties shall appear on the
8 official ballot.

9 Sec. 19. Section 43.76, Code 1989, is amended to read as
10 follows:

11 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

18 2. A candidate nominated in a primary election for any
19 office for which nomination papers are required to be filed
20 with the commissioner may withdraw as a nominee for that
21 office on or before, but not later than, the ~~sixtieth~~ seventy-
22 fourth day ~~prior-to~~ before the date of the general election by
23 so notifying the commissioner in writing.

24 Sec. 20. Section 43.77, subsections 3 and 4, Code 1989,
25 are amended to read as follows:

26 3. The person nominated in the primary election as the
27 party's candidate for that office subsequently withdrew as
28 permitted by section 43.76, was found to lack the requisite
29 qualifications for the office, or died, at a time not later
30 than the ~~seventy-fifth~~ eighty-ninth day before the date of the
31 general election in the case of an office for which nomination
32 papers must be filed with the state commissioner and not later
33 than the ~~sixtieth~~ seventy-fourth day before the date of the
34 general election in the case of an office for which nomination
35 papers must be filed with the county commissioner.

1 4. A vacancy has occurred in the office of senator in the
2 Congress of the United States, lieutenant governor, secretary
3 of state, auditor of state, treasurer of state, secretary of
4 agriculture, or attorney general, under the circumstances
5 described in section 69.13, subsection 1, less than ~~seventy-~~
6 ~~five~~ eighty-nine days before the primary election and not less
7 than ~~seventy-five~~ eighty-nine days before the general
8 election, or in the office of county supervisor or any of the
9 offices listed in section 39.17, under the circumstances
10 described in section 69.13, subsection 2, less than ~~sixty~~
11 seventy-four days before the primary election and not less
12 than ~~sixty~~ seventy-four days before the general election.

13 Sec. 21. Section 43.78, subsections 2 and 3, Code 1989,
14 are amended to read as follows:

15 2. The name of any candidate designated to fill a vacancy
16 on the general election ballot in accordance with subsection
17 1, paragraph "a", "b", or "c" shall be submitted in writing to
18 the state commissioner not later than five o'clock p.m. on the
19 ~~sixty-seventh~~ eighty-first day ~~prior-to~~ before the date of the
20 general election.

21 3. The name of any candidate designated to fill a vacancy
22 on the general election ballot in accordance with subsection
23 1, paragraph "d", "e", or "f" shall be submitted in writing to
24 the commissioner not later than five o'clock p.m. on the
25 ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the date of the
26 general election.

27 Sec. 22. Section 43.79, Code 1989, is amended to read as
28 follows:

29 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

30 The death of a candidate nominated as provided by law for
31 any office to be filled at a general election, during the
32 period beginning on the ~~seventy-fourth~~ eighty-eighth day
33 before the general election, in the case of any candidate
34 whose nomination papers were filed with the state
35 commissioner, or beginning on the ~~fifty-ninth~~ seventy-third

1 day before the general election, in the case of any candidate
2 whose nomination papers were filed with the commissioner, and
3 ending on the last day before the general election shall not
4 operate to remove the deceased candidate's name from the
5 general election ballot. If the deceased candidate was
6 seeking the office of senator or representative in the
7 Congress of the United States, governor, lieutenant governor,
8 attorney general, senator or representative in the general
9 assembly or county supervisor, section 49.58 shall control.
10 If the deceased candidate was seeking any other office, and as
11 a result of the candidate's death a vacancy is subsequently
12 found to exist, the vacancy shall be filled as provided by
13 chapter 69.

14 Sec. 23. Section 44.4, Code 1989, is amended to read as
15 follows:

16 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
17 FILING.

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

1 seventy-two days not later than five o'clock p.m. on the
2 forty-seventh day ~~prior to~~ before the city election with the
3 city clerk, who shall process them as provided by law.

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

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

13 2. Those filed with the commissioner, not less than ~~fifty~~
14 sixty-four days before the day date of election.

15 3. Those filed with the city clerk, at least forty-two
16 days ~~prior to~~ before the municipal election.

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

21 Sec. 24. Section 44.9, unnumbered paragraph 1 and
22 subsections 1 and 2, Code 1989, are amended to read as
23 follows:

24 Any candidate named under this chapter may withdraw the
25 candidate's nomination by a written request, ~~signed and~~
26 ~~acknowledged by that person before any officer empowered to~~
27 ~~take acknowledgment of deeds. Such withdrawal must be~~ filed as
28 follows:

29 1. In the office of the state commissioner, at least ~~sixty~~
30 seventy-four days before the day date of the election.

31 2. In the office of the proper commissioner, at least
32 ~~fifty~~ sixty-four days before the day date of the election.

33 Sec. 25. Section 44.11, Code 1989, is amended to read as
34 follows:

35 44.11 VACANCIES FILLED.

1 If a candidate named under this chapter declines a
2 nomination, or dies before election day, or ~~should any~~ if a
3 certificate of nomination ~~be~~ is held insufficient or
4 inoperative by the officer with whom it is required to be
5 filed, or in case any objection made to ~~any a~~ a certificate of
6 nomination, or to the eligibility of any candidate ~~therein~~
7 named in the certificate, is sustained by the board appointed
8 to determine such questions, the vacancy or vacancies thus
9 ~~occasioned~~ may be filled by the convention, or caucus, or in
10 such manner as such convention or caucus has previously
11 provided. The vacancy or vacancies shall be filled not less
12 than ~~sixty~~ seventy-four days ~~prior-to~~ before the election in
13 the case of nominations required to be filed with the state
14 commissioner, not less than ~~fifty~~ sixty-four days ~~prior-to~~
15 before the election in the case of nominations required to be
16 filed with the commissioner, and not less than thirty-five
17 days ~~prior-to~~ before the election in the case of nominations
18 required to be filed in the office of the school board
19 secretary, ~~or and not less than~~ forty-two days before the
20 election in the case of nominations required to be filed with
21 the city clerk.

22 Sec. 26. Section 45.1, subsection 1, Code 1989, is amended
23 to read as follows:

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

32 Sec. 27. Section 45.3, unnumbered paragraph 1, Code 1989,
33 is amended to read as follows:

34 Each eligible elector who signs a nominating petition drawn
35 up in accordance with this chapter shall add to the signature

1 the elector's residence address and the date of signing. The
2 person whose nomination is proposed by the petition may shall
3 not sign it. A person shall not sign more nomination
4 petitions under this chapter for an office than there are
5 persons to be elected to the office. This chapter does not
6 prohibit a person from signing nomination petitions for
7 candidates for the general election if the person also signed
8 nomination petitions for candidates for the same office for
9 the primary election.

10 PARAGRAPH DIVIDED. Before the petition is filed, there
11 shall be endorsed upon or attached to it an affidavit executed
12 by that candidate, in substantially the following form:

13 Sec. 28. Section 46.20, Code 1989, is amended to read as
14 follows:

15 46.20 DECLARATION OF CANDIDACY.

16 At least ~~ninety~~ one hundred four days ~~prior to~~ before the
17 judicial election preceding expiration of the initial or
18 regular term of office, a judge of the supreme court, court of
19 appeals, or district court including district associate
20 judges, or a clerk of the district court who is required to
21 stand for retention under section 602.1216 may file a
22 declaration of candidacy with the state commissioner of
23 elections to stand for retention or rejection at that
24 election. If a judge or clerk fails to file the declaration,
25 the office shall be vacant at the end of the term. District
26 associate judges filing the declaration shall stand for
27 retention in the judicial election district of their
28 residence.

29 Sec. 29. Section 46.21, unnumbered paragraph 1, Code 1989,
30 is amended to read as follows:

31 At least ~~fifty-five~~ sixty-nine days ~~prior to~~ before each
32 judicial election, the state commissioner of elections shall
33 certify to the county commissioner of elections of each county
34 a list of the judges of the supreme court, court of appeals,
35 and district court including district associate judges, and

1 clerks of the district court to be voted on in each county at
2 that election. The county commissioner of elections shall
3 place the names upon the ballot in the order in which they
4 appear in the certificate, unless only one county is voting
5 thereon. The state commissioner of elections shall rotate the
6 names in the certificate by county, or the county commissioner
7 of elections shall rotate them upon the ballot by precinct if
8 only one county is voting thereon. The names of all judges
9 and clerks to be voted on shall be placed upon one ballot,
10 which shall be in substantially the following form:

11 Sec. 30. Section 47.2, Code 1989, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 6. On the final date for filing
14 nomination papers in the commissioner's office the office
15 shall be open until the time for receiving nomination papers
16 has passed.

17 Sec. 31. Section 47.6, subsection 1, Code 1989, is amended
18 to read as follows:

19 1. The governing body of any political subdivision which
20 has authorized a special election to which section 39.2 is
21 applicable shall by written notice inform the commissioner who
22 will be responsible for conducting the election of the
23 proposed date of the special election. If a public measure
24 will appear on the ballot at the special election the
25 governing body shall submit the complete text of the public
26 measure to the commissioner with the notice of the proposed
27 date of the special election.

28 PARAGRAPH DIVIDED. If the proposed date of the special
29 election coincides with the date of a regularly scheduled
30 election, the notice shall be given no later than five o'clock
31 p.m. on the last day on which nomination papers may be filed
32 for the regularly scheduled election. Otherwise, the notice
33 shall be given at least thirty days in advance of the date of
34 the proposed special election. Upon receiving the notice, the
35 commissioner shall promptly give written approval of the

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

5 Sec. 32. Section 48.31, Code 1989, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 7. Upon receipt of a written request from
8 the qualified elector.

9 Sec. 33. Section 49.8, subsection 6, Code 1989, is amended
10 to read as follows:

11 6. Precinct boundaries established by or pursuant to
12 section 49.4, and not changed under subsection 1 since the
13 most recent federal decennial census, may be changed once
14 during the period beginning January 1 of the second year
15 following a year in which a federal decennial census is taken
16 and ending June 30 of the year immediately following the year
17 in which the next succeeding federal decennial census is
18 taken, if the commissioner recommends and the board of
19 supervisors finds that the change will effect a substantial
20 savings in election costs. Changes made under this subsection
21 shall be made not later than ninety-nine days before a primary
22 election, unless the changes will not take effect until
23 January 1 of the next even-numbered year.

24 Sec. 34. Section 49.23, Code 1989, is amended to read as
25 follows:

26 49.23 NOTICE OF CHANGE.

27 When a change is made from the usual polling place for the
28 precinct or when the precinct polling place for any primary or
29 general election is different from that used for the precinct
30 at the last preceding primary or general election, notice of
31 such change shall be given by publication in a newspaper of
32 general circulation in the precinct not more than fifteen
33 twenty nor less than five four days prior-to before the day on
34 which the election is to be held. In addition a notice of the
35 present polling place for the precinct shall be posted, not

1 later than the hour at which the polls open on the day of the
2 election, on each door to the usual or former polling place in
3 the precinct and shall remain there until the polls have
4 closed.

5 Sec. 35. Section 49.31, Code 1989, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. The name of a candidate printed on the
8 ballot shall not include parentheses, quotation marks, or any
9 personal or professional title.

10 Sec. 36. Section 49.37, Code 1989, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 3. The commissioner shall arrange the
13 partisan county offices on the ballot in the same sequence in
14 which they appear in sections 39.17, 39.18, and 39.22.
15 Nonpartisan offices shall be listed below or to the right of
16 partisan offices.

17 Sec. 37. Section 49.44, Code 1989, is amended by adding
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The commissioner may prepare a
20 summary for public measures if the commissioner finds that a
21 summary is needed to clarify the question to the voters.

22 Sec. 38. Section 49.48, Code 1989, is amended to read as
23 follows:

24 49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL
25 AMENDMENTS.

26 The state commissioner of elections shall prescribe a
27 notice to inform voters ~~that-the-top~~ of the location on the
28 ballot ~~contains~~ of the form for retaining or removing judicial
29 officers and for ratifying or defeating proposed
30 constitutional amendments. The notice shall be conspicuously
31 attached to the voting machine or to the ballot.

32 Sec. 39. Section 49.53, Code 1989, is amended to read as
33 follows:

34 49.53 PUBLICATION OF BALLOT AND NOTICE.

35 The commissioner shall not less than four nor more than

1 twenty days ~~pre-er-be~~ before the day of each election, except
2 those for which different publication requirements are
3 prescribed by law, publish notice of the election. The notice
4 shall contain a facsimile of the portion of the ballot
5 containing the first rotation as prescribed by section 49.31,
6 subsection 2, and shall show the names of all candidates or
7 nominees and the office each seeks, and all public questions,
8 to be voted upon at the election. The sample ballot published
9 as a part of the notice may at the discretion of the
10 commissioner be reduced in size relative to the actual ballot
11 but such reduction shall not cause upper case letters
12 appearing on the published sample ballot to be less than five
13 thirty-sixths of an inch high in candidates' names or in
14 summaries of public measures. The notice shall also state the
15 date of the election, the hours the polls will be open, the
16 location of each polling place at which voting is to occur in
17 the election, and the names of the precincts voting at each
18 polling place, but the statement need not set forth any fact
19 which is apparent from the portion of the ballot appearing as
20 a part of the same notice. The notice shall include the full
21 text of all public measures to be voted upon at the election.

22 PARAGRAPH DIVIDED. The notice shall be published in at
23 least one newspaper, as defined in section 618.3, which is
24 published in the county or other political subdivision in
25 which the election is to occur or, if no newspaper is
26 published there, in at least one newspaper of substantial
27 circulation in the county or political subdivision. For the
28 general election or the primary election the foregoing notice
29 shall be published in at least two newspapers published in the
30 county. However, if there is only one newspaper published in
31 the county, publication in one newspaper shall be sufficient.

32 Sec. 40. Section 49.58, Code 1989, is amended to read as
33 follows:

34 49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

35 If any candidate nominated by a political party, as defined

1 in section 43.2, for the office of senator or representative
2 in the congress of the United States, governor, lieutenant
3 governor, attorney general, or senator or representative in
4 the general assembly dies during the period beginning on the
5 ~~seventy-fourth~~ eighty-eighth day and ending on the last day
6 before the general election, or if any candidate so nominated
7 for the office of county supervisor dies during the period
8 beginning on the ~~fifty-ninth~~ seventy-third day and ending on
9 the last day before the general election, the vote cast at the
10 general election for that office shall not be canvassed as
11 would otherwise be required by chapter 50. Instead, a special
12 election shall be held on the first Tuesday after the second
13 Monday in December, for the purpose of electing a person to
14 fill that office.

15 PARAGRAPH DIVIDED. Each candidate for that office whose
16 name appeared on the general election ballot shall also be a
17 candidate for the office in the special election, except that
18 the deceased candidate's political party may designate another
19 candidate in substantially the manner provided by section
20 43.78 for filling vacancies on the general election ballot.
21 However, a political party which did not have a candidate on
22 the general election ballot for the office in question may
23 similarly designate a candidate for that office in the special
24 election. The name of any replacement or additional candidate
25 so designated shall be submitted in writing to the state
26 commissioner, or the commissioner in the case of a candidate
27 for county supervisor, not later than five o'clock p.m. on the
28 first Tuesday after the date of the general election. No
29 other candidate whose name did not appear on the general
30 election ballot as a candidate for the office in question
31 shall be placed on the ballot for the special election, in any
32 manner. The special election shall be held and canvassed in
33 the manner prescribed by law for the general election.

34 Sec. 41. Section 49.75, Code 1989, is amended to read as
35 follows:

1 49.75 OATH.

2 Before opening the polls, each of the board members shall
3 take the following oath: "I, A. B., do solemnly swear or
4 affirm that I will impartially, and to the best of my
5 knowledge and ability, perform the duties of precinct election
6 official of this election, and will studiously endeavor to
7 prevent fraud, deceit, and abuse in conducting the same
8 election."

9 Sec. 42. Section 49.107, subsection 8, Code 1989, is
10 amended to read as follows:

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

19 Sec. 43. Section 50.12, Code 1989, is amended to read as
20 follows:

21 50.12 RETURN AND PRESERVATION OF BALLOTS.

22 Immediately after making such the proclamation, and before
23 separating, the board members of each precinct in which votes
24 have been received by paper ballot shall enclose in an
25 envelope or other container all ballots which have been
26 counted by them, except those endorsed "Rejected as double",
27 "Defective", or "Objected to", and securely seal such the
28 envelope. The signatures of all board members of the precinct
29 shall be placed across the seal or the opening of the
30 container so that it cannot be opened without breaking the
31 seal. The precinct election officials shall return all the
32 ballots to the commissioner, who shall carefully preserve them
33 for six months. Ballots from elections for federal offices
34 shall be preserved for twenty-two months.

35 Sec. 44. Section 50.13, Code 1989, is amended to read as

1 follows:

2 50.13 DESTRUCTION OF BALLOTS.

3 If, at the expiration of ~~six months~~ the length of time
4 specified in section 50.12, a contest is not pending, the
5 commissioner, without opening the package in which they have
6 been enclosed, shall destroy the same ballots, in the presence
7 of two electors, one from each of the two leading political
8 parties, who shall be designated by the chairperson of the
9 board of supervisors.

10 Sec. 45. Section 50.19, Code 1989, is amended to read as
11 follows:

12 50.19 PRESERVATION OF BOOKS -- WHEN DESTROYED.

13 The commissioner may destroy precinct election registers,
14 the declarations of eligibility signed by voters, and other
15 material pertaining to ~~an~~ any election in which federal
16 offices are not on the ballot, except the tally lists, six
17 months after the election if ~~no~~ a contest is not pending. If
18 a contest is pending all election materials shall be preserved
19 until final determination of the contest. Before destroying
20 the election registers and declarations of eligibility, the
21 commissioner shall prepare records as necessary to permit
22 compliance with section 48.31, subsection 1. Nomination
23 papers for primary election candidates for state and county
24 offices shall be destroyed ten days before the general
25 election, if a contest is not pending.

26 Material pertaining to elections for federal offices,
27 including ballots, precinct election registers, declarations
28 of eligibility signed by voters, documents relating to
29 absentee ballots, and challenges of voters, shall be preserved
30 for twenty-two months after the election. If a contest is not
31 pending the materials may be destroyed at the end of the
32 retention period.

33 Sec. 46. Section 50.22, unnumbered paragraph 2, Code 1989,
34 is amended to read as follows:

35 The decision to count or reject each ballot shall be made

1 upon the basis of the information given on the envelope
2 containing the special ballot, the evidence concerning the
3 challenge, the registration and the returned receipts of
4 registration. If the challenged voter's registration was
5 canceled in the same county where the person attempted to vote
6 because first class mail other than the registration receipt
7 mailed pursuant to section 48.3 was returned by the postal
8 service during the four years preceding the election in
9 progress, the person's ballot shall be accepted for counting
10 and the elector's registration shall be reinstated.

11 Sec. 47. Section 50.22, Code 1989, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The special precinct board shall
14 also canvass any absentee ballots which were received after
15 the polls closed in accordance with section 53.17. If
16 necessary, they shall reconvene again on the day of the can-
17 vass by the board of supervisors to canvass any absentee
18 ballots which were timely received. The special precinct
19 board shall submit their tally list to the supervisors before
20 the conclusion of the canvass by the board.

21 Sec. 48. Section 50.24, Code 1989, is amended to read as
22 follows:

23 50.24 CANVASS BY BOARD OF SUPERVISORS.

24 The county board of supervisors shall meet to canvass the
25 vote at nine o'clock on the morning of the first Monday after
26 the day of each election to which this chapter is applicable,
27 unless the law authorizing the election specifies another date
28 for the canvass. If that Monday is a public holiday, section
29 4.1, subsection 22 controls. Upon convening, the board shall
30 open and canvass the tally lists and shall prepare abstracts
31 stating, in words written at length, the number of votes cast
32 in the county, or in that portion of the county in which the
33 election was held, for each office and on each question on the
34 ballot for the election. The board shall ~~also open and~~
35 contact the chairperson of the special precinct board before

1 adjourning and include in the canvass any absentee ballots
2 which were received after the polls closed in accordance with
3 section 53.17 and which were canvassed by the special precinct
4 board after election day. The abstract shall further indicate
5 the name of each person who received votes for each office on
6 the ballot, and the number of votes each person named received
7 for that office, and the number of votes for and against each
8 question submitted to the voters at the election.

9 Any obvious clerical errors in the tally lists from the
10 precincts shall be corrected by the supervisors. Complete
11 records of any changes shall be recorded in the minutes of the
12 canvass.

13 Sec. 49. Section 52.5, Code 1989, is amended to read as
14 follows:

15 52.5 EXAMINATION OF MACHINE.

16 A person or corporation owning or being interested in a
17 voting machine or electronic voting system may request that
18 the state commissioner call upon the board of examiners to
19 examine and test the machine or system. Within seven days of
20 receiving a request for examination and test, the state
21 commissioner shall notify the board of examiners of the
22 request in writing and set a time and place for the
23 examination and test.

24 PARAGRAPH DIVIDED. The state commissioner shall formulate,
25 with the advice and assistance of the examiners, and adopt
26 rules governing the testing and examination of any voting
27 machine or electronic voting system by the board of examiners.
28 The rules shall prescribe the method to be used in determining
29 whether the machine or system is suitable for use within the
30 state and performance standards for voting equipment in use
31 within the state. The rules shall include standards for
32 determining when recertification is necessary following
33 modifications to the equipment or to the programs used in
34 tabulating votes, and a procedure for rescinding certification
35 if a system or machine is found not to comply with performance

1 standards adopted by the state commissioner.

2 PARAGRAPH DIVIDED. The state commissioner may employ a
3 competent person or persons to assist the examiners in their
4 evaluation of the equipment and to advise the examiners as to
5 the sufficiency of the equipment. Consultant fees shall be
6 paid by the person who requested the certification. Following
7 the examination and testing of the voting machine or system
8 the examiners shall report to the state commissioner
9 describing the testing and examination of the machine or
10 system and upon the capacity of the machine or system to
11 register the will of voters, its accuracy and efficiency, and
12 with respect to its mechanical perfections and imperfections.
13 Their report shall be filed in the office of the state
14 commissioner and shall state whether in their opinion the kind
15 of machine or system so examined can be safely used by voters
16 at elections under the conditions prescribed in this chapter.
17 If the report states that the machine or system can be so
18 used, it shall be deemed approved by the examiners, and
19 machines or systems of its kind may be adopted for use at
20 elections as provided in this section. Any form of voting
21 machine or system not so approved cannot be used at any
22 election. ~~Prior to~~ Before actual purchase use by a county of
23 a particular electronic voting system which has been approved
24 for use in this state, the state commissioner shall formulate,
25 with the advice and assistance of the examiners, and adopt
26 rules governing the development of vote counting programs and
27 all procedures used in actual counting of votes by means of
28 that system.

29 Sec. 50. Section 52.32, subsection 2, Code 1989, is
30 amended to read as follows:

31 2. If ballot cards are used and write-in votes are cast on
32 a separate envelope or write-in ballot, the precinct election
33 officials shall next count the write-in votes cast in the
34 precinct, if any. If special paper ballots or ballot cards
35 are used and write-in votes are recorded directly upon the

1 ballot, this subsection ~~does not apply~~ is optional, at the
2 discretion of the commissioner. If write-in votes are not
3 canvassed by the precinct election officials at the precinct
4 where they were cast, they shall be tabulated at the counting
5 center. All ballots or envelopes on which write-in votes have
6 been recorded shall be serially numbered, starting with the
7 number one, and the same number shall be placed on the regular
8 ballot card of that voter. The precinct election official
9 shall compare the write-in votes with the votes cast on the
10 ballot card. If the total number of votes for any office
11 exceeds the number allowed by law, a notation to that effect
12 shall be entered on the back of the ballot card and the votes
13 for the office involved shall not be counted.

14 Sec. 51. Section 53.18, Code 1989, is amended to read as
15 follows:

16 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

17 Upon receipt of the absentee ballot, the commissioner shall
18 at once record the number appearing on the application and
19 ballot return carrier envelope and time of receipt of such
20 ballot and enclose the same, unopened, together with the
21 application made by the qualified elector, in a large carrier
22 envelope on which shall appear the words "This envelope
23 contains an absent voter's ballot for the election", and
24 securely seal the same.

25 Sec. 52. NEW SECTION. 53.21 REPLACEMENT OF LOST ABSENTEE
26 BALLOTS.

27 A voter who has requested an absentee ballot may obtain a
28 replacement ballot if the voter declares that the original
29 ballot was lost or did not arrive. The commissioner upon
30 receipt of a written or oral request for a replacement ballot
31 shall provide a duplicate ballot. The same serial number that
32 was assigned to the records of the original absentee ballot
33 request shall be used on the envelopes and records of the
34 replacement ballot.

35 The commissioner shall include with the replacement bailot

1 two copies of a statement in substantially the following form:
2 "The absentee ballot which I requested on _____ (date) has
3 been lost or was never received. If I find this absentee bal-
4 lot I will return it, unvoted, to the commissioner.

5 _____
6 (Signature of voter)

7 _____
8 (Date)"

9 The voter shall enclose one copy of the above statement in
10 the return carrier envelope with the ballot envelope and re-
11 tain a copy for the voter's records.

12 Sec. 53. Section 53.39, Code 1989, is amended to read as
13 follows:

14 53.39 REQUEST FOR BALLOT.

15 ~~The provisions of section~~ Section 53.2 ~~shall~~ does not apply
16 in connection with the primary and general elections in the
17 case of a qualified elector of the state of Iowa serving in
18 the armed forces of the United States; ~~in.~~ In any such case
19 an application for ballot as provided for in ~~said~~ that section
20 ~~shall~~ is not be required and an absent voter's ballot shall be
21 sent or made available to any such voter elector upon a
22 ~~request being made therefor~~ as provided ~~for~~ in this division.
23 All official ballots to be voted by qualified absent voters in
24 the armed forces of the United States at the primary election
25 and the general election shall be printed prior to forty days
26 before the ~~said~~ respective elections and shall be available
27 for transmittal to such qualified electors in the armed forces
28 of the United States at least ~~prior to~~ before the
29 respective elections. The provisions of this chapter ~~shall~~
30 apply to absent voting by qualified voters in the armed forces
31 of the United States at ~~said~~ primary and general elections
32 except as modified by the provisions of this division.

33 Sec. 54. Section 53.40, unnumbered paragraph 4, Code 1989,
34 is amended to read as follows:

35 If the affidavit on the ballot envelope shows that the

1 affiant is not a qualified voter on the day of the election at
2 which ~~said~~ the ballot is offered for voting, the envelope
3 shall not be opened, but the envelope and ballot contained
4 therein in the envelope shall be preserved and returned by the
5 precinct election officials to the commissioner, who shall
6 preserve ~~same~~ them for the period of time and under the
7 conditions provided for in sections 50.12 ~~to~~ through 50.15 and
8 section 50.19.

9 Sec. 55. Section 53.41, Code 1989, is amended to read as
10 follows:

11 53.41 RECORDS BY COMMISSIONER.

12 The commissioner of each county shall establish and
13 maintain a record of all requests for ballots which are made,
14 and of all ballots transmitted, and the manner of transmittal,
15 from and received in the commissioner's office under the
16 provisions of this division. ~~In-the-event~~ If more than one
17 request for absent voter's ballot for a particular election
18 ~~shall-be~~ is made to the commissioner by or on behalf of a
19 voter in the armed forces of the United States, the request
20 first received shall be honored, except that if one of the
21 requests is made by the voter, and a request on the voter's
22 behalf has not been previously honored, ~~such~~ the request of
23 the voter shall be honored in preference to a request made on
24 the voter's behalf by another. Not more than one ballot shall
25 be transmitted by the commissioner to any voter for a
26 particular election. ~~In-the-event~~ If the commissioner ~~shall~~
27 ~~receive~~ receives more than one absent voter's ballot, provided
28 for by this division, from or purporting to be from any one
29 voter for a particular election, all of ~~said~~ the ballots so
30 received from or purporting to be from such voter ~~shall-be~~
31 ~~null-and~~ are void, and the commissioner shall not deliver any
32 of ~~said~~ the ballots to the precinct election officials of
33 ~~election~~, but shall retain them in the commissioner's office,
34 and preserve them for the period and under the conditions
35 provided for in sections 50.12 ~~to~~ through 50.15 and section

1 50.19.

2 Sec. 56. Section 53.44, Code 1989, is amended by adding
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Absentee ballots issued under
5 this division shall be returned in the same manner and within
6 the same time limits specified in section 53.17.

7 Sec. 57. Section 54.5, Code 1989, is amended to read as
8 follows:

9 54.5 PRESIDENTIAL NOMINEES.

10 The names of the candidates for president and vice
11 president of a political party as defined in the law relating
12 to primary elections, shall, by five o'clock p.m. on the
13 ~~sixty-seventh~~ eighty-first day ~~prior to~~ before the election,
14 be certified to the state commissioner by the chairperson and
15 ~~secretary~~ secretary of the state central committee of the party. As an
16 alternative to the certificate by the state central committee,
17 the certificate of nomination issued by the political party's
18 national nominating convention may be used to certify the
19 names of the party's candidates for president and vice presi-
20 dent. If certificates of nomination are received from both
21 the state central committee and the national nominating
22 convention of a political party, and there are differences
23 between the two certificates, the certificate filed by the
24 state central committee shall prevail.

25 The state central committee shall also file a list of the
26 party's presidential electors, one from each congressional
27 district and two from the state at large, not later than five
28 o'clock p.m. on the eighty-first day before the general
29 election.

30 Sec. 58. Section 69.12, unnumbered paragraph 1, Code 1989,
31 is amended to read as follows:

32 When a vacancy occurs in any nonpartisan elective office of
33 a political subdivision of this state, and the statutes
34 governing the office in which the vacancy occurs require that
35 it be filled by election or are silent as to the method of

1 filling the vacancy, it shall be filled pursuant to this
2 section. As used in this section, "pending election" means
3 any election at which there will be on the ballot either the
4 office in which the vacancy exists, or any other office to be
5 filled or any public question to be decided by the voters of
6 the same political subdivision in which the vacancy exists.

7 Sec. 59. Section 69.12, subsection 1, paragraph a,
8 subparagraph (1), Code 1989, is amended to read as follows:

9 (1) Sixty Seventy-four or more days prior to the election,
10 if it is a general or primary election.

11 Sec. 60. Section 69.12, subsection 1, paragraph b,
12 subparagraph (1), Code 1989, is amended to read as follows:

13 (1) The fifty-fifth-day-prior-to final filing date for
14 candidates filing with the state commissioner or commissioner,
15 as the case may be, for a general or primary election.

16 Sec. 61. Section 69.13, subsection 2, Code 1989, is
17 amended by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. If the unexpired term of office
19 in which the vacancy occurs will expire within seventy days
20 after the date of the next pending election, section 69.11
21 applies.

22 Sec. 62. Section 277.4, unnumbered paragraph 1, Code 1989,
23 is amended to read as follows:

24 Nomination papers for all candidates for election to office
25 in each school district shall be filed with the secretary of
26 the school board not more than sixty-five sixty-four days, nor
27 less than forty days prior to the election. Nomination
28 petitions shall be filed not later than five o'clock p.m. on
29 the last day for filing. If the school board secretary is not
30 readily available during normal office hours, the secretary
31 may designate a full-time employee of the school district who
32 is ordinarily available to accept nomination papers under this
33 section.

34 PARAGRAPH DIVIDED. Each candidate shall be nominated by a
35 petition signed by not less than ten eligible electors of the

1 district. Signers of nomination petitions shall include their
2 addresses and the date of signing, and must reside in the same
3 district as the candidate if directors are elected by
4 district, rather than at large. Each person may sign as many
5 nomination petitions for an office as there are seats to be
6 filled. The petition shall include be filed with the
7 affidavit of the candidate being nominated, stating the
8 candidate's name, place of residence, that such person is a
9 candidate and is eligible for the office the candidate seeks,
10 and that if elected the candidate will qualify for the office.

11 Sec. 63. Section 278.2, Code 1989, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. Petitions filed under this
14 section shall be filed with the secretary of the school board
15 at least seventy-five days before the date of the annual
16 school election, if the question is to be included on the
17 ballot at that election. The petition shall include the
18 signatures of the petitioners, a statement of their place of
19 residence, and the date on which they signed the petition.

20 Sec. 64. Section 279.7, unnumbered paragraph 4, Code 1989,
21 is amended to read as follows:

22 Nomination petitions shall be filed in the manner provided
23 in section 277.4, except that the petitions shall be filed not
24 less than thirty twenty-five days ~~prior to~~ before the date set
25 for the election.

26 Sec. 65. Section 280A.11, unnumbered paragraph 1, Code
27 1989, is amended to read as follows:

28 The governing board of a merged area is a board of
29 directors composed of one member elected from each director
30 district in the area by the electors of the respective
31 district. Members of the board shall be residents of the
32 district from which elected. Successors shall be chosen at
33 the annual school elections for members whose terms expire.
34 The term of a member of the board of directors is three years
35 and commences at the organization meeting. Vacancies on the

1 board ~~which occur more than ninety days prior to the next~~
2 ~~regular school election may~~ shall be filled at the next
3 regular meeting of the board by appointment by the remaining
4 members of the board. A member so chosen shall be a resident
5 of the district in which the vacancy occurred and shall serve
6 until a member is elected pursuant to section 69.12 to fill
7 the vacancy for the balance of the unexpired term. A vacancy
8 is defined in section 277.29. A member shall not serve on the
9 board of directors who is a member of a board of directors of
10 a local school district or a member of an area education
11 agency board.

12 Sec. 66. Section 303B.3, unnumbered paragraph 2, Code
13 1989, is amended to read as follows:

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

26 Sec. 67. Section 331.306, Code 1989, is amended to read as
27 follows:

28 331.306 PETITIONS OF ELIGIBLE ELECTORS.

29 If a petition of the voters is authorized by this chapter,
30 the petition is valid if signed by eligible electors of the
31 county equal in number to at least ten percent of the votes
32 cast in the county for the office of president of the United
33 States or governor at the preceding general election, unless
34 otherwise provided by state law. The petition shall include
35 the signatures of the petitioners, a statement of their place

1 of residence, and the date on which they signed the petition.
2 Petitions authorized by this chapter shall be filed with
3 the board of supervisors not later than eighty-two days before
4 the date of the general election if the question is to be
5 voted upon at the general election. If the petition is found
6 to be valid, the board of supervisors shall, not later than
7 sixty-nine days before the general election, notify the county
8 commissioner of elections to submit the question to the
9 qualified electors at the general election.

10 Sec. 68. Section 362.4, Code 1989, is amended to read as
11 follows:

12 362.4 PETITION OF ELIGIBLE ELECTORS.

13 If a petition of the voters is authorized by the city code,
14 the petition is valid if signed by eligible electors of the
15 city equal in number to ten percent of the persons who voted
16 at the last preceding regular city election, but not less than
17 ten persons, unless otherwise provided by state law. The
18 petition shall include the signatures of the petitioners, a
19 statement of their place of residence, and the date on which
20 they signed the petition.

21 Sec. 69. Section 372.13, subsection 2, paragraph b, Code
22 1989, is amended to read as follows:

23 b. By a special election held to fill the office for the
24 remaining balance of the unexpired term. If the council opts
25 for a special election or a valid petition is filed under
26 paragraph "a", the special election may be held concurrently
27 with any pending election as provided by section 69.12 if by
28 so doing the vacancy will be filled not more than ninety days
29 after it occurs. Otherwise, a special election to fill the
30 office shall be called at the earliest practicable date. If
31 there are concurrent vacancies on the council and the
32 remaining council members do not constitute a quorum of the
33 full membership, a special election shall be called at the
34 earliest practicable date. The council shall give the county
35 commissioner at least sixty days' written notice of the date

1 chosen for the special election. A special election held
2 under this subsection is subject to sections 376.4 through
3 376.11, but the dates for actions in relation to the special
4 election shall be calculated with regard to the date for which
5 the special election is called.

6 Sec. 70. Section 376.4, unnumbered paragraph 1, Code 1989,
7 is amended to read as follows:

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

21 Sec. 71. Section 602.1216, Code 1989, is amended to read
22 as follows:

23 602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

24 A clerk of the district court shall stand for retention in
25 office, in the county of the clerk's office, upon the petition
26 of ten percent of all eligible and registered electors in the
27 county to the state commissioner of elections, at the judicial
28 election in 1988 and every four years thereafter, under
29 sections 46.17 through 46.24. The petition shall be filed in
30 the office of the state commissioner not later than one
31 hundred twenty days before the general election. A clerk who
32 is not retained in office is ineligible to serve as clerk, in
33 the county in which the clerk was not retained, for the four
34 years following the retention vote.

35 Sec. 72. Section 50.14, Code 1989, is repealed.

1 EXPLANATION

2 This bill makes numerous technical and other changes in the
3 laws governing elections and election procedures. It moves
4 the candidate filing deadlines and ballot certification
5 deadlines for primary and general elections to two weeks
6 earlier. It prohibits the use of parentheses, quotation
7 marks, or personal or professional titles in the names of
8 candidates printed on ballots.

9 It also makes changes relating to the certification of
10 names of party committee members and county convention dele-
11 gates elected at the precinct caucuses, the nomination of
12 county supervisor candidates elected from districts, the
13 earliest date for township candidates to file, the deadline
14 for objections to nominations in certain city elections, the
15 availability of sample ballots, the canvassing of votes in the
16 precinct on primary election night, the filing of affidavits
17 of candidacy for township offices, the recount of votes in
18 certain primary elections, the notarization of certain
19 candidates' withdrawal notices, the contents of nominating
20 petitions for president and vice president, prohibitions
21 against signing nomination petitions for more than one
22 candidate, the office hours for the county commissioner on the
23 final day for filing nomination papers, the filing of the
24 texts of local public measures, requests to cancel voter
25 registration, time limits for making changes in precinct
26 boundaries, the publication of notices of changes in polling
27 places, the sequence of offices on the general election
28 ballot, the preparation of summaries of local public measures
29 by the county commissioner, the notice of placement on the
30 ballot of judicial retention questions and constitutional
31 amendments, inclusion in the notice of election of the full
32 text of each public measure to be voted upon, persons not
33 permitted to serve as members of challenging committees,
34 requirements for retention of election documents, restrictions
35 on reinstatement of registrations for returned mail,

1 canvassing of absentee ballots received after election day,
2 powers and duties of the board of supervisors in conducting
3 its canvass, the powers and duties of the board of examiners
4 in evaluating and adopting rules for new voting systems, the
5 counting of write-in votes when special paper ballots or
6 ballot cards are used, the replacement of lost absentee
7 ballots, the time for mailing and return of absentee ballots,
8 the certification of names of the party's candidates for
9 president and vice president, the filing of names of the
10 party's presidential electors, the tenure of certain vacancy
11 appointees, requirements for nomination petitions for can-
12 didates for school elections, the contents and filing date for
13 petitions to include public measures on school election
14 ballots, the filing deadline for special elections to fill
15 vacancies on school boards, the filling of vacancies on boards
16 of merged area schools, elections for regional library board
17 districts, requirements and procedures with respect to county
18 and city petitions under chapters 331 and 362, the deadline
19 for notifying the county commissioner of the date for a
20 special city election, requirements for signing and filing
21 nomination petitions for city offices, and the deadline for
22 filing petitions to have clerks of the district court stand
23 for retention.

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SENATE FILE 371

S-3182

- 1 Amend Senate File 371 as follows:
2 1. Page 1, lines 16 and 17, by striking the words
3 "and the county commissioner" and inserting the
4 following: "~~and-the-county-commissioner~~".
5 2. Page 1, by striking line 19 and inserting the
6 following:
7 "PARAGRAPH DIVIDED. When the rules of a political
8 party require the selection and".
9 3. Page 1, by inserting after line 34 the
10 following:
11 "Within fourteen days after the date of the caucus
12 the county central committee shall certify to the
13 county commissioner the names of those elected as
14 party committee members and delegates to the county
15 convention."
16 4. Page 27, by striking line 15 and inserting the
17 following: "secretary of the state central committee
18 of the party.
19 However, if the national nominating convention of a
20 political party adjourns later than eighty-nine days
21 before the general election the certificate showing
22 the names of that party's candidates for president and
23 vice president shall be filed within five days after
24 adjournment.
25 As an".
26 5. Page 27, line 25, by inserting after the word
27 "list" the following: "of the names and addresses".
28 6. Page 32, line 26, by striking the words
29 "eligible and registered" and inserting the following:
30 "~~eligible-and-registered~~ qualified".

By MICHAEL E. GRONSTAL
RICHARD F. DRAKE
ROBERT M. CARR

S-3182 FILED MARCH 8, 1989

adopted 3-20-89 (p. 890)

House State Gov.
Amend & DO (ASS/H-3907, 4-6-89 (P.1407))

SENATE FILE 371
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 114)
(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 1989)
----- - New Language by the Senate

Re-passed Senate, Date 4-25-89 (p.16B) Passed House, Date 4-18-89 (p.165)
Vote: Ayes 48 Nays 0 Vote: Ayes 94 Nays 0
Approved May 8, 1989

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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S.F. 371

1 Section 1. Section 6.6, Code 1989, is amended to read as
2 follows:

3 6.6 CERTIFICATION -- SAMPLE BALLOT.

4 The state commissioner of elections shall, not less than
5 ~~fifty-five~~ sixty-nine days preceding any election at which a
6 constitutional amendment or public measure is to be submitted
7 to a vote of the entire people of the state, transmit to the
8 county commissioner of elections of each county a certified
9 copy of ~~such~~ the amendment or measure and a sample of the
10 ballot to be used in such cases, prepared in accordance with
11 law.

12 Sec. 2. Section 43.4, unnumbered paragraph 2, Code 1989,
13 is amended to read as follows:

14 There shall be selected among those present at a precinct
15 caucus a chairperson and a secretary who shall forthwith
16 within seven days certify to the county central committee ~~and~~
17 ~~the-county-commissioner~~ the names of those elected as party
18 committee members and delegates to the county convention.

19 PARAGRAPH DIVIDED. When the rules of a political party
20 require the selection and reporting of delegates selected as
21 part of the presidential nominating process, or the rules of a
22 political party require the tabulation and reporting of the
23 number of persons attending the caucus favoring each
24 presidential candidate, it is the duty of a person designated
25 as provided by the rules of that political party to report the
26 results of the precinct caucus as directed by the state
27 central committee of that political party. When the person
28 designated to report the results of the precinct caucus
29 reports the results, representatives of each candidate ~~may~~, if
30 they so choose, may accompany the person as the results are
31 being reported to assure that an accurate report of the
32 proceedings is reported. If ballots are used at the precinct
33 caucus, representatives of each candidate or other persons
34 attending the precinct caucus may observe the tabulation of
35 the results of the balloting.

1 Within fourteen days after the date of the caucus the
2 county central committee shall certify to the county
3 commissioner the names of those elected as party committee
4 members and delegates to the county convention.

5 Sec. 3. Section 43.6, subsections 1 and 2, Code 1989, are
6 amended to read as follows:

7 1. When a vacancy occurs in the office of senator in the
8 congress of the United States, lieutenant governor, secretary
9 of state, auditor of state, treasurer of state, secretary of
10 agriculture, or attorney general and section 69.13, subsection
11 1, requires that the vacancy be filled for the balance of the
12 unexpired term at a general election, candidates for the
13 office shall be nominated in the preceding primary election if
14 the vacancy occurs seventy-five eighty-nine or more days prior
15 to before the date of that primary election. If the vacancy
16 occurs less than ninety one hundred four days before the date
17 of that primary election, the state commissioner shall accept
18 nomination papers for that office only until five o'clock p.m.
19 on the ~~sixtieth~~ seventy-fourth day before the primary
20 election, the provisions of section 43.11 notwithstanding. If
21 the vacancy occurs later than seventy-five eighty-nine days
22 before the date of that primary election, but not less than
23 seventy-five eighty-nine days before the date of the general
24 election, the nominations shall be made in the manner
25 prescribed by this chapter for filling vacancies in
26 nominations for offices to be voted for at the general
27 election.

28 2. When a vacancy occurs in the office of county
29 supervisor or any of the offices listed in section 39.17 and
30 section 69.13, subsection 2, requires that the vacancy be
31 filled for the balance of the unexpired term at a general
32 election, candidates for the office shall be nominated in the
33 preceding primary election if the vacancy occurs sixty
34 seventy-four or more days prior-to before the date of that
35 primary election. If the vacancy occurs less than seventy-

1 five eighty-nine days before the date of that primary
2 election, the commissioner shall accept nomination papers for
3 that office only until five o'clock p.m. on the forty-ninth
4 sixty-third day before the primary election, the provisions of
5 section 43.11 notwithstanding. If the vacancy occurs later
6 than sixty seventy-four days before the date of that primary
7 election, but not less than sixty seventy-four days before the
8 date of the general election, the nominations shall be made in
9 the manner prescribed by this chapter for filling vacancies in
10 nominations for offices to be voted for at the general
11 election.

12 Sec. 4. Section 43.11, Code 1989, is amended to read as
13 follows:

14 43.11 FILING OF NOMINATION PAPERS.

15 Nomination papers in behalf of a candidate shall be filed:

16 1. For an elective county office, in the office of the
17 county commissioner not earlier than seventy-eight ninety-two
18 days nor later than five o'clock p.m. on the fifty-fifth
19 sixty-ninth day ~~prior-to~~ before the day fixed for holding the
20 primary election.

21 2. For United States senator, for an elective state
22 office, for representative in Congress, and for member of the
23 general assembly, in the office of the state commissioner not
24 earlier than eighty-five ninety-nine days nor later than five
25 o'clock p.m. on the sixty-seventh eighty-first day ~~prior-to~~
26 before the day fixed for holding the primary election.

3407- 27 Sec. 5. Section 43.15, subsection 3, Code 1989, is amended
28 to read as follows:

29 3. All signers, for all nominations, of each separate part
30 of a nomination paper, shall reside in the same county,
31 representative or senatorial district for members of the
32 general assembly. In counties where the supervisors are
33 elected from districts, signers of nomination petitions for
34 supervisor candidates shall reside in the supervisor district
35 the candidate seeks to represent.

1 Sec. 6. Section 43.16, unnumbered paragraphs 2 and 3, Code
2 1989, are amended to read as follows:

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

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

11 Sec. 7. Section 43.21, Code 1989, is amended to read as
12 follows:

13 43.21 TOWNSHIP OFFICE.

14 The name of a candidate for a township office shall be
15 printed on the official primary ballot of the candidate's
16 party if the candidate files the candidate's personal
17 affidavit, in the form prescribed by section 43.18, with the
18 commissioner not earlier than ninety-two days nor later than
19 five o'clock p.m. of the ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~
20 before the primary election. If ~~prior-to~~ before that time
21 there is presented to the commissioner a nomination paper
22 signed by at least ten eligible electors of the township
23 requesting that the name of any person be placed on the
24 primary ballot as a candidate for a township office, and the
25 nomination paper is not accompanied by the candidate's
26 personal affidavit, the commissioner shall advise the
27 candidate that such an affidavit is required before the
28 candidate's name may be placed on the ballot.

29 Sec. 8. Section 43.22, unnumbered paragraph 1, Code 1989,
30 is amended to read as follows:

31 The state commissioner shall, at least ~~fifty-five~~ sixty-
32 nine days before a primary election, furnish to the
33 commissioner of each county a certificate under the state
34 commissioner's hand and seal, which certificate shall show:

35 Sec. 9. Section 43.23, Code 1989, is amended to read as

1 follows:

2 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

3 1. ~~When-any~~ If a person who has filed nomination papers
4 with the state commissioner as a candidate in a primary
5 election dies or withdraws up to the ~~sixty-second~~ seventy-
6 sixth day before the primary election, the appropriate
7 convention or central committee of that person's political
8 party may designate one additional primary election candidate
9 for the nomination that person was seeking, if the designation
10 is submitted to the state commissioner in writing by five
11 o'clock p.m. on the ~~fifty-seventh~~ seventy-first day before the
12 date of the primary election. The name of any candidate so
13 submitted shall be included in the appropriate certificate or
14 certificates furnished by the state commissioner under section
15 43.22.

16 2. ~~When-any~~ If a person who has filed nomination papers
17 with the commissioner as a candidate in a primary election
18 dies or withdraws up to the ~~fifty-third~~ sixty-seventh day
19 before the primary election, the appropriate convention or
20 central committee of that person's political party may
21 designate one additional primary election candidate for the
22 nomination that person was seeking, if the designation is
23 submitted to the commissioner in writing by five o'clock p.m.
24 on the ~~forty-ninth~~ sixty-third day before the primary
25 election. The name of any candidate so submitted shall be
26 placed on the appropriate ballot or ballots by the
27 commissioner.

28 Sec. 10. Section 43.24, subsection 1, paragraphs a, b, and
29 d, Code 1989, are amended to read as follows:

30 a. Those filed with the state commissioner, not less than
31 sixty seventy-four days before the date of the election.

32 b. Those filed with the commissioner, not less than ~~fifty~~
33 sixty-four days before the date of the election.

34 d. Those filed with the city clerk under this chapter, at
35 least ~~thirty~~ thirty-six days ~~prior-to~~ before the municipal

1 election.

2 Sec. 11. NEW SECTION. 43.29 FORM OF NAME ON BALLOT.

3 The name of a candidate printed on the ballot shall not
4 include parentheses, quotation marks, or any personal or
5 professional title.

6 Sec. 12. Section 43.30, Code 1989, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The commissioner may make sample
9 ballots available to the public. The sample ballots shall be
10 stamped with the words "sample ballot" and a facsimile of the
11 commissioner's signature. A reasonable fee may be charged for
12 printing costs if a person requests multiple copies of sample
13 ballots.

14 Sec. 13. Section 43.45, unnumbered paragraph 1, Code 1989,
15 is amended to read as follows:

16 Upon the closing of the polls the precinct election
17 officials shall immediately publicly canvass the vote in the
18 following manner:

19 Sec. 14. Section 43.48, Code 1989, is amended to read as
20 follows:

21 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

22 Any elector of the county shall have the right, before the
23 day fixed for canvassing the returns, to ascertain the vote
24 cast for any candidate in any precinct in the county, as shown
25 on the outside of the envelope containing the election
26 register tally list.

27 Sec. 15. Section 43.54, Code 1989, is amended to read as
28 follows:

29 43.54 RIGHT TO PLACE ON BALLOT.

30 Each candidate so nominated shall be pursuant to section
31 43.53 is entitled to have the candidate's name printed on the
32 official ballot to be voted for at the general election
33 without other certificate if the candidate files an affidavit
34 in the form required by section 43.67 not later than five
35 o'clock p.m. on the seventh day following the completion of

1 the canvass.

2 Sec. 16. NEW SECTION. 43.56 PRIMARY ELECTION RECOUNT
3 PROVISIONS.

4 Recounts of votes for primary elections shall be conducted
5 following the procedure outlined in section 50.48. However,
6 if a recount is requested for an office for which no candidate
7 has received the required thirty-five percent to be nominated,
8 the recount board shall consist of the following persons:

9 1. One person chosen by the candidate requesting the
10 recount, who shall be named in the request.

11 2. One person chosen by the candidate who received the
12 highest number of votes for the nomination being recounted.
13 However, if the candidate who requested the recount received
14 more votes than anyone else for the nomination, the candidate
15 who received the second highest number of votes shall
16 designate this person to serve on the recount board.

17 3. A third person mutually agreeable to the board members
18 designated by the candidates.

19 A bond is not necessary for a primary election recount
20 under these circumstances if the difference between the number
21 of votes needed to be nominated and the number of votes
22 received by the candidate requesting the recount is less than
23 fifty votes or one percent of the total number of votes cast
24 for the nomination in question, whichever is greater. If a
25 bond is required, the bond shall be in the amount specified in
26 section 50.48, subsection 2.

27 Sec. 17. Section 43.67, unnumbered paragraph 1, Code 1989,
28 is amended to read as follows:

29 Each candidate so nominated shall be pursuant to section
30 43.66 is entitled to have the candidate's name printed on the
31 official ballot to be voted at the general election without
32 other certificate, except that a candidate whose name was not
33 printed on the official primary election ballot must execute
34 and deliver to the commissioner or the state commissioner, as
35 the case may be, an affidavit in substantially the following

1 form:

2 Sec. 18. Section 43.73, unnumbered paragraph 1, Code 1989,
3 is amended to read as follows:

4 Not less than ~~fifty-five~~ sixty-nine days before the general
5 election the state commissioner shall certify to each
6 commissioner, under separate party headings, the name of each
7 person nominated as shown by the official canvass made by the
8 executive council, or as certified to the state commissioner
9 by the proper persons when any person has been nominated by a
10 convention or by a party committee, or by petition, the office
11 to which the person is nominated, and the order in which the
12 tickets of the several political parties shall appear on the
13 official ballot.

14 Sec. 19. Section 43.76, Code 1989, is amended to read as
15 follows:

16 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

23 2. A candidate nominated in a primary election for any
24 office for which nomination papers are required to be filed
25 with the commissioner may withdraw as a nominee for that
26 office on or before, but not later than, the ~~sixtieth~~ seventy-
27 fourth day ~~prior-to~~ before the date of the general election by
28 so notifying the commissioner in writing.

29 Sec. 20. Section 43.77, subsections 3 and 4, Code 1989,
30 are amended to read as follows:

31 3. The person nominated in the primary election as the
32 party's candidate for that office subsequently withdrew as
33 permitted by section 43.76, was found to lack the requisite
34 qualifications for the office, or died, at a time not later
35 than the ~~seventy-fifth~~ eighty-ninth day before the date of the

1 general election in the case of an office for which nomination
2 papers must be filed with the state commissioner and not later
3 than the ~~sixtieth~~ seventy-fourth day before the date of the
4 general election in the case of an office for which nomination
5 papers must be filed with the county commissioner.

6 4. A vacancy has occurred in the office of senator in the
7 Congress of the United States, lieutenant governor, secretary
8 of state, auditor of state, treasurer of state, secretary of
9 agriculture, or attorney general, under the circumstances
10 described in section 69.13, subsection 1, less than ~~seventy-~~
11 ~~five~~ eighty-nine days before the primary election and not less
12 than ~~seventy-five~~ eighty-nine days before the general
13 election, or in the office of county supervisor or any of the
14 offices listed in section 39.17, under the circumstances
15 described in section 69.13, subsection 2, less than ~~sixty~~
16 seventy-four days before the primary election and not less
17 than ~~sixty~~ seventy-four days before the general election.

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18 Sec. 21. Section 43.78, subsections 2 and 3, Code 1989,
19 are amended to read as follows:

20 2. The name of any candidate designated to fill a vacancy
21 on the general election ballot in accordance with subsection
22 1, paragraph "a", "b", or "c" shall be submitted in writing to
23 the state commissioner not later than five o'clock p.m. on the
24 ~~sixty-seventh~~ eighty-first day ~~prior-to~~ before the date of the
25 general election.

26 3. The name of any candidate designated to fill a vacancy
27 on the general election ballot in accordance with subsection
28 1, paragraph "d", "e", or "f" shall be submitted in writing to
29 the commissioner not later than five o'clock p.m. on the
30 ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the date of the
31 general election.

32 Sec. 22. Section 43.79, Code 1989, is amended to read as
33 follows:

34 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

35 The death of a candidate nominated as provided by law for

1 any office to be filled at a general election, during the
2 period beginning on the ~~seventy-fourth~~ eighty-eighth day
3 before the general election, in the case of any candidate
4 whose nomination papers were filed with the state
5 commissioner, or beginning on the ~~fifty-ninth~~ seventy-third
6 day before the general election, in the case of any candidate
7 whose nomination papers were filed with the commissioner, and
8 ending on the last day before the general election shall not
9 operate to remove the deceased candidate's name from the
10 general election ballot. If the deceased candidate was
11 seeking the office of senator or representative in the
12 Congress of the United States, governor, lieutenant governor,
13 attorney general, senator or representative in the general
14 assembly or county supervisor, section 49.58 shall control.
15 If the deceased candidate was seeking any other office, and as
16 a result of the candidate's death a vacancy is subsequently
17 found to exist, the vacancy shall be filled as provided by
18 chapter 69.

19 Sec. 23. Section 44.4, Code 1989, is amended to read as
20 follows:

21 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
22 FILING.

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

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

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

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

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

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

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

26 Sec. 24. Section 44.9, unnumbered paragraph 1 and
27 subsections 1 and 2, Code 1989, are amended to read as
28 follows:

29 Any candidate named under this chapter may withdraw the
30 candidate's nomination by a written request, ~~signed and~~
31 ~~acknowledged by that person before any officer empowered to~~
32 ~~take acknowledgment of deeds. Such withdrawal must be~~ filed as
33 follows:

34 1. In the office of the state commissioner, at least sixty
35 seventy-four days before the day date of the election.

1 2. In the office of the proper commissioner, at least
2 ~~fifty~~ sixty-four days before the day date of the election.

3 Sec. 25. Section 44.11, Code 1989, is amended to read as
4 follows:

5 44.11 VACANCIES FILLED.

6 If a candidate named under this chapter declines a
7 nomination, or dies before election day, or ~~should-any~~ if a
8 certificate of nomination be is held insufficient or
9 inoperative by the officer with whom it is required to be
10 filed, or in case any objection made to ~~any a~~ certificate of
11 nomination, or to the eligibility of any candidate ~~therein~~
12 named in the certificate, is sustained by the board appointed
13 to determine such questions, the vacancy or vacancies thus
14 ~~occasioned~~ may be filled by the convention, or caucus, or in
15 such manner as such convention or caucus has previously
16 provided. The vacancy or vacancies shall be filled not less
17 than ~~sixty~~ seventy-four days ~~prior-to~~ before the election in
18 the case of nominations required to be filed with the state
19 commissioner, not less than ~~fifty~~ sixty-four days ~~prior-to~~
20 before the election in the case of nominations required to be
21 filed with the commissioner, and not less than thirty-five
22 days ~~prior-to~~ before the election in the case of nominations
23 required to be filed in the office of the school board
24 secretary, or and not less than forty-two days before the
25 election in the case of nominations required to be filed with
26 the city clerk.

27 Sec. 26. Section 45.1, subsection 1. Code 1989, is amended
28 to read as follows:

29 1. Nominations for candidates for president and vice
30 president and for state offices may be made by nomination
31 papers signed by not less than one thousand eligible electors
32 of the state. For candidates for president and vice
33 president, the names and addresses of the candidates for
34 presidential electors, one from each congressional district
35 and two from the state at large, shall be printed on the face

1 of or attached to each page of the nomination petition.

2 Sec. 27. Section 45.3, unnumbered paragraph 1, Code 1989,
3 is amended to read as follows:

39074 Each eligible elector who signs a nominating petition drawn
5 up in accordance with this chapter shall add to the signature
6 the elector's residence address and the date of signing. The
7 person whose nomination is proposed by the petition may shall
8 not sign it. A person shall not sign more nomination
9 petitions under this chapter for an office than there are
10 persons to be elected to the office. This chapter does not
11 prohibit a person from signing nomination petitions for
12 candidates for the general election if the person also signed
13 nomination petitions for candidates for the same office for
14 the primary election.

15 PARAGRAPH DIVIDED. Before the petition is filed, there
16 shall be endorsed upon or attached to it an affidavit executed
17 by that candidate, in substantially the following form:

18 Sec. 28. Section 46.20, Code 1989, is amended to read as
19 follows:

20 46.20 DECLARATION OF CANDIDACY.

21 At least ninety one hundred four days prior-to before the
22 judicial election preceding expiration of the initial or
23 regular term of office, a judge of the supreme court, court of
24 appeals, or district court including district associate
25 judges, or a clerk of the district court who is required to
26 stand for retention under section 602.1216 may file a
27 declaration of candidacy with the state commissioner of
28 elections to stand for retention or rejection at that
29 election. If a judge or clerk fails to file the declaration,
30 the office shall be vacant at the end of the term. District
31 associate judges filing the declaration shall stand for
32 retention in the judicial election district of their
33 residence.

34 Sec. 29. Section 46.21, unnumbered paragraph 1, Code 1989,
35 is amended to read as follows:

1 At least ~~fifty-five~~ sixty-nine days ~~prior-to~~ before each
2 judicial election, the state commissioner of elections shall
3 certify to the county commissioner of elections of each county
4 a list of the judges of the supreme court, court of appeals,
5 and district court including district associate judges, and
6 clerks of the district court to be voted on in each county at
7 that election. The county commissioner of elections shall
8 place the names upon the ballot in the order in which they
9 appear in the certificate, unless only one county is voting
10 thereon. The state commissioner of elections shall rotate the
11 names in the certificate by county, or the county commissioner
12 of elections shall rotate them upon the ballot by precinct if
13 only one county is voting thereon. The names of all judges
14 and clerks to be voted on shall be placed upon one ballot,
15 which shall be in substantially the following form:

16 Sec. 30. Section 47.2, Code 1989, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6. On the final date for filing
19 nomination papers in the commissioner's office the office
20 shall be open until the time for receiving nomination papers
21 has passed.

22 Sec. 31. Section 47.6, subsection 1, Code 1989, is amended
23 to read as follows:

24 1. The governing body of any political subdivision which
25 has authorized a special election to which section 39.2 is
26 applicable shall by written notice inform the commissioner who
27 will be responsible for conducting the election of the
28 proposed date of the special election. If a public measure
29 will appear on the ballot at the special election the
30 governing body shall submit the complete text of the public
31 measure to the commissioner with the notice of the proposed
32 date of the special election.

33 PARAGRAPH DIVIDED. If the proposed date of the special
34 election coincides with the date of a regularly scheduled
35 election, the notice shall be given no later than five o'clock

1 p.m. on the last day on which nomination papers may be filed
2 for the regularly scheduled election. Otherwise, the notice
3 shall be given at least thirty days in advance of the date of
4 the proposed special election. Upon receiving the notice, the
5 commissioner shall promptly give written approval of the
6 proposed date unless it appears that the special election, if
7 held on that date, would conflict with a regular election or
8 with another special election previously scheduled for that
9 date.

10 Sec. 32. Section 48.31, Code 1989, is amended by adding
11 the following new subsection:

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12 NEW SUBSECTION. 7. Upon receipt of a written request from
13 the qualified elector.

14 Sec. 33. Section 49.8, subsection 6, Code 1989, is amended
15 to read as follows:

16 6. Precinct boundaries established by or pursuant to
17 section 49.4, and not changed under subsection 1 since the
18 most recent federal decennial census, may be changed once
19 during the period beginning January 1 of the second year
20 following a year in which a federal decennial census is taken
21 and ending June 30 of the year immediately following the year
22 in which the next succeeding federal decennial census is
23 taken, if the commissioner recommends and the board of
24 supervisors finds that the change will effect a substantial
25 savings in election costs. Changes made under this subsection
26 shall be made not later than ninety-nine days before a primary
27 election, unless the changes will not take effect until
28 January 1 of the next even-numbered year.

29 Sec. 34. Section 49.23, Code 1989, is amended to read as
30 follows:

31 49.23 NOTICE OF CHANGE.

32 When a change is made from the usual polling place for the
33 precinct or when the precinct polling place for any primary or
34 general election is different from that used for the precinct
35 at the last preceding primary or general election, notice of

1 such change shall be given by publication in a newspaper of
2 general circulation in the precinct not more than ~~five~~
3 twenty nor less than ~~four~~ four days ~~prior-to~~ before the day on
4 which the election is to be held. In addition a notice of the
5 present polling place for the precinct shall be posted, not
6 later than the hour at which the polls open on the day of the
7 election, on each door to the usual or former polling place in
8 the precinct and shall remain there until the polls have
9 closed.

10 Sec. 35. Section 49.31, Code 1989, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 5. The name of a candidate printed on the
13 ballot shall not include parentheses, quotation marks, or any
14 personal or professional title.

15 Sec. 36. Section 49.37, Code 1989, is amended by adding
16 the following new subsection:

307-17 NEW SUBSECTION. 3. The commissioner shall arrange the
18 partisan county offices on the ballot in the same sequence in
19 which they appear in sections 39.17, 39.18, and 39.22.
20 Nonpartisan offices shall be listed below or to the right of
21 partisan offices.

22 Sec. 37. Section 49.44, Code 1989, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. The commissioner may prepare a
25 summary for public measures if the commissioner finds that a
26 summary is needed to clarify the question to the voters.

27 Sec. 38. Section 49.48, Code 1989, is amended to read as
28 follows:

29 49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL
30 AMENDMENTS.

31 The state commissioner of elections shall prescribe a
32 notice to inform voters ~~that-the-top~~ of the location on the
33 ballot ~~contains~~ of the form for retaining or removing judicial
34 officers and for ratifying or defeating proposed
35 constitutional amendments. The notice shall be conspicuously

1 attached to the voting machine or to the ballot.

2 Sec. 39. Section 49.53, Code 1989, is amended to read as
3 follows:

4 49.53 PUBLICATION OF BALLOT AND NOTICE.

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

27 PARAGRAPH DIVIDED. The notice shall be published in at
28 least one newspaper, as defined in section 618.3, which is
29 published in the county or other political subdivision in
30 which the election is to occur or, if no newspaper is
31 published there, in at least one newspaper of substantial
32 circulation in the county or political subdivision. For the
33 general election or the primary election the foregoing notice
34 shall be published in at least two newspapers published in the
35 county. However, if there is only one newspaper published in

1 the county, publication in one newspaper shall be sufficient.

2 Sec. 40. Section 49.58, Code 1989, is amended to read as
3 follows:

4 49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

5 If any candidate nominated by a political party, as defined
6 in section 43.2, for the office of senator or representative
7 in the congress of the United States, governor, lieutenant
8 governor, attorney general, or senator or representative in
9 the general assembly dies during the period beginning on the
10 ~~seventy-fourth~~ eighty-eighth day and ending on the last day
11 before the general election, or if any candidate so nominated
12 for the office of county supervisor dies during the period
13 beginning on the ~~fifty-ninth~~ seventy-third day and ending on
14 the last day before the general election, the vote cast at the
15 general election for that office shall not be canvassed as
16 would otherwise be required by chapter 50. Instead, a special
17 election shall be held on the first Tuesday after the second
18 Monday in December, for the purpose of electing a person to
19 fill that office.

20 PARAGRAPH DIVIDED. Each candidate for that office whose
21 name appeared on the general election ballot shall also be a
22 candidate for the office in the special election, except that
23 the deceased candidate's political party may designate another
24 candidate in substantially the manner provided by section
25 43.78 for filling vacancies on the general election ballot.
26 However, a political party which did not have a candidate on
27 the general election ballot for the office in question may
28 similarly designate a candidate for that office in the special
29 election. The name of any replacement or additional candidate
30 so designated shall be submitted in writing to the state
31 commissioner, or the commissioner in the case of a candidate
32 for county supervisor, not later than five o'clock p.m. on the
33 first Tuesday after the date of the general election. No
34 other candidate whose name did not appear on the general
35 election ballot as a candidate for the office in question

1 shall be placed on the ballot for the special election, in any
2 manner. The special election shall be held and canvassed in
3 the manner prescribed by law for the general election.

4 Sec. 41. Section 49.75, Code 1989, is amended to read as
5 follows:

6 49.75 OATH.

7 Before opening the polls, each of the board members shall
8 take the following oath: "I, A. B., do solemnly swear or
9 affirm that I will impartially, and to the best of my
10 knowledge and ability, perform the duties of precinct election
11 official of this election, and will studiously endeavor to
12 prevent fraud, deceit, and abuse in conducting the same
13 election."

14 Sec. 42. Section 49.107, subsection 8, Code 1989, is
15 amended to read as follows:

16 8. Serving as a member of a challenging committee under
17 section 49.104, subsection 2, for the general election or the
18 primary election by a precinct election official, a member of
19 a city council, a mayor, a member of the county board of
20 supervisors, a county attorney, treasurer, sheriff, auditor,
21 or recorder, or a state senator or representative during the
22 person's term of office or while being a candidate for any of
23 those offices.

24 Sec. 43. Section 50.12, Code 1989, is amended to read as
25 follows:

26 50.12 RETURN AND PRESERVATION OF BALLOTS.

27 Immediately after making such the proclamation, and before
28 separating, the board members of each precinct in which votes
29 have been received by paper ballot shall enclose in an
30 envelope or other container all ballots which have been
31 counted by them, except those endorsed "Rejected as double",
32 "Defective", or "Objected to", and securely seal such the
33 envelope. The signatures of all board members of the precinct
34 shall be placed across the seal or the opening of the
35 container so that it cannot be opened without breaking the

1 seal. The precinct election officials shall return all the
2 ballots to the commissioner, who shall carefully preserve them
3 for six months. Ballots from elections for federal offices
4 shall be preserved for twenty-two months.

5 Sec. 44. Section 50.13, Code 1989, is amended to read as
6 follows:

7 50.13 DESTRUCTION OF BALLOTS.

8 If, at the expiration of ~~six-months-no~~ the length of time
9 specified in section 50.12, a contest is not pending, the
10 commissioner, without opening the package in which they have
11 been enclosed, shall destroy the ~~same~~ ballots, in the presence
12 of two electors, one from each of the two leading political
13 parties, who shall be designated by the chairperson of the
14 board of supervisors.

15 Sec. 45. Section 50.19, Code 1989, is amended to read as
16 follows:

17 50.19 PRESERVATION OF BOOKS -- WHEN DESTROYED.

18 The commissioner may destroy precinct election registers,
19 the declarations of eligibility signed by voters, and other
20 material pertaining to ~~an~~ any election in which federal
21 offices are not on the ballot, except the tally lists, six
22 months after the election if ~~no~~ a contest is not pending. If
23 a contest is pending all election materials shall be preserved
24 until final determination of the contest. Before destroying
25 the election registers and declarations of eligibility, the
26 commissioner shall prepare records as necessary to permit
27 compliance with section 48.31, subsection 1. Nomination
28 papers for primary election candidates for state and county
29 offices shall be destroyed ten days before the general
30 election, if a contest is not pending.

31 Material pertaining to elections for federal offices,
32 including ballots, precinct election registers, declarations
33 of eligibility signed by voters, documents relating to
34 absentee ballots, and challenges of voters, shall be preserved
35 for twenty-two months after the election. If a contest is not

1 pending the materials may be destroyed at the end of the
2 retention period.

3 Sec. 46. Section 50.22, unnumbered paragraph 2, Code 1989,
4 is amended to read as follows:

5 The decision to count or reject each ballot shall be made
6 upon the basis of the information given on the envelope
7 containing the special ballot, the evidence concerning the
8 challenge, the registration and the returned receipts of
9 registration. If the challenged voter's registration was
10 canceled in the same county where the person attempted to vote
11 because first class mail other than the registration receipt
12 mailed pursuant to section 48.3 was returned by the postal
13 service during the four years preceding the election in
14 progress, the person's ballot shall be accepted for counting
15 and the elector's registration shall be reinstated.

16 Sec. 47. Section 50.22, Code 1989, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. The special precinct board shall
19 also canvass any absentee ballots which were received after
20 the polls closed in accordance with section 53.17. If
21 necessary, they shall reconvene again on the day of the can-
22 vass by the board of supervisors to canvass any absentee
23 ballots which were timely received. The special precinct
24 board shall submit their tally list to the supervisors before
25 the conclusion of the canvass by the board.

26 Sec. 48. Section 50.24, Code 1989, is amended to read as
27 follows:

28 50.24 CANVASS BY BOARD OF SUPERVISORS.

29 The county board of supervisors shall meet to canvass the
30 vote at nine o'clock on the morning of the first Monday after
31 the day of each election to which this chapter is applicable,
32 unless the law authorizing the election specifies another date
33 for the canvass. If that Monday is a public holiday, section
34 4.1, subsection 22 controls. Upon convening, the board shall
35 open and canvass the tally lists and shall prepare abstracts

1 stating, in words written at length, the number of votes cast
2 in the county, or in that portion of the county in which the
3 election was held, for each office and on each question on the
4 ballot for the election. The board shall ~~also open and~~
5 contact the chairperson of the special precinct board before
6 adjourning and include in the canvass any absentee ballots
7 which were received after the polls closed in accordance with
8 section 53.17 and which were canvassed by the special precinct
9 board after election day. The abstract shall further indicate
10 the name of each person who received votes for each office on
11 the ballot, and the number of votes each person named received
12 for that office, and the number of votes for and against each
13 question submitted to the voters at the election.

14 Any obvious clerical errors in the tally lists from the
15 precincts shall be corrected by the supervisors. Complete
16 records of any changes shall be recorded in the minutes of the
17 canvass.

18 Sec. 49. Section 52.5, Code 1989, is amended to read as
19 follows:

20 52.5 EXAMINATION OF MACHINE.

21 A person or corporation owning or being interested in a
22 voting machine or electronic voting system may request that
23 the state commissioner call upon the board of examiners to
24 examine and test the machine or system. Within seven days of
25 receiving a request for examination and test, the state
26 commissioner shall notify the board of examiners of the
27 request in writing and set a time and place for the
28 examination and test.

29 PARAGRAPH DIVIDED. The state commissioner shall formulate,
30 with the advice and assistance of the examiners, and adopt
31 rules governing the testing and examination of any voting
32 machine or electronic voting system by the board of examiners.
33 The rules shall prescribe the method to be used in determining
34 whether the machine or system is suitable for use within the
35 state and performance standards for voting equipment in use

1 within the state. The rules shall include standards for
2 determining when recertification is necessary following
3 modifications to the equipment or to the programs used in
4 tabulating votes, and a procedure for rescinding certification
5 if a system or machine is found not to comply with performance
6 standards adopted by the state commissioner.

7 PARAGRAPH DIVIDED. The state commissioner may employ a
8 competent person or persons to assist the examiners in their
9 evaluation of the equipment and to advise the examiners as to
10 the sufficiency of the equipment. Consultant fees shall be
11 paid by the person who requested the certification. Following
12 the examination and testing of the voting machine or system
13 the examiners shall report to the state commissioner
14 describing the testing and examination of the machine or
15 system and upon the capacity of the machine or system to
16 register the will of voters, its accuracy and efficiency, and
17 with respect to its mechanical perfections and imperfections.
18 Their report shall be filed in the office of the state
19 commissioner and shall state whether in their opinion the kind
20 of machine or system so examined can be safely used by voters
21 at elections under the conditions prescribed in this chapter.
22 If the report states that the machine or system can be so
23 used, it shall be deemed approved by the examiners, and
24 machines or systems of its kind may be adopted for use at
25 elections as provided in this section. Any form of voting
26 machine or system not so approved cannot be used at any
27 election. ~~Prior to~~ Before actual purchase use by a county of
28 a particular electronic voting system which has been approved
29 for use in this state, the state commissioner shall formulate,
30 with the advice and assistance of the examiners, and adopt
31 rules governing the development of vote counting programs and
32 all procedures used in actual counting of votes by means of
33 that system.

34 Sec. 50. Section 52.32, subsection 2, Code 1989, is
35 amended to read as follows:

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

19 Sec. 51. Section 53.18, Code 1989, is amended to read as
20 follows:

21 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

22 Upon receipt of the absentee ballot, the commissioner shall
23 at once record the number appearing on the application and
24 ~~ballot~~ return carrier envelope and time of receipt of such
25 ballot and enclose the same, unopened, together with the
26 application made by the qualified elector, in a large carrier
27 envelope on which shall appear the words "This envelope
28 contains an absent voter's ballot for the election", and
29 securely seal the same.

30 Sec. 52. NEW SECTION. 53.21 REPLACEMENT OF LOST ABSENTEE
31 BALLOTS.

32 A voter who has requested an absentee ballot may obtain a
33 replacement ballot if the voter declares that the original
34 ballot was lost or did not arrive. The commissioner upon
35 receipt of a written or oral request for a replacement ballot

1 shall provide a duplicate ballot. The same serial number that
2 was assigned to the records of the original absentee ballot
3 request shall be used on the envelopes and records of the
4 replacement ballot.

5 The commissioner shall include with the replacement ballot
6 two copies of a statement in substantially the following form:
7 "The absentee ballot which I requested on _____ (date) _____ has
8 been lost or was never received. If I find this absentee bal-
9 lot I will return it, unvoted, to the commissioner.

10 _____
11 (Signature of voter)

12 _____
13 (Date)"

14 The voter shall enclose one copy of the above statement in
15 the return carrier envelope with the ballot envelope and re-
16 tain a copy for the voter's records.

17 Sec. 53. Section 53.39, Code 1989, is amended to read as
18 follows:

19 53.39 REQUEST FOR BALLOT.

20 ~~The provisions of section~~ Section 53.2 ~~shall~~ does not apply
21 in connection with the primary and general elections in the
22 case of a qualified elector of the state of Iowa serving in
23 the armed forces of the United States ~~in~~. In any such case
24 an application for ballot as provided for in ~~said~~ that section
25 ~~shall~~ is not be required and an absent voter's ballot shall be
26 sent or made available to any such ~~voter~~ elector upon a
27 request ~~being-made-therefor~~ as provided for in this division.
28 All official ballots to be voted by qualified absent voters in
29 the armed forces of the United States at the primary election
30 and the general election shall be printed prior to forty days
31 before the ~~said~~ respective elections and shall be available
32 for transmittal to such qualified electors in the armed forces
33 of the United States at least forty days ~~prior-to~~ before the
34 respective elections. The provisions of this chapter ~~shall~~
35 apply to absent voting by qualified voters in the armed forces

1 of the United States at said primary and general elections
2 except as modified by the provisions of this division.

3 Sec. 54. Section 53.40, unnumbered paragraph 4, Code 1989,
4 is amended to read as follows:

5 If the affidavit on the ballot envelope shows that the
6 affiant is not a qualified voter on the day of the election at
7 which said the ballot is offered for voting, the envelope
8 shall not be opened, but the envelope and ballot contained
9 therein in the envelope shall be preserved and returned by the
10 precinct election officials to the commissioner, who shall
11 preserve same them for the period of time and under the
12 conditions provided for in sections 50.12 to through 50.15 and
13 section 50.19.

14 Sec. 55. Section 53.41, Code 1989, is amended to read as
15 follows:

16 53.41 RECORDS BY COMMISSIONER.

17 The commissioner of each county shall establish and
18 maintain a record of all requests for ballots which are made,
19 and of all ballots transmitted, and the manner of transmittal,
20 from and received in the commissioner's office under the
21 provisions of this division. ~~In-the-event~~ If more than one
22 request for absent voter's ballot for a particular election
23 ~~shall-be~~ is made to the commissioner by or on behalf of a
24 voter in the armed forces of the United States, the request
25 first received shall be honored, except that if one of the
26 requests is made by the voter, and a request on the voter's
27 behalf has not been previously honored, ~~such the~~ request of
28 the voter shall be honored in preference to a request made on
29 the voter's behalf by another. Not more than one ballot shall
30 be transmitted by the commissioner to any voter for a
31 particular election. ~~In-the-event~~ If the commissioner ~~shall~~
32 ~~receive~~ receives more than one absent voter's ballot, provided
33 for by this division, from or purporting to be from any one
34 voter for a particular election, all of said the ballots so
35 received from or purporting to be from such voter ~~shall-be~~

1 ~~shall~~ and are void, and the commissioner shall not deliver any
2 of ~~said~~ the ballots to the precinct election officials of
3 ~~election~~, but shall retain them in the commissioner's office,
4 and preserve them for the period and under the conditions
5 provided for in sections 50.12 ~~to~~ through 50.15 and section
6 50.19.

7 Sec. 56. Section 53.44, Code 1989, is amended by adding
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Absentee ballots issued under
10 this division shall be returned in the same manner and within
11 the same time limits specified in section 53.17.

12 Sec. 57. Section 54.5, Code 1989, is amended to read as
13 follows:

14 54.5 PRESIDENTIAL NOMINEES.

15 The names of the candidates for president and vice
16 president of a political party as defined in the law relating
17 to primary elections, shall, by five o'clock p.m. on the
18 ~~sixty-seventh~~ eighty-first day ~~prior to~~ before the election,
19 be certified to the state commissioner by the chairperson and
20 secretary of the state central committee of the party.

21 However, if the national nominating convention of a
22 political party adjourns later than eighty-nine days before
23 the general election the certificate showing the names of that
24 party's candidates for president and vice president shall be
25 filed within five days after adjournment.

26 As an alternative to the certificate by the state central
27 committee, the certificate of nomination issued by the
28 political party's national nominating convention may be used
29 to certify the names of the party's candidates for president
30 and vice president. If certificates of nomination are
31 received from both the state central committee and the
32 national nominating convention of a political party, and there
33 are differences between the two certificates, the certificate
34 filed by the state central committee shall prevail.

35 The state central committee shall also file a list of the

1 names and addresses of the party's presidential electors, one
2 from each congressional district and two from the state at
3 large, not later than five o'clock p.m. on the eighty-first
4 day before the general election.

5 Sec. 58. Section 69.12, unnumbered paragraph 1, Code 1989,
6 is amended to read as follows:

7 When a vacancy occurs in any nonpartisan elective office of
8 a political subdivision of this state, and the statutes
9 governing the office in which the vacancy occurs require that
10 it be filled by election or are silent as to the method of
11 filling the vacancy, it shall be filled pursuant to this
12 section. As used in this section, "pending election" means
13 any election at which there will be on the ballot either the
14 office in which the vacancy exists, or any other office to be
15 filled or any public question to be decided by the voters of
16 the same political subdivision in which the vacancy exists.

17 Sec. 59. Section 69.12, subsection 1, paragraph a,
18 subparagraph (1), Code 1989, is amended to read as follows:

19 (1) Sixty Seventy-four or more days prior to the election,
20 if it is a general or primary election.

21 Sec. 60. Section 69.12, subsection 1, paragraph b,
22 subparagraph (1), Code 1989, is amended to read as follows:

23 (1) The fifty-fifth-day-prior-to final filing date for
24 candidates filing with the state commissioner or commissioner,
25 as the case may be, for a general or primary election.

26 Sec. 61. Section 69.13, subsection 2, Code 1989, is
27 amended by adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. If the unexpired term of office
29 in which the vacancy occurs will expire within seventy days
30 after the date of the next pending election, section 69.11
31 applies.

32 Sec. 62. Section 277.4, unnumbered paragraph 1, Code 1989,
33 is amended to read as follows:

34 Nomination papers for all candidates for election to office
35 in each school district shall be filed with the secretary of

1 the school board not more than ~~sixty-five~~ sixty-four days, nor
2 less than forty days prior to the election. Nomination
3 petitions shall be filed not later than five o'clock p.m. on
4 the last day for filing. If the school board secretary is not
5 readily available during normal office hours, the secretary
6 may designate a full-time employee of the school district who
7 is ordinarily available to accept nomination papers under this
8 section.

3907- 9 PARAGRAPH DIVIDED. Each candidate shall be nominated by a
10 petition signed by not less than ten eligible electors of the
11 district. Signers of nomination petitions shall include their
12 addresses and the date of signing, and must reside in the same
13 district as the candidate if directors are elected by
14 district, rather than at large. Each person may sign as many
15 nomination petitions for an office as there are seats to be
16 filled. The petition shall ~~include~~ be filed with the
17 affidavit of the candidate being nominated, stating the
18 candidate's name, place of residence, that such person is a
19 candidate and is eligible for the office the candidate seeks,
20 and that if elected the candidate will qualify for the office.

21 Sec. 63. Section 278.2, Code 1989, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. Petitions filed under this
24 section shall be filed with the secretary of the school board
25 at least seventy-five days before the date of the annual
26 school election, if the question is to be included on the
27 ballot at that election. The petition shall include the
28 signatures of the petitioners, a statement of their place of
29 residence, and the date on which they signed the petition.

30 Sec. 64. Section 279.7, unnumbered paragraph 4, Code 1989,
31 is amended to read as follows:

32 Nomination petitions shall be filed in the manner provided
33 in section 277.4, except that the petitions shall be filed not
34 less than ~~thirty~~ twenty-five days ~~prior to~~ before the date set
35 for the election.

1 Sec. 65. Section 280A.11, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 The governing board of a merged area is a board of
4 directors composed of one member elected from each director
5 district in the area by the electors of the respective
6 district. Members of the board shall be residents of the
7 district from which elected. Successors shall be chosen at
8 the annual school elections for members whose terms expire.
9 The term of a member of the board of directors is three years
10 and commences at the organization meeting. Vacancies on the
11 board ~~which occur more than ninety days prior to the next~~
12 ~~regular school election may~~ shall be filled at the next
13 regular meeting of the board by appointment by the remaining
14 members of the board. A member so chosen shall be a resident
15 of the district in which the vacancy occurred and shall serve
16 until a member is elected pursuant to section 69.12 to fill
17 the vacancy for the balance of the unexpired term. A vacancy
18 is defined in section 277.29. A member shall not serve on the
19 board of directors who is a member of a board of directors of
20 a local school district or a member of an area education
21 agency board.

307-

22 Sec. 66. Section 303B.3, unnumbered paragraph 2, Code
23 1989, is amended to read as follows:

24 The votes cast in the election shall be canvassed and
25 abstracts of the votes cast shall be promptly certified by the
26 commissioner to the commissioner of elections who is
27 responsible under section 47.2 for conducting elections for
28 that regional library board district. In each county whose
29 commissioner of elections is responsible under section 47.2
30 for conducting elections held for a regional library board
31 district, the county board of supervisors shall convene at
32 nine o'clock a.m. on the third Monday in November, canvass the
33 abstracts of votes cast and declare the results of the voting.
34 The commissioner shall at once issue certificates of election
35 to each person declared elected.

405-

1 Sec. 67. Section 331.306, Code 1989, is amended to read as
2 follows:

3 331.306 PETITIONS OF ELIGIBLE ELECTORS.

4 If a petition of the voters is authorized by this chapter,
5 the petition is valid if signed by eligible electors of the
6 county equal in number to at least ten percent of the votes
7 cast in the county for the office of president of the United
8 States or governor at the preceding general election, unless
9 otherwise provided by state law. The petition shall include
10 the signatures of the petitioners, a statement of their place
11 of residence, and the date on which they signed the petition.

12 Petitions authorized by this chapter shall be filed with
13 the board of supervisors not later than eighty-two days before
14 the date of the general election if the question is to be
15 voted upon at the general election. If the petition is found
16 to be valid, the board of supervisors shall, not later than
17 sixty-nine days before the general election, notify the county
18 commissioner of elections to submit the question to the
19 qualified electors at the general election.

20 Sec. 68. Section 362.4, Code 1989, is amended to read as
21 follows:

22 362.4 PETITION OF ELIGIBLE ELECTORS.

23 If a petition of the voters is authorized by the city code,
24 the petition is valid if signed by eligible electors of the
25 city equal in number to ten percent of the persons who voted
26 at the last preceding regular city election, but not less than
27 ten persons, unless otherwise provided by state law. The
28 petition shall include the signatures of the petitioners, a
29 statement of their place of residence, and the date on which
30 they signed the petition.

31 Sec. 69. Section 372.13, subsection 2, paragraph b, Code
32 1989, is amended to read as follows:

33 b. By a special election held to fill the office for the
34 remaining balance of the unexpired term. If the council opts
35 for a special election or a valid petition is filed under

1 paragraph "a", the special election may be held concurrently
2 with any pending election as provided by section 69.12 if by
3 so doing the vacancy will be filled not more than ninety days
4 after it occurs. Otherwise, a special election to fill the
5 office shall be called at the earliest practicable date. If
6 there are concurrent vacancies on the council and the
7 remaining council members do not constitute a quorum of the
8 full membership, a special election shall be called at the
9 earliest practicable date. The council shall give the county
10 commissioner at least sixty days' written notice of the date
11 chosen for the special election. A special election held
12 under this subsection is subject to sections 376.4 through
13 376.11, but the dates for actions in relation to the special
14 election shall be calculated with regard to the date for which
15 the special election is called.

16 Sec. 70. Section 376.4, unnumbered paragraph 1, Code 1989,
17 is amended to read as follows:

3907-18 An eligible elector of a city may become a candidate for an
19 elective city office by filing with the city clerk a valid
20 petition requesting that the elector's name be placed on the
21 ballot for that office. The petition must be filed not more
22 than ~~seventy-two~~ seventy-one days nor less than forty-seven
23 days before the date of the election, and must be signed by
24 eligible electors equal in number to at least two percent of
25 those who voted to fill the same office at the last regular
26 city election, but not less than ten persons. A person shall
27 not sign more nomination petitions for an office than there
28 are positions to be filled. Nomination petitions shall be
29 filed not later than five o'clock p.m. on the last day for
30 filing.

3907-31 Sec. 71. Section 602.1216, Code 1989, is amended to read
32 as follows:

33 602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

34 A clerk of the district court shall stand for retention in
35 office, in the county of the clerk's office, upon the petition

1 of ten percent of all eligible-and-registered qualified
2 electors in the county to the state commissioner of elections,
3 at the judicial election in 1988 and every four years
4 thereafter, under sections 46.17 through 46.24. The petition
5 shall be filed in the office of the state commissioner not
6 later than one hundred twenty days before the general
7 election. A clerk who is not retained in office is ineligible
8 to serve as clerk, in the county in which the clerk was not
9 retained, for the four years following the retention vote.

405-10 Sec. 72. Section 50.14, Code 1989, is repealed.

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SENATE FILE 371

H-3907

- 1 Amend Senate File 371, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 26, the
4 following:
5 "Sec. ____ . Section 43.15, subsection 1, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:
8 1. A signer may sign nomination papers for more
9 than one candidate for the same office, and the
10 signature is not invalid solely because the signer
11 signed nomination papers for one or more other
12 candidates for the office."
13 2. Page 13, by striking lines 8 through 14 and
14 inserting the following: "not sign it. A person may
15 sign nomination petitions under this chapter for more
16 than one candidate for the same office, and the
17 signature is not invalid solely because the person
18 signed nomination petitions for one or more other
19 candidates for the office."
20 3. Page 15, line 13, by inserting after the word
21 "elector" the following: ", presented in person with
22 proper identification in the office of the county
23 commissioner of registration".
24 4. Page 16, by striking lines 18 and 19 and
25 inserting the following: "partisan county offices on
26 the ballot with the board of supervisors first,
27 followed by the other county offices and township
28 offices in the same sequence in which they appear in
29 sections 39.17 and 39.22."
30 5. Page 29, by striking lines 14 through 16 and
31 inserting the following: "district, rather than at
32 large. A person may sign nomination petitions for
33 more than one candidate for the same office, and the
34 signature is not invalid solely because the person
35 signed nomination petitions for one or more other
36 candidates for the office. The petition shall include
37 be filed with the".
38 6. Page 30, by inserting after line 21, the
39 following:
40 "Sec. ____ . Section 280A.15, subsection 2, Code
41 1989, is amended to read as follows:
42 2. A candidate for member of the board of
43 directors of a merged area shall be nominated by a
44 petition signed by not less than fifty eligible
45 electors of the director district from which the
46 member is to be elected. The petition shall state the
47 number of the director district from which the
48 candidate seeks election, and the candidate's name and
49 status as an eligible elector of the director
50 district. Signers of the petition, in addition to

H-3907

Page 2

1 signing their names, shall show their residence,
2 including street and number if any, the school
3 district in which they reside, and the date they
4 signed the petition. A person may sign nomination
5 petitions for more than one candidate for the same
6 office, and the signature is not invalid solely
7 because the person signed nomination petitions for one
8 or more other candidates for the office. The petition
9 shall include the affidavit of the candidate being
10 nominated, stating the candidate's name and residence,
11 and that the individual is a candidate, is eligible
12 for the office sought, and if elected will qualify for
13 the office."

14 7. Page 32, by striking lines 26 through 28 and
15 inserting the following: "city election, but not less
16 than ten persons. A person may sign nomination
17 petitions for more than one candidate for the same
18 office, and the signature is not invalid solely
19 because the person signed nomination petitions for one
20 or more other candidates for the office. Nomination
21 petitions shall be".

22 8. Page 32, by inserting after line 30 the
23 following:

24 "Sec. ____ . Section 467A.5, subsection 3, Code
25 1989, is amended to read as follows:

26 3. At each general election a successor shall be
27 chosen for each commissioner whose term will expire in
28 the succeeding January. Nomination of candidates for
29 the office of commissioner shall be made by petition
30 in accordance with chapter 45, except that each
31 candidate's nominating petition shall be signed by at
32 least twenty-five eligible electors of the district.
33 The petition form shall be furnished by the county
34 commissioner of elections. Every candidate shall file
35 with the nomination papers an affidavit stating the
36 candidate's name, the candidate's residence, that the
37 person is a candidate and is eligible for the office
38 of commissioner, and that if elected the candidate
39 will qualify for the office. ~~An eligible elector~~
40 ~~shall not in any one year sign the nominating~~
41 ~~petitions of a number of candidates greater than the~~
42 ~~number of commissioners to be elected in that year.~~
43 The signed petitions shall be filed with the county
44 commissioner of elections not later than five o'clock
45 p.m. on the fifty-fifth day prior to the general
46 election. The votes for the office of district
47 commissioner shall be canvassed in the same manner as
48 the votes for county officers, and the returns shall
49 be certified to the commissioners of the district. A
50 plurality shall be sufficient to elect commissioners,

H-3907

Page 3

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

11 9. By numbering and renumbering as necessary.

By COMMITTEE ON STATE
GOVERNMENT

BLANSHAN of Greene, Chairperson

H-3907 FILED APRIL 7, 1989

Adopted 4-18-89 (p.163-1)

SENATE FILE 371

H-4025

1 Amend Senate File 371, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Sec. _____. Section 49.4, subsection 2, Code 1989,
6 is amended to read as follows:

7 2. Counties using alternative supervisor
8 representation plans ~~plan "two" or "three"~~, as
9 described in section 331.206, shall be apportioned
10 into single-member supervisor districts on the basis
11 of population. ~~In counties using representation plan~~
12 ~~"three"~~ The boundaries of supervisor districts
13 shall follow the boundaries of election precincts."

14 2. Page 30, by inserting after line 35 the
15 following:

16 "Sec. _____. Section 331.203, subsection 2,
17 paragraph b, Code 1989, is amended to read as follows:

18 b. If plan "two" ~~or plan "three"~~ as defined in
19 section 331.206 is in effect, the board shall divide
20 the county into five equal-population districts by
21 December 15 of the year preceding the year of the next
22 general election and at that general election, five
23 board members shall be elected, two for initial terms
24 of two years and three for four-year terms. The terms
25 of the three incumbent supervisors shall expire on the
26 date that the five-member board becomes effective.

27 Sec. _____. Section 331.206, subsection 1, paragraph
28 b, Code 1989, is amended by striking the paragraph.

29 Sec. _____. Section 331.206, subsection 1, paragraph
30 c, Code 1989, is amended to read as follows:

31 ~~e b.~~ Plan ~~"three"~~ "two." Election from single-
32 member equal-population districts, in which the
33 electors of each district shall elect one member who
34 must reside in that district.

35 Sec. _____. Section 331.207, subsection 3,
36 paragraphs 4 and 5, Code 1989, are amended to read as
37 follows:

38 ~~Plan "two" -- At-large but with equal population~~
39 ~~district residence requirements for the members.~~

40 Plan ~~"three"~~ "two." From single-member equal-
41 population districts in which the electors of each
42 district shall elect one member who must reside in
43 that district.

44 Sec. _____. Section 331.207, subsection 4, Code
45 1989, is amended to read as follows:

46 4. If the plan adopted by a plurality of the
47 ballots cast in the special election is not the
48 supervisor representation plan currently in effect in
49 the county, the terms of the county supervisors
50 serving at the time of the special election shall

H-4025

Page 2

1 continue until the first day in January which is not a
2 Sunday or holiday following the next general election,
3 at which time the terms of the members shall expire
4 and the terms of the members elected under the
5 requirements of the new supervisor representation plan
6 at the general election as specified in section
7 331.208, or 331.209 or-331-210 shall commence.

8 Sec. ____ . Section 331.209, subsections 1 and 2,
9 Code 1989, are amended to read as follows:

10 1. Before December 15 of the nonelection year
11 following each federal decennial census the board
12 shall divide the county into a number of supervisor
13 districts corresponding to the number of supervisors
14 in the county. However, if the plan is selected
15 pursuant to section 331.207, the board shall divide
16 the county before March 15 of the election year. The
17 supervisor districts shall be drawn, to the extent
18 applicable, in compliance with the redistricting
19 standards provided for legislative and congressional
20 districts in section 42.4. The boundaries of
21 supervisor districts shall follow voting precinct
22 lines. If more than one incumbent supervisor resides
23 in the same supervisor district after the districts
24 have been redrawn following the federal decennial
25 census, the terms of office of those supervisors shall
26 expire on the first day of January that is not a
27 Sunday or a holiday following the next general
28 election.

29 2. Each supervisor must reside in a separate
30 supervisor district but-shall-be and each candidate
31 for the office shall be nominated and elected by the
32 electors-of-the-county-at-large only the electors of
33 the district which that candidate seeks to represent.
34 Election-ballots-shall-be-prepared-to-specify-the
35 district-which-each-candidate-seeks-to-represent-and
36 each-elector-may-cast-a-vote-for-one-candidate-from
37 each-district-for-which-a-supervisor-is-to-be-chosen
38 in-the-general-election."

39 3. Page 33, by striking line 10 and inserting the
40 following:

41 "Sec. ____ . Sections 50.14 and 331.210, Code 1989,
42 are repealed."

43 4. By numbering and renumbering as necessary.

By BLANSHAN of Greene

H-4025 FILED APRIL 13, 1989

Withdrawn 4-18-89 (P/VSS)

SENATE FILE 371

H-4022

1 Amend Senate File 371, as amended, passed, and
2 reprinted by the Senate, as follows:

3 "1. Page 9, by inserting after line 17 the
4 following:

5 "Sec. _____. Section 43.78, subsection 1, paragraphs
6 d, e, and f, Code 1989, are amended to read as
7 follows:

8 d. For any office to be filled by the voters of an
9 entire county, by the party's county-convention, which
10 ~~may be reconvened by the county party chairperson if~~
11 ~~the vacancy occurs after the convention has been held~~
12 ~~or too late to be filled at the time it is held~~
13 precinct committee members for the county, who shall
14 be convened or reconvened as appropriate by the county
15 party chairperson. The party's state constitution or
16 bylaws may allow the voting strength of each precinct
17 represented at such a convention to be made
18 proportionate to the vote cast for the party's
19 candidate for the office in question in the respective
20 precincts at the last general election for that
21 office.

22 e. For the office of county supervisor elected by
23 the voters of a district within the county, by the
24 ~~delegates to the party's county convention who~~
25 ~~represent the precincts lying party's precinct~~
26 committee members whose precincts lie within that
27 district, who shall be convened or reconvened as
28 appropriate by the county party chairperson. The
29 party's state constitution or bylaws may allow the
30 voting strength of each precinct represented at such a
31 convention to be made proportionate to the vote cast
32 for the party's candidate for the office in question
33 in the respective precincts at the last general
34 election for that office.

35 f. For any other partisan office filled by the
36 voters of a subdivision of a county, by those members
37 ~~of the party's county central committee who represent~~
38 ~~the precincts lying the party's precinct committee~~
39 members whose precincts lie within that district, who
40 shall be convened or reconvened as appropriate by the
41 county party chairperson. The party's state
42 constitution or bylaws may allow the voting strength
43 of each precinct represented at such a convention to
44 be made proportionate to the vote cast for the party's
45 candidate for the office in question in the respective
46 precincts at the last general election for that
47 office.

48 PARAGRAPH DIVIDED. However, this paragraph shall
49 not apply to partisan city offices in special charter
50 cities for which candidates are nominated under this

H-4022

Page 2

1 chapter, but such ballot vacancies shall be filled as
2 provided by section 43.116."

3 2. By numbering and renumbering as necessary.

By PETERS of Woodbury

H-4022 FILED APRIL 13, 1989

EX 4-18-89 (p. 165)

HOUSE AMENDMENT TO
SENATE FILE 371

S-3838

1 Amend Senate File 371, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26, the
4 following:

5 "Sec. ____ . Section 43.15, subsection 1, Code 1989,
6 is amended by striking the subsection and inserting in
7 lieu thereof the following:

8 1. A signer may sign nomination papers for more
9 than one candidate for the same office, and the
10 signature is not invalid solely because the signer
11 signed nomination papers for one or more other
12 candidates for the office."

13 2. Page 13, by striking lines 8 through 14 and
14 inserting the following: "not sign it. A person may
15 sign nomination petitions under this chapter for more
16 than one candidate for the same office, and the
17 signature is not invalid solely because the person
18 signed nomination petitions for one or more other
19 candidates for the office."

20 3. Page 15, line 13, by inserting after the word
21 "elector" the following: ", presented in person with
22 proper identification in the office of the county
23 commissioner of registration".

24 4. Page 16, by striking lines 18 and 19 and
25 inserting the following: "partisan county offices on
26 the ballot with the board of supervisors first,
27 followed by the other county offices and township
28 offices in the same sequence in which they appear in
29 sections 39.17 and 39.22."

30 5. Page 29, by striking lines 14 through 16 and
31 inserting the following: "district, rather than at
32 large. A person may sign nomination petitions for
33 more than one candidate for the same office, and the
34 signature is not invalid solely because the person
35 signed nomination petitions for one or more other
36 candidates for the office. The petition shall include
37 be filed with the".

38 6. Page 30, by inserting after line 21, the
39 following:

40 "Sec. ____ . Section 280A.15, subsection 2, Code
41 1989, is amended to read as follows:

42 2. A candidate for member of the board of
43 directors of a merged area shall be nominated by a
44 petition signed by not less than fifty eligible
45 electors of the director district from which the
46 member is to be elected. The petition shall state the
47 number of the director district from which the
48 candidate seeks election, and the candidate's name and
49 status as an eligible elector of the director
50 district. Signers of the petition, in addition to

S-3838

Page 2

1 signing their names, shall show their residence,
2 including street and number if any, the school
3 district in which they reside, and the date they
4 signed the petition. A person may sign nomination
5 petitions for more than one candidate for the same
6 office, and the signature is not invalid solely
7 because the person signed nomination petitions for one
8 or more other candidates for the office. The petition
9 shall include the affidavit of the candidate being
10 nominated, stating the candidate's name and residence,
11 and that the individual is a candidate, is eligible
12 for the office sought, and if elected will qualify for
13 the office."

14 7. Page 32, by striking lines 26 through 28 and
15 inserting the following: "city election, but not less
16 than ten persons. A person may sign nomination
17 petitions for more than one candidate for the same
18 office, and the signature is not invalid solely
19 because the person signed nomination petitions for one
20 or more other candidates for the office. Nomination
21 petitions shall be".

22 8. Page 32, by inserting after line 30 the
23 following:

24 "Sec. ____ . Section 467A.5, subsection 3, Code
25 1989, is amended to read as follows:

26 3. At each general election a successor shall be
27 chosen for each commissioner whose term will expire in
28 the succeeding January. Nomination of candidates for
29 the office of commissioner shall be made by petition
30 in accordance with chapter 45, except that each
31 candidate's nominating petition shall be signed by at
32 least twenty-five eligible electors of the district.
33 The petition form shall be furnished by the county
34 commissioner of elections. Every candidate shall file
35 with the nomination papers an affidavit stating the
36 candidate's name, the candidate's residence, that the
37 person is a candidate and is eligible for the office
38 of commissioner, and that if elected the candidate
39 will qualify for the office. ~~An eligible elector~~
40 ~~shall not in any one year sign the nominating~~
41 ~~petitions of a number of candidates greater than the~~
42 ~~number of commissioners to be elected in that year.~~
43 The signed petitions shall be filed with the county
44 commissioner of elections not later than five o'clock
45 p.m. on the fifty-fifth day prior to the general
46 election. The votes for the office of district
47 commissioner shall be canvassed in the same manner as
48 the votes for county officers, and the returns shall
49 be certified to the commissioners of the district. A
50 plurality shall be sufficient to elect commissioners,

S-3838

Page 3

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

11 9. By numbering and renumbering as necessary.
RECEIVED FROM THE HOUSE

S-3838 FILED APRIL 20, 1989

Senate Concurred 4-25-89 (p. 1643)

GROWSTAL, CH.
DRAKE
CARR

SSB 114
STATE GOVERNMENT
New

SENATE FILE 371
BY (PROPOSED SECRETARY OF
STATE BILL)

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

A BILL FOR

1 An Act relating to 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 6.6, Code 1989, is amended to read as
2 follows:

3 6.6 CERTIFICATION -- SAMPLE BALLOT.

4 The state commissioner of elections shall, not less than
5 ~~fifty-five~~ sixty-nine days preceding any election at which a
6 constitutional amendment or public measure is to be submitted
7 to a vote of the entire people of the state, transmit to the
8 county commissioner of elections of each county a certified
9 copy of ~~such~~ the amendment or measure and a sample of the
10 ballot to be used in such cases, prepared in accordance with
11 law.

12 Sec. 2. Section 43.4, unnumbered paragraph 2, Code 1989,
13 is amended to read as follows:

14 There shall be selected among those present at a precinct
15 caucus a chairperson and a secretary who shall ~~forthwith~~
16 within seven days certify to the county central committee and
17 the county commissioner the names of those elected as party
18 committee members and delegates to the county convention.
19 When the rules of a political party require the selection and
20 reporting of delegates selected as part of the presidential
21 nominating process, or the rules of a political party require
22 the tabulation and reporting of the number of persons
23 attending the caucus favoring each presidential candidate, it
24 is the duty of a person designated as provided by the rules of
25 that political party to report the results of the precinct
26 caucus as directed by the state central committee of that
27 political party. When the person designated to report the
28 results of the precinct caucus reports the results,
29 representatives of each candidate ~~may~~, if they so choose, may
30 accompany the person as the results are being reported to
31 assure that an accurate report of the proceedings is reported.
32 If ballots are used at the precinct caucus, representatives of
33 each candidate or other persons attending the precinct caucus
34 may observe the tabulation of the results of the balloting.

35 Sec. 3. Section 43.6, subsections 1 and 2, Code 1989, are

1 amended to read as follows:

2 1. When a vacancy occurs in the office of senator in the
3 congress of the United States, lieutenant governor, secretary
4 of state, auditor of state, treasurer of state, secretary of
5 agriculture, or attorney general and section 69.13, subsection
6 1, requires that the vacancy be filled for the balance of the
7 unexpired term at a general election, candidates for the
8 office shall be nominated in the preceding primary election if
9 the vacancy occurs ~~seventy-five~~ eighty-nine or more days ~~prior~~
10 ~~to~~ before the date of that primary election. If the vacancy
11 occurs less than ~~ninety~~ one hundred four days before the date
12 of that primary election, the state commissioner shall accept
13 nomination papers for that office only until five o'clock p.m.
14 on the ~~sixtieth~~ seventy-fourth day before the primary
15 election, the provisions of section 43.11 notwithstanding. If
16 the vacancy occurs later than ~~seventy-five~~ eighty-nine days
17 before the date of that primary election, but not less than
18 ~~seventy-five~~ eighty-nine days before the date of the general
19 election, the nominations shall be made in the manner
20 prescribed by this chapter for filling vacancies in
21 nominations for offices to be voted for at the general
22 election.

23 2. When a vacancy occurs in the office of county
24 supervisor or any of the offices listed in section 39.17 and
25 section 69.13, subsection 2, requires that the vacancy be
26 filled for the balance of the unexpired term at a general
27 election, candidates for the office shall be nominated in the
28 preceding primary election if the vacancy occurs ~~sixty~~
29 seventy-four or more days ~~prior-to~~ before the date of that
30 primary election. If the vacancy occurs less than ~~seventy-~~
31 ~~five~~ eighty-nine days before the date of that primary
32 election, the commissioner shall accept nomination papers for
33 that office only until five o'clock p.m. on the ~~forty-ninth~~
34 sixty-third day before the primary election, the provisions of
35 section 43.11 notwithstanding. If the vacancy occurs later

1 than ~~sixty~~ seventy-four days before the date of that primary
2 election, but not less than ~~sixty~~ seventy-four days before the
3 date of the general election, the nominations shall be made in
4 the manner prescribed by this chapter for filling vacancies in
5 nominations for offices to be voted for at the general
6 election.

7 Sec. 4. Section 43.11, Code 1989, is amended to read as
8 follows:

9 43.11 FILING OF NOMINATION PAPERS.

10 Nomination papers in behalf of a candidate shall be filed:

11 1. For an elective county office, in the office of the
12 county commissioner not earlier than ~~seventy-eight~~ ninety-two
13 days nor later than five o'clock p.m. on the ~~fifty-fifth~~
14 sixty-ninth day ~~prior-to~~ before the day fixed for holding the
15 primary election.

16 2. For United States senator, for an elective state
17 office, for representative in Congress, and for member of the
18 general assembly, in the office of the state commissioner not
19 earlier than ~~eighty-five~~ ninety-nine days nor later than five
20 o'clock p.m. on the ~~sixty-seventh~~ eighty-first day ~~prior-to~~
21 before the day fixed for holding the primary election.

22 Sec. 5. Section 43.15, subsection 3, Code 1989, is amended
23 to read as follows:

24 3. All signers, for all nominations, of each separate part
25 of a nomination paper, shall reside in the same county,
26 representative or senatorial district for members of the
27 general assembly. In counties where the supervisors are
28 elected from districts, signers of nomination petitions for
29 supervisor candidates shall reside in the supervisor district
30 the candidate seeks to represent.

31 Sec. 6. Section 43.16, unnumbered paragraphs 2 and 3, Code
32 1989, are amended to read as follows:

33 A person who has filed nomination petitions with the state
34 commissioner may withdraw as a candidate not later than the
35 ~~sixty-second~~ seventy-sixth day before the primary election by

1 notifying the state commissioner in writing.

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

6 Sec. 7. Section 43.21, Code 1989, is amended to read as
7 follows:

8 43.21 TOWNSHIP OFFICE.

9 The name of a candidate for a township office shall be
10 printed on the official primary ballot of the candidate's
11 party if the candidate files the candidate's personal
12 affidavit, in the form prescribed by section 43.18, with the
13 commissioner not earlier than ninety-two days nor later than
14 five o'clock p.m. of the fifty-fifth sixty-ninth day prior-to
15 before the primary election. If ~~prior-to~~ before that time
16 there is presented to the commissioner a nomination paper
17 signed by at least ten eligible electors of the township
18 requesting that the name of any person be placed on the
19 primary ballot as a candidate for a township office, and the
20 nomination paper is not accompanied by the candidate's
21 personal affidavit, the commissioner shall advise the
22 candidate that such an affidavit is required before the
23 candidate's name may be placed on the ballot.

24 Sec. 8. Section 43.22, unnumbered paragraph 1, Code 1989,
25 is amended to read as follows:

26 The state commissioner shall, at least ~~fifty-five~~ sixty-
27 nine days before a primary election, furnish to the
28 commissioner of each county a certificate under the state
29 commissioner's hand and seal, which certificate shall show:

30 Sec. 9. Section 43.23, Code 1989, is amended to read as
31 follows:

32 43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

33 1. ~~When-any~~ If a person who has filed nomination papers
34 with the state commissioner as a candidate in a primary
35 election dies or withdraws up to the ~~sixty-second~~ seventy-

1 sixth day before the primary election, the appropriate
2 convention or central committee of that person's political
3 party may designate one additional primary election candidate
4 for the nomination that person was seeking, if the designation
5 is submitted to the state commissioner in writing by five
6 o'clock p.m. on the ~~forty-ninth~~ seventy-first day before the
7 date of the primary election. The name of any candidate so
8 submitted shall be included in the appropriate certificate or
9 certificates furnished by the state commissioner under section
10 43.22.

11 2. ~~When-any~~ If a person who has filed nomination papers
12 with the commissioner as a candidate in a primary election
13 dies or withdraws up to the ~~forty-third~~ sixty-seventh day
14 before the primary election, the appropriate convention or
15 central committee of that person's political party may
16 designate one additional primary election candidate for the
17 nomination that person was seeking, if the designation is
18 submitted to the commissioner in writing by five o'clock p.m.
19 on the ~~forty-ninth~~ sixty-third day before the primary
20 election. The name of any candidate so submitted shall be
21 placed on the appropriate ballot or ballots by the
22 commissioner.

23 Sec. 10. Section 43.24, subsection 1, paragraphs a, b, and
24 d, Code 1989, are amended to read as follows:

25 a. Those filed with the state commissioner, not less than
26 sixty seventy-four days before the date of the election.

27 b. Those filed with the commissioner, not less than ~~forty~~
28 sixty-four days before the date of the election.

29 d. Those filed with the city clerk under this chapter, at
30 least ~~thirty~~ thirty-six days ~~prior-to~~ before the municipal
31 election.

32 Sec. 11. NEW SECTION. 43.29 FORM OF NAME ON BALLOT.

33 The name of a candidate printed on the ballot shall not
34 include parentheses, quotation marks, or any personal or
35 professional title.

1 Sec. 12. Section 43.30, Code 1989, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The commissioner may make sample
4 ballots available to the public. The sample ballots shall be
5 stamped with the words "sample ballot" and a facsimile of the
6 commissioner's signature. A reasonable fee may be charged for
7 printing costs if a person requests multiple copies of sample
8 ballots.

9 Sec. 13. Section 43.45, unnumbered paragraph 1, Code 1989,
10 is amended to read as follows:

11 Upon the closing of the polls the precinct election
12 officials shall immediately publicly canvass the vote in the
13 following manner:

14 Sec. 14. Section 43.48, Code 1989, is amended to read as
15 follows:

16 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

17 Any elector of the county shall have the right, before the
18 day fixed for canvassing the returns, to ascertain the vote
19 cast for any candidate in any precinct in the county, as shown
20 on the outside of the envelope containing the ~~election~~
21 register tally list.

22 Sec. 15. Section 43.54, Code 1989, is amended to read as
23 follows:

24 43.54 RIGHT TO PLACE ON BALLOT.

25 Each candidate so nominated ~~shall be~~ pursuant to section
26 43.53 is entitled to have the candidate's name printed on the
27 official ballot to be voted for at the general election
28 ~~without other certificate~~ if the candidate files an affidavit
29 in the form required by section 43.67 not later than five
30 o'clock p.m. on the seventh day following the completion of
31 the canvass.

32 Sec. 16. NEW SECTION. 43.56 PRIMARY ELECTION RECOUNT
33 PROVISIONS.

34 Recounts of votes for primary elections shall be conducted
35 following the procedure outlined in section 50.48. However,

1 if a recount is requested for an office for which no candidate
2 has received the required thirty-five percent to be nominated,
3 the recount board shall consist of the following persons:

4 1. One person chosen by the candidate requesting the
5 recount, who shall be named in the request.

6 2. One person chosen by the candidate who received the
7 highest number of votes for the nomination being recounted.
8 However, if the candidate who requested the recount received
9 more votes than anyone else for the nomination, the candidate
10 who received the second highest number of votes shall
11 designate this person to serve on the recount board.

12 3. A third person mutually agreeable to the board members
13 designated by the candidates.

14 A bond is not necessary for a primary election recount
15 under these circumstances if the difference between the number
16 of votes needed to be nominated and the number of votes
17 received by the candidate requesting the recount is less than
18 fifty votes or one percent of the total number of votes cast
19 for the nomination in question, whichever is greater. If a
20 bond is required, the bond shall be in the amount specified in
21 section 50.48, subsection 2.

22 Sec. 17. Section 43.67, unnumbered paragraph 1, Code 1989,
23 is amended to read as follows:

24 Each candidate ~~so~~ nominated ~~shall-be~~ pursuant to section
25 43.66 is entitled to have the candidate's name printed on the
26 official ballot to be voted at the general election without
27 other certificate, except that a candidate whose name was not
28 printed on the official primary election ballot must execute
29 and deliver to the commissioner or the state commissioner, as
30 the case may be, an affidavit in substantially the following
31 form:

32 Sec. 18. Section 43.73, unnumbered paragraph 1, Code 1989,
33 is amended to read as follows:

34 Not less than ~~fifty-five~~ sixty-nine days before the general
35 election the state commissioner shall certify to each

1 commissioner, under separate party headings, the name of each
2 person nominated as shown by the official canvass made by the
3 executive council, or as certified to the state commissioner
4 by the proper persons when any person has been nominated by a
5 convention or by a party committee, or by petition, the office
6 to which the person is nominated, and the order in which the
7 tickets of the several political parties shall appear on the
8 official ballot.

9 Sec. 19. Section 43.76, Code 1989, is amended to read as
10 follows:

11 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

18 2. A candidate nominated in a primary election for any
19 office for which nomination papers are required to be filed
20 with the commissioner may withdraw as a nominee for that
21 office on or before, but not later than, the ~~sixtieth~~ seventy-
22 fourth day ~~prior-to~~ before the date of the general election by
23 so notifying the commissioner in writing.

24 Sec. 20. Section 43.77, subsections 3 and 4, Code 1989,
25 are amended to read as follows:

26 3. The person nominated in the primary election as the
27 party's candidate for that office subsequently withdrew as
28 permitted by section 43.76, was found to lack the requisite
29 qualifications for the office, or died, at a time not later
30 than the ~~seventy-fifth~~ eighty-ninth day before the date of the
31 general election in the case of an office for which nomination
32 papers must be filed with the state commissioner and not later
33 than the ~~sixtieth~~ seventy-fourth day before the date of the
34 general election in the case of an office for which nomination
35 papers must be filed with the county commissioner.

1 4. A vacancy has occurred in the office of senator in the
2 Congress of the United States, lieutenant governor, secretary
3 of state, auditor of state, treasurer of state, secretary of
4 agriculture, or attorney general, under the circumstances
5 described in section 69.13, subsection 1, less than ~~seventy-~~
6 ~~five~~ eighty-nine days before the primary election and not less
7 than ~~seventy-five~~ eighty-nine days before the general
8 election, or in the office of county supervisor or any of the
9 offices listed in section 39.17, under the circumstances
10 described in section 69.13, subsection 2, less than ~~sixty~~
11 seventy-four days before the primary election and not less
12 than ~~sixty~~ seventy-four days before the general election.

13 Sec. 21. Section 43.78, subsections 2 and 3, Code 1989,
14 are amended to read as follows:

15 2. The name of any candidate designated to fill a vacancy
16 on the general election ballot in accordance with subsection
17 1, paragraph "a", "b", or "c" shall be submitted in writing to
18 the state commissioner not later than five o'clock p.m. on the
19 ~~sixty-seventh~~ eighty-first day ~~prior-to~~ before the date of the
20 general election.

21 3. The name of any candidate designated to fill a vacancy
22 on the general election ballot in accordance with subsection
23 1, paragraph "d", "e", or "f" shall be submitted in writing to
24 the commissioner not later than five o'clock p.m. on the
25 ~~fifty-fifth~~ sixty-ninth day ~~prior-to~~ before the date of the
26 general election.

27 Sec. 22. Section 43.79, Code 1989, is amended to read as
28 follows:

29 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

30 The death of a candidate nominated as provided by law for
31 any office to be filled at a general election, during the
32 period beginning on the ~~seventy-fourth~~ eighty-eighth day
33 before the general election, in the case of any candidate
34 whose nomination papers were filed with the state
35 commissioner, or beginning on the ~~fifty-ninth~~ seventy-third

1 day before the general election, in the case of any candidate
2 whose nomination papers were filed with the commissioner, and
3 ending on the last day before the general election shall not
4 operate to remove the deceased candidate's name from the
5 general election ballot. If the deceased candidate was
6 seeking the office of senator or representative in the
7 Congress of the United States, governor, lieutenant governor,
8 attorney general, senator or representative in the general
9 assembly or county supervisor, section 49.58 shall control.
10 If the deceased candidate was seeking any other office, and as
11 a result of the candidate's death a vacancy is subsequently
12 found to exist, the vacancy shall be filled as provided by
13 chapter 69.

14 Sec. 23. Section 44.4, Code 1989, is amended to read as
15 follows:

16 44.4 NOMINATIONS AND OBJECTIONS -- TIME AND PLACE OF
17 FILING.

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

1 seventy-two days nor later than five o'clock p.m. on the
2 forty-seventh day ~~prior-to~~ before the city election with the
3 city clerk, who shall process them as provided by law.

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

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

13 2. Those filed with the commissioner, not less than ~~fifty~~
14 sixty-four days before the day date of election.

15 3. Those filed with the city clerk, at least forty-two
16 days ~~prior-to~~ before the municipal election.

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

21 Sec. 24. Section 44.9, unnumbered paragraph 1 and
22 subsections 1 and 2, Code 1989, are amended to read as
23 follows:

24 Any candidate named under this chapter may withdraw the
25 candidate's nomination by a written request, ~~signed-and~~
26 ~~acknowledged-by-that-person-before-any-officer-empowered-to~~
27 ~~take-acknowledgment-of-deeds:-Such-withdrawal-must-be~~ filed as
28 follows:

29 1. In the office of the state commissioner, at least ~~sixty~~
30 seventy-four days before the day date of the election.

31 2. In the office of the proper commissioner, at least
32 ~~fifty~~ sixty-four days before the day date of the election.

33 Sec. 25. Section 44.11, Code 1989, is amended to read as
34 follows:

35 44.11 VACANCIES FILLED.

1 If a candidate named under this chapter declines a
2 nomination, or dies before election day, or ~~should-any~~ if a
3 certificate of nomination be is held insufficient or
4 inoperative by the officer with whom it is required to be
5 filed, or in case any objection made to ~~any a~~ a certificate of
6 nomination, or to the eligibility of any candidate ~~therein~~
7 named in the certificate, is sustained by the board appointed
8 to determine such questions, the vacancy or vacancies ~~thus~~
9 ~~occasioned~~ may be filled by the convention, or caucus, or in
10 such manner as such convention or caucus has previously
11 provided. The vacancy or vacancies shall be filled not less
12 than ~~sixty~~ seventy-four days ~~prior-to~~ before the election in
13 the case of nominations required to be filed with the state
14 commissioner, not less than ~~fifty~~ sixty-four days ~~prior-to~~
15 before the election in the case of nominations required to be
16 filed with the commissioner, and not less than thirty-five
17 days ~~prior-to~~ before the election in the case of nominations
18 required to be filed in the office of the school board
19 secretary, or and not less than forty-two days before the
20 election in the case of nominations required to be filed with
21 the city clerk.

22 Sec. 26. Section 45.1, subsection 1, Code 1989, is amended
23 to read as follows:

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

32 Sec. 27. Section 45.3, unnumbered paragraph 1, Code 1989,
33 is amended to read as follows:

34 Each eligible elector who signs a nominating petition drawn
35 up in accordance with this chapter shall add to the signature

1 the elector's residence address and the date of signing. The
2 person whose nomination is proposed by the petition may shall
3 not sign it. A person shall not sign more nomination
4 petitions under this chapter for an office than there are
5 persons to be elected to the office. This chapter does not
6 prohibit a person from signing nomination petitions for
7 candidates for the general election if the person also signed
8 nomination petitions for candidates for the same office for
9 the primary election.

10 PARAGRAPH DIVIDED. Before the petition is filed, there
11 shall be endorsed upon or attached to it an affidavit executed
12 by that candidate, in substantially the following form:

13 Sec. 28. Section 46.20, Code 1989, is amended to read as
14 follows:

15 46.20 DECLARATION OF CANDIDACY.

16 At least ~~ninety~~ one hundred four days ~~prior-to~~ before the
17 judicial election preceding expiration of the initial or
18 regular term of office, a judge of the supreme court, court of
19 appeals, or district court including district associate
20 judges, or a clerk of the district court who is required to
21 stand for retention under section 602.1216 may file a
22 declaration of candidacy with the state commissioner of
23 elections to stand for retention or rejection at that
24 election. If a judge or clerk fails to file the declaration,
25 the office shall be vacant at the end of the term. District
26 associate judges filing the declaration shall stand for
27 retention in the judicial election district of their
28 residence.

29 Sec. 29. Section 46.21, unnumbered paragraph 1, Code 1989,
30 is amended to read as follows:

31 At least ~~fifty-five~~ sixty-nine days ~~prior-to~~ before each
32 judicial election, the state commissioner of elections shall
33 certify to the county commissioner of elections of each county
34 a list of the judges of the supreme court, court of appeals,
35 and district court including district associate judges, and

1 clerks of the district court to be voted on in each county at
2 that election. The county commissioner of elections shall
3 place the names upon the ballot in the order in which they
4 appear in the certificate, unless only one county is voting
5 thereon. The state commissioner of elections shall rotate the
6 names in the certificate by county, or the county commissioner
7 of elections shall rotate them upon the ballot by precinct if
8 only one county is voting thereon. The names of all judges
9 and clerks to be voted on shall be placed upon one ballot,
10 which shall be in substantially the following form:

11 Sec. 30. Section 47.2, Code 1989, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 6. On the final date for filing
14 nomination papers in the commissioner's office the office
15 shall be open until the time for receiving nomination papers
16 has passed.

17 Sec. 31. Section 47.6, subsection 1, Code 1989, is amended
18 to read as follows:

19 1. The governing body of any political subdivision which
20 has authorized a special election to which section 39.2 is
21 applicable shall by written notice inform the commissioner who
22 will be responsible for conducting the election of the
23 proposed date of the special election. If a public measure
24 will appear on the ballot at the special election the
25 governing body shall submit the complete text of the public
26 measure to the commissioner with the notice of the proposed
27 date of the special election.

28 PARAGRAPH DIVIDED. If the proposed date of the special
29 election coincides with the date of a regularly scheduled
30 election, the notice shall be given no later than five o'clock
31 p.m. on the last day on which nomination papers may be filed
32 for the regularly scheduled election. Otherwise, the notice
33 shall be given at least thirty days in advance of the date of
34 the proposed special election. Upon receiving the notice, the
35 commissioner shall promptly give written approval of the

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

5 Sec. 32. Section 48.31, Code 1989, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 7. Upon receipt of a written request from
8 the qualified elector.

9 Sec. 33. Section 49.8, subsection 6, Code 1989, is amended
10 to read as follows:

11 6. Precinct boundaries established by or pursuant to
12 section 49.4, and not changed under subsection 1 since the
13 most recent federal decennial census, may be changed once
14 during the period beginning January 1 of the second year
15 following a year in which a federal decennial census is taken
16 and ending June 30 of the year immediately following the year
17 in which the next succeeding federal decennial census is
18 taken, if the commissioner recommends and the board of
19 supervisors finds that the change will effect a substantial
20 savings in election costs. Changes made under this subsection
21 shall be made not later than ninety-nine days before a primary
22 election, unless the changes will not take effect until
23 January 1 of the next even-numbered year.

24 Sec. 34. Section 49.23, Code 1989, is amended to read as
25 follows:

26 49.23 NOTICE OF CHANGE.

27 When a change is made from the usual polling place for the
28 precinct or when the precinct polling place for any primary or
29 general election is different from that used for the precinct
30 at the last preceding primary or general election, notice of
31 such change shall be given by publication in a newspaper of
32 general circulation in the precinct not more than fifteen
33 twenty nor less than five four days prior-to before the day on
34 which the election is to be held. In addition a notice of the
35 present polling place for the precinct shall be posted, not

1 later than the hour at which the polls open on the day of the
2 election, on each door to the usual or former polling place in
3 the precinct and shall remain there until the polls have
4 closed.

5 Sec. 35. Section 49.31, Code 1989, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. The name of a candidate printed on the
8 ballot shall not include parentheses, quotation marks, or any
9 personal or professional title.

10 Sec. 36. Section 49.37, Code 1989, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 3. The commissioner shall arrange the
13 partisan county offices on the ballot in the same sequence in
14 which they appear in sections 39.17, 39.18, and 39.22.
15 Nonpartisan offices shall be listed below or to the right of
16 partisan offices.

17 Sec. 37. Section 49.44, Code 1989, is amended by adding
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The commissioner may prepare a
20 summary for public measures if the commissioner finds that a
21 summary is needed to clarify the question to the voters.

22 Sec. 38. Section 49.48, Code 1989, is amended to read as
23 follows:

24 49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL
25 AMENDMENTS.

26 The state commissioner of elections shall prescribe a
27 notice to inform voters ~~that-the-top~~ of the location on the
28 ballot ~~contains~~ of the form for retaining or removing judicial
29 officers and for ratifying or defeating proposed
30 constitutional amendments. The notice shall be conspicuously
31 attached to the voting machine or to the ballot.

32 Sec. 39. Section 49.53, Code 1989, is amended to read as
33 follows:

34 49.53 PUBLICATION OF BALLOT AND NOTICE.

35 The commissioner shall not less than four nor more than

1 twenty days ~~prior-to~~ before the day of each election, except
2 those for which different publication requirements are
3 prescribed by law, publish notice of the election. The notice
4 shall contain a facsimile of the portion of the ballot
5 containing the first rotation as prescribed by section 49.31,
6 subsection 2, and shall show the names of all candidates or
7 nominees and the office each seeks, and all public questions,
8 to be voted upon at the election. The sample ballot published
9 as a part of the notice may at the discretion of the
10 commissioner be reduced in size relative to the actual ballot
11 but such reduction shall not cause upper case letters
12 appearing on the published sample ballot to be less than five
13 thirty-sixths of an inch high in candidates' names or in
14 summaries of public measures. The notice shall also state the
15 date of the election, the hours the polls will be open, the
16 location of each polling place at which voting is to occur in
17 the election, and the names of the precincts voting at each
18 polling place, but the statement need not set forth any fact
19 which is apparent from the portion of the ballot appearing as
20 a part of the same notice. The notice shall include the full
21 text of all public measures to be voted upon at the election.

22 PARAGRAPH DIVIDED. The notice shall be published in at
23 least one newspaper, as defined in section 618.3, which is
24 published in the county or other political subdivision in
25 which the election is to occur or, if no newspaper is
26 published there, in at least one newspaper of substantial
27 circulation in the county or political subdivision. For the
28 general election or the primary election the foregoing notice
29 shall be published in at least two newspapers published in the
30 county. However, if there is only one newspaper published in
31 the county, publication in one newspaper shall be sufficient.

32 Sec. 40. Section 49.58, Code 1989, is amended to read as
33 follows:

34 49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

35 If any candidate nominated by a political party, as defined

1 in section 43.2, for the office of senator or representative
2 in the congress of the United States, governor, lieutenant
3 governor, attorney general, or senator or representative in
4 the general assembly dies during the period beginning on the
5 seventy-fourth eighty-eighth day and ending on the last day
6 before the general election, or if any candidate so nominated
7 for the office of county supervisor dies during the period
8 beginning on the fifty-ninth seventy-third day and ending on
9 the last day before the general election, the vote cast at the
10 general election for that office shall not be canvassed as
11 would otherwise be required by chapter 50. Instead, a special
12 election shall be held on the first Tuesday after the second
13 Monday in December, for the purpose of electing a person to
14 fill that office.

15 PARAGRAPH DIVIDED. Each candidate for that office whose
16 name appeared on the general election ballot shall also be a
17 candidate for the office in the special election, except that
18 the deceased candidate's political party may designate another
19 candidate in substantially the manner provided by section
20 43.78 for filling vacancies on the general election ballot.
21 However, a political party which did not have a candidate on
22 the general election ballot for the office in question may
23 similarly designate a candidate for that office in the special
24 election. The name of any replacement or additional candidate
25 so designated shall be submitted in writing to the state
26 commissioner, or the commissioner in the case of a candidate
27 for county supervisor, not later than five o'clock p.m. on the
28 first Tuesday after the date of the general election. No
29 other candidate whose name did not appear on the general
30 election ballot as a candidate for the office in question
31 shall be placed on the ballot for the special election, in any
32 manner. The special election shall be held and canvassed in
33 the manner prescribed by law for the general election.

34 Sec. 41. Section 49.75, Code 1989, is amended to read as
35 follows:

1 49.75 OATH.

2 Before opening the polls, each of the board members shall
3 take the following oath: "I, A. B., do solemnly swear or
4 affirm that I will impartially, and to the best of my
5 knowledge and ability, perform the duties of precinct election
6 official of this election, and will studiously endeavor to
7 prevent fraud, deceit, and abuse in conducting the same
8 election."

9 Sec. 42. Section 49.107, subsection 8, Code 1989, is
10 amended to read as follows:

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

19 Sec. 43. Section 50.12, Code 1989, is amended to read as
20 follows:

21 50.12 RETURN AND PRESERVATION OF BALLOTS.

22 Immediately after making such the proclamation, and before
23 separating, the board members of each precinct in which votes
24 have been received by paper ballot shall enclose in an
25 envelope or other container all ballots which have been
26 counted by them, except those endorsed "Rejected as double",
27 "Defective", or "Objected to", and securely seal such the
28 envelope. The signatures of all board members of the precinct
29 shall be placed across the seal or the opening of the
30 container so that it cannot be opened without breaking the
31 seal. The precinct election officials shall return all the
32 ballots to the commissioner, who shall carefully preserve them
33 for six months. Ballots from elections for federal offices
34 shall be preserved for twenty-two months.

35 Sec. 44. Section 50.13, Code 1989, is amended to read as

1 follows:

2 50.13 DESTRUCTION OF BALLOTS.

3 If, at the expiration of ~~six-months~~ no the length of time
4 specified in section 50.12, a contest is not pending, the
5 commissioner, without opening the package in which they have
6 been enclosed, shall destroy the same ballots, in the presence
7 of two electors, one from each of the two leading political
8 parties, who shall be designated by the chairperson of the
9 board of supervisors.

10 Sec. 45. Section 50.19, Code 1989, is amended to read as
11 follows:

12 50.19 PRESERVATION OF BOOKS -- WHEN DESTROYED.

13 The commissioner may destroy precinct election registers,
14 the declarations of eligibility signed by voters, and other
15 material pertaining to an any election in which federal
16 offices are not on the ballot, except the tally lists, six
17 months after the election if ~~no~~ a contest is not pending. If
18 a contest is pending all election materials shall be preserved
19 until final determination of the contest. Before destroying
20 the election registers and declarations of eligibility, the
21 commissioner shall prepare records as necessary to permit
22 compliance with section 48.31, subsection 1. Nomination
23 papers for primary election candidates for state and county
24 offices shall be destroyed ten days before the general
25 election, if a contest is not pending.

26 Material pertaining to elections for federal offices,
27 including ballots, precinct election registers, declarations
28 of eligibility signed by voters, documents relating to
29 absentee ballots, and challenges of voters, shall be preserved
30 for twenty-two months after the election. If a contest is not
31 pending the materials may be destroyed at the end of the
32 retention period.

33 Sec. 46. Section 50.22, unnumbered paragraph 2, Code 1989,
34 is amended to read as follows:

35 The decision to count or reject each ballot shall be made

1 upon the basis of the information given on the envelope
2 containing the special ballot, the evidence concerning the
3 challenge, the registration and the returned receipts of
4 registration. If the challenged voter's registration was
5 canceled in the same county where the person attempted to vote
6 because first class mail other than the registration receipt
7 mailed pursuant to section 48.3 was returned by the postal
8 service during the four years preceding the election in
9 progress, the person's ballot shall be accepted for counting
10 and the elector's registration shall be reinstated.

11 Sec. 47. Section 50.22, Code 1989, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The special precinct board shall
14 also canvass any absentee ballots which were received after
15 the polls closed in accordance with section 53.17. If
16 necessary, they shall reconvene again on the day of the can-
17 vass by the board of supervisors to canvass any absentee
18 ballots which were timely received. The special precinct
19 board shall submit their tally list to the supervisors before
20 the conclusion of the canvass by the board.

21 Sec. 48. Section 50.24, Code 1989, is amended to read as
22 follows:

23 50.24 CANVASS BY BOARD OF SUPERVISORS.

24 The county board of supervisors shall meet to canvass the
25 vote at nine o'clock on the morning of the first Monday after
26 the day of each election to which this chapter is applicable,
27 unless the law authorizing the election specifies another date
28 for the canvass. If that Monday is a public holiday, section
29 4.1, subsection 22 controls. Upon convening, the board shall
30 open and canvass the tally lists and shall prepare abstracts
31 stating, in words written at length, the number of votes cast
32 in the county, or in that portion of the county in which the
33 election was held, for each office and on each question on the
34 ballot for the election. The board shall ~~also open and~~
35 contact the chairperson of the special precinct board before

1 adjourning and include in the canvass any absentee ballots
2 which were received after the polls closed in accordance with
3 section 53.17 and which were canvassed by the special precinct
4 board after election day. The abstract shall further indicate
5 the name of each person who received votes for each office on
6 the ballot, and the number of votes each person named received
7 for that office, and the number of votes for and against each
8 question submitted to the voters at the election.

9 Any obvious clerical errors in the tally lists from the
10 precincts shall be corrected by the supervisors. Complete
11 records of any changes shall be recorded in the minutes of the
12 canvass.

13 Sec. 49. Section 52.5, Code 1989, is amended to read as
14 follows:

15 52.5 EXAMINATION OF MACHINE.

16 A person or corporation owning or being interested in a
17 voting machine or electronic voting system may request that
18 the state commissioner call upon the board of examiners to
19 examine and test the machine or system. Within seven days of
20 receiving a request for examination and test, the state
21 commissioner shall notify the board of examiners of the
22 request in writing and set a time and place for the
23 examination and test.

24 PARAGRAPH DIVIDED. The state commissioner shall formulate,
25 with the advice and assistance of the examiners, and adopt
26 rules governing the testing and examination of any voting
27 machine or electronic voting system by the board of examiners.
28 The rules shall prescribe the method to be used in determining
29 whether the machine or system is suitable for use within the
30 state and performance standards for voting equipment in use
31 within the state. The rules shall include standards for
32 determining when recertification is necessary following
33 modifications to the equipment or to the programs used in
34 tabulating votes, and a procedure for rescinding certification
35 if a system or machine is found not to comply with performance

1 standards adopted by the state commissioner.

2 PARAGRAPH DIVIDED. The state commissioner may employ a
3 competent person or persons to assist the examiners in their
4 evaluation of the equipment and to advise the examiners as to
5 the sufficiency of the equipment. Consultant fees shall be
6 paid by the person who requested the certification. Following
7 the examination and testing of the voting machine or system
8 the examiners shall report to the state commissioner
9 describing the testing and examination of the machine or
10 system and upon the capacity of the machine or system to
11 register the will of voters, its accuracy and efficiency, and
12 with respect to its mechanical perfections and imperfections.
13 Their report shall be filed in the office of the state
14 commissioner and shall state whether in their opinion the kind
15 of machine or system so examined can be safely used by voters
16 at elections under the conditions prescribed in this chapter.
17 If the report states that the machine or system can be so
18 used, it shall be deemed approved by the examiners, and
19 machines or systems of its kind may be adopted for use at
20 elections as provided in this section. Any form of voting
21 machine or system not so approved cannot be used at any
22 election. ~~Prior-to~~ Before actual ~~purchase~~ use by a county of
23 a particular electronic voting system which has been approved
24 for use in this state, the state commissioner shall formulate,
25 with the advice and assistance of the examiners, and adopt
26 rules governing the development of vote counting programs and
27 all procedures used in actual counting of votes by means of
28 that system.

29 Sec. 50. Section 52.32, subsection 2, Code 1989, is
30 amended to read as follows:

31 2. If ballot cards are used and write-in votes are cast on
32 a separate envelope or write-in ballot, the precinct election
33 officials shall next count the write-in votes cast in the
34 precinct, if any. If special paper ballots or ballot cards
35 are used and write-in votes are recorded directly upon the

1 ballot, this subsection ~~does-not-apply~~ is optional, at the
2 discretion of the commissioner. If write-in votes are not
3 canvassed by the precinct election officials at the precinct
4 where they were cast, they shall be tabulated at the counting
5 center. All ballots or envelopes on which write-in votes have
6 been recorded shall be serially numbered, starting with the
7 number one, and the same number shall be placed on the regular
8 ballot card of that voter. The precinct election official
9 shall compare the write-in votes with the votes cast on the
10 ballot card. If the total number of votes for any office
11 exceeds the number allowed by law, a notation to that effect
12 shall be entered on the back of the ballot card and the votes
13 for the office involved shall not be counted.

14 Sec. 51. Section 53.18, Code 1989, is amended to read as
15 follows:

16 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

17 Upon receipt of the absentee ballot, the commissioner shall
18 at once record the number appearing on the application and
19 ~~ballot~~ return carrier envelope and time of receipt of such
20 ballot and enclose the same, unopened, together with the
21 application made by the qualified elector, in a large carrier
22 envelope on which shall appear the words "This envelope
23 contains an absent voter's ballot for the election", and
24 securely seal the same.

25 Sec. 52. NEW SECTION. 53.21 REPLACEMENT OF LOST ABSENTEE
26 BALLOTS.

27 A voter who has requested an absentee ballot may obtain a
28 replacement ballot if the voter declares that the original
29 ballot was lost or did not arrive. The commissioner upon
30 receipt of a written or oral request for a replacement ballot
31 shall provide a duplicate ballot. The same serial number that
32 was assigned to the records of the original absentee ballot
33 request shall be used on the envelopes and records of the
34 replacement ballot.

35 The commissioner shall include with the replacement ballot

1 two copies of a statement in substantially the following form:
2 "The absentee ballot which I requested on _____ (date) _____ has
3 been lost or was never received. If I find this absentee bal-
4 lot I will return it, unvoted, to the commissioner.

5 _____
6 (Signature of voter)
7 _____
8 (Date)"

9 The voter shall enclose one copy of the above statement in
10 the return carrier envelope with the ballot envelope and re-
11 tain a copy for the voter's records.

12 Sec. 53. Section 53.39, Code 1989, is amended to read as
13 follows:

14 53.39 REQUEST FOR BALLOT.

15 ~~The provisions of section~~ Section 53.2 ~~shall~~ does not apply
16 in connection with the primary and general elections in the
17 case of a qualified elector of the state of Iowa serving in
18 the armed forces of the United States ~~in~~. In any such case
19 an application for ballot as provided for in ~~said~~ that section
20 ~~shall~~ is not be required and an absent voter's ballot shall be
21 sent or made available to any such ~~voter~~ elector upon a
22 request ~~being-made-therefor~~ as provided ~~for~~ in this division.
23 All official ballots to be voted by qualified absent voters in
24 the armed forces of the United States at the primary election
25 and the general election shall be printed prior to forty days
26 before the ~~said~~ respective elections and shall be available
27 for transmittal to such qualified electors in the armed forces
28 of the United States at least forty days ~~prior-to~~ before the
29 respective elections. The provisions of this chapter ~~shall~~
30 apply to absent voting by qualified voters in the armed forces
31 of the United States at ~~said~~ primary and general elections
32 except as modified by the provisions of this division.

33 Sec. 54. Section 53.40, unnumbered paragraph 4, Code 1989,
34 is amended to read as follows:

35 If the affidavit on the ballot envelope shows that the

1 affiant is not a qualified voter on the day of the election at
2 which ~~said~~ the ballot is offered for voting, the envelope
3 shall not be opened, but the envelope and ballot contained
4 ~~therein~~ in the envelope shall be preserved and returned by the
5 precinct election officials to the commissioner, who shall
6 preserve ~~same~~ them for the period of time and under the
7 conditions provided for in sections 50.12 ~~to~~ through 50.15 and
8 section 50.19.

9 Sec. 55. Section 53.41, Code 1989, is amended to read as
10 follows:

11 53.41 RECORDS BY COMMISSIONER.

12 The commissioner of each county shall establish and
13 maintain a record of all requests for ballots which are made,
14 and of all ballots transmitted, and the manner of transmittal,
15 from and received in the commissioner's office under the
16 provisions of this division. ~~In-the-event~~ If more than one
17 request for absent voter's ballot for a particular election
18 ~~shall-be~~ is made to the commissioner by or on behalf of a
19 voter in the armed forces of the United States, the request
20 first received shall be honored, except that if one of the
21 requests is made by the voter, and a request on the voter's
22 behalf has not been previously honored, ~~such~~ the request of
23 the voter shall be honored in preference to a request made on
24 the voter's behalf by another. Not more than one ballot shall
25 be transmitted by the commissioner to any voter for a
26 particular election. ~~In-the-event~~ If the commissioner ~~shall~~
27 ~~receive~~ receives more than one absent voter's ballot, provided
28 for by this division, from or purporting to be from any one
29 voter for a particular election, all of ~~said~~ the ballots so
30 received from or purporting to be from such voter ~~shall-be~~
31 ~~null-and~~ are void, and the commissioner shall not deliver any
32 of ~~said~~ the ballots to the precinct election officials of
33 election, but shall retain them in the commissioner's office,
34 and preserve them for the period and under the conditions
35 provided for in sections 50.12 ~~to~~ through 50.15 and section

1 50.19.

2 Sec. 56. Section 53.44, Code 1989, is amended by adding
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Absentee ballots issued under
5 this division shall be returned in the same manner and within
6 the same time limits specified in section 53.17.

7 Sec. 57. Section 54.5, Code 1989, is amended to read as
8 follows:

9 54.5 PRESIDENTIAL NOMINEES.

10 The names of the candidates for president and vice
11 president of a political party as defined in the law relating
12 to primary elections, shall, by five o'clock p.m. on the
13 ~~sixty-seventh~~ eighty-first day ~~prior-to~~ before the election,
14 be certified to the state commissioner by the chairperson and
15 secretary of the state central committee of the party. As an
16 alternative to the certificate by the state central committee,
17 the certificate of nomination issued by the political party's
18 national nominating convention may be used to certify the
19 names of the party's candidates for president and vice presi-
20 dent. If certificates of nomination are received from both
21 the state central committee and the national nominating
22 convention of a political party, and there are differences
23 between the two certificates, the certificate filed by the
24 state central committee shall prevail.

25 The state central committee shall also file a list of the
26 party's presidential electors, one from each congressional
27 district and two from the state at large, not later than five
28 o'clock p.m. on the eighty-first day before the general
29 election.

30 Sec. 58. Section 69.12, unnumbered paragraph 1, Code 1989,
31 is amended to read as follows:

32 When a vacancy occurs in any nonpartisan elective office of
33 a political subdivision of this state, and the statutes
34 governing the office in which the vacancy occurs require that
35 it be filled by election or are silent as to the method of

1 filling the vacancy, it shall be filled pursuant to this
2 section. As used in this section, "pending election" means
3 any election at which there will be on the ballot either the
4 office in which the vacancy exists, or any other office to be
5 filled or any public question to be decided by the voters of
6 the same political subdivision in which the vacancy exists.

7 Sec. 59. Section 69.12, subsection 1, paragraph a,
8 subparagraph (1), Code 1989, is amended to read as follows:

9 (1) Sixty Seventy-four or more days prior to the election,
10 if it is a general or primary election.

11 Sec. 60. Section 69.12, subsection 1, paragraph b,
12 subparagraph (1), Code 1989, is amended to read as follows:

13 (1) The fifty-fifth-day-prior-to final filing date for
14 candidates filing with the state commissioner or commissioner,
15 as the case may be, for a general or primary election.

16 Sec. 61. Section 69.13, subsection 2, Code 1989, is
17 amended by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. If the unexpired term of office
19 in which the vacancy occurs will expire within seventy days
20 after the date of the next pending election, section 69.11
21 applies.

22 Sec. 62. Section 277.4, unnumbered paragraph 1, Code 1989,
23 is amended to read as follows:

24 Nomination papers for all candidates for election to office
25 in each school district shall be filed with the secretary of
26 the school board not more than ~~sixty-five~~ sixty-four days, nor
27 less than forty days prior to the election. Nomination
28 petitions shall be filed not later than five o'clock p.m. on
29 the last day for filing. If the school board secretary is not
30 readily available during normal office hours, the secretary
31 may designate a full-time employee of the school district who
32 is ordinarily available to accept nomination papers under this
33 section.

34 PARAGRAPH DIVIDED. Each candidate shall be nominated by a
35 petition signed by not less than ten eligible electors of the

1 district. Signers of nomination petitions shall include their
2 addresses and the date of signing, and must reside in the same
3 district as the candidate if directors are elected by
4 district, rather than at large. Each person may sign as many
5 nomination petitions for an office as there are seats to be
6 filled. The petition shall ~~include~~ be filed with the
7 affidavit of the candidate being nominated, stating the
8 candidate's name, place of residence, that such person is a
9 candidate and is eligible for the office the candidate seeks,
10 and that if elected the candidate will qualify for the office.

11 Sec. 63. Section 278.2, Code 1989, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. Petitions filed under this
14 section shall be filed with the secretary of the school board
15 at least seventy-five days before the date of the annual
16 school election, if the question is to be included on the
17 ballot at that election. The petition shall include the
18 signatures of the petitioners, a statement of their place of
19 residence, and the date on which they signed the petition.

20 Sec. 64. Section 279.7, unnumbered paragraph 4, Code 1989,
21 is amended to read as follows:

22 Nomination petitions shall be filed in the manner provided
23 in section 277.4, except that the petitions shall be filed not
24 less than ~~thirty~~ twenty-five days ~~prior-to~~ before the date set
25 for the election.

26 Sec. 65. Section 280A.11, unnumbered paragraph 1, Code
27 1989, is amended to read as follows:

28 The governing board of a merged area is a board of
29 directors composed of one member elected from each director
30 district in the area by the electors of the respective
31 district. Members of the board shall be residents of the
32 district from which elected. Successors shall be chosen at
33 the annual school elections for members whose terms expire.
34 The term of a member of the board of directors is three years
35 and commences at the organization meeting. Vacancies on the

1 board ~~which occur more than ninety days prior to the next~~
2 ~~regular school election may~~ shall be filled at the next
3 regular meeting of the board by appointment by the remaining
4 members of the board. A member so chosen shall be a resident
5 of the district in which the vacancy occurred and shall serve
6 until a member is elected pursuant to section 69.12 to fill
7 the vacancy for the balance of the unexpired term. A vacancy
8 is defined in section 277.29. A member shall not serve on the
9 board of directors who is a member of a board of directors of
10 a local school district or a member of an area education
11 agency board.

12 Sec. 66. Section 303B.3, unnumbered paragraph 2, Code
13 1989, is amended to read as follows:

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

26 Sec. 67. Section 331.306, Code 1989, is amended to read as
27 follows:

28 331.306 PETITIONS OF ELIGIBLE ELECTORS.

29 If a petition of the voters is authorized by this chapter,
30 the petition is valid if signed by eligible electors of the
31 county equal in number to at least ten percent of the votes
32 cast in the county for the office of president of the United
33 States or governor at the preceding general election, unless
34 otherwise provided by state law. The petition shall include
35 the signatures of the petitioners, a statement of their place

1 of residence, and the date on which they signed the petition.

2 Petitions authorized by this chapter shall be filed with
3 the board of supervisors not later than eighty-two days before
4 the date of the general election if the question is to be
5 voted upon at the general election. If the petition is found
6 to be valid, the board of supervisors shall, not later than
7 sixty-nine days before the general election, notify the county
8 commissioner of elections to submit the question to the
9 qualified electors at the general election.

10 Sec. 68. Section 362.4, Code 1989, is amended to read as
11 follows:

12 362.4 PETITION OF ELIGIBLE ELECTORS.

13 If a petition of the voters is authorized by the city code,
14 the petition is valid if signed by eligible electors of the
15 city equal in number to ten percent of the persons who voted
16 at the last preceding regular city election, but not less than
17 ten persons, unless otherwise provided by state law. The
18 petition shall include the signatures of the petitioners, a
19 statement of their place of residence, and the date on which
20 they signed the petition.

21 Sec. 69. Section 372.13, subsection 2, paragraph b, Code
22 1989, is amended to read as follows:

23 b. By a special election held to fill the office for the
24 remaining balance of the unexpired term. If the council opts
25 for a special election or a valid petition is filed under
26 paragraph "a", the special election may be held concurrently
27 with any pending election as provided by section 69.12 if by
28 so doing the vacancy will be filled not more than ninety days
29 after it occurs. Otherwise, a special election to fill the
30 office shall be called at the earliest practicable date. If
31 there are concurrent vacancies on the council and the
32 remaining council members do not constitute a quorum of the
33 full membership, a special election shall be called at the
34 earliest practicable date. The council shall give the county
35 commissioner at least sixty days' written notice of the date

1 chosen for the special election. A special election held
2 under this subsection is subject to sections 376.4 through
3 376.11, but the dates for actions in relation to the special
4 election shall be calculated with regard to the date for which
5 the special election is called.

6 Sec. 70. Section 376.4, unnumbered paragraph 1, Code 1989,
7 is amended to read as follows:

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

21 Sec. 71. Section 602.1216, Code 1989, is amended to read
22 as follows:

23 602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

24 A clerk of the district court shall stand for retention in
25 office, in the county of the clerk's office, upon the petition
26 of ten percent of all eligible and registered electors in the
27 county to the state commissioner of elections, at the judicial
28 election in 1988 and every four years thereafter, under
29 sections 46.17 through 46.24. The petition shall be filed in
30 the office of the state commissioner not later than one
31 hundred twenty days before the general election. A clerk who
32 is not retained in office is ineligible to serve as clerk, in
33 the county in which the clerk was not retained, for the four
34 years following the retention vote.

35 Sec. 72. Section 50.14, Code 1989, is repealed.

1

EXPLANATION

2 This bill makes numerous technical and other changes in the
3 laws governing elections and election procedures. It moves
4 the candidate filing deadlines and ballot certification
5 deadlines for primary and general elections to two weeks
6 earlier. It prohibits the use of parentheses, quotation
7 marks, or personal or professional titles in the names of
8 candidates printed on ballots.

9 It also makes changes relating to the certification of
10 names of party committee members and county convention dele-
11 gates elected at the precinct caucuses, the nomination of
12 county supervisor candidates elected from districts, the
13 earliest date for township candidates to file, the deadline
14 for objections to nominations in certain city elections, the
15 availability of sample ballots, the canvassing of votes in the
16 precinct on primary election night, the filing of affidavits
17 of candidacy for township offices, the recount of votes in
18 certain primary elections, the notarization of certain
19 candidates' withdrawal notices, the contents of nominating
20 petitions for president and vice president, prohibitions
21 against signing nomination petitions for more than one
22 candidate, the office hours for the county commissioner on the
23 final day for filing nomination papers, the filing of the
24 texts of local public measures, requests to cancel voter
25 registration, time limits for making changes in precinct
26 boundaries, the publication of notices of changes in polling
27 places, the sequence of offices on the general election
28 ballot, the preparation of summaries of local public measures
29 by the county commissioner, the notice of placement on the
30 ballot of judicial retention questions and constitutional
31 amendments, inclusion in the notice of election of the full
32 text of each public measure to be voted upon, persons not
33 permitted to serve as members of challenging committees,
34 requirements for retention of election documents, restrictions
35 on reinstatement of registrations for returned mail,

1 canvassing of absentee ballots received after election day,
2 powers and duties of the board of supervisors in conducting
3 its canvass, the powers and duties of the board of examiners
4 in evaluating and adopting rules for new voting systems, the
5 counting of write-in votes when special paper ballots or
6 ballot cards are used, the replacement of lost absentee
7 ballots, the time for mailing and return of absentee ballots,
8 the certification of names of the party's candidates for
9 president and vice president, the filing of names of the
10 party's presidential electors, the tenure of certain vacancy
11 appointees, requirements for nomination petitions for can-
12 didates for school elections, the contents and filing date for
13 petitions to include public measures on school election
14 ballots, the filing deadline for special elections to fill
15 vacancies on school boards, the filling of vacancies on boards
16 of merged area schools, elections for regional library board
17 districts, requirements and procedures with respect to county
18 and city petitions under chapters 331 and 362, the deadline
19 for notifying the county commissioner of the date for a
20 special city election, requirements for signing and filing
21 nomination petitions for city offices, and the deadline for
22 filing petitions to have clerks of the district court stand
23 for retention.

24 BACKGROUND STATEMENT

25 SUBMITTED BY THE AGENCY

26 Changes the candidate filing deadlines and ballot certifi-
27 cation deadlines for primary and general elections to two
28 weeks earlier. A significant number of the changes in this
29 proposed bill are directly related to changing the filing
30 deadlines for candidates in primary and general elections.
31 The reason for moving the filing deadlines up is to allow the
32 county auditors additional time for the printing of ballots.
33 Many auditors now find it impossible to have ballots ready on
34 the deadline for sending ballots to armed forces and overseas
35 voters.

1 The current date set for sending absentee ballots to armed
2 forces and overseas voters is only 15 days after the last day
3 for candidates to file. This means that the county auditors
4 have only two weeks to prepare and print ballots. The number
5 of printers who can print ballots is declining, and
6 increasingly counties find themselves in competition with one
7 another for the printer's time.

8 The initial mailing date for armed services and overseas
9 absentee ballots cannot be moved to a later date. These
10 voters' absentee ballots need to be mailed as early as
11 possible. If these ballots are to reach the voters and be
12 returned in time to be counted, the Pentagon's Federal Voting
13 Assistance Program recommends a minimum of forty-five days
14 transit time. By permitting absentee ballots postmarked
15 before election day to be counted at the county canvass of
16 votes, Iowa allows a maximum of forty-seven days transit time
17 for ballots mailed on the fortieth day before the election.

18 The recommended solution is to move the filing deadline for
19 candidates up two weeks, and to allow overseas absentee
20 ballots to be mailed to voters as soon as they are ready--
21 rather than restricting distribution of absentee ballots to no
22 earlier than forty days before the election.

23 Changing the filing deadlines will require changing the
24 following sections of the Code:

25 <u>Bill section</u>	<u>Amending Iowa Code section</u>
26 Section 1	6.6
27 Section 3	43.6
28 Section 4	43.11
29 Section 6	43.16
30 Section 7	43.21
31 Section 8	43.22
32 Section 9	43.23
33 Section 10	43.24
34 Section 18	43.73
35 Section 19	43.76

1 Section 20 43.77
 2 Section 21 43.78
 3 Section 22 43.79
 4 Section 23 44.4
 5 Section 24 44.9
 6 Section 25 44.11
 7 Section 28 46.20
 8 Section 29 46.21
 9 Section 40 49.58
 10 Section 57 54.5
 11 Section 59 69.12

12 Summary by Section Numbers

13 Sec. 73. 6.6. Adjusts date for state commissioner to cer-
 14 tify proposed constitutional amendments to county
 15 commissioners for inclusion on general election ballots.

16 Section 2. 43.4. Provides a specific time period for the
 17 filing of lists of caucus attendees and delegates with the
 18 county auditor. The vague term "forthwith" is replaced by
 19 "within seven days."

20 Section 3. 43.6. Moves deadlines for dealing with
 21 vacancies up two weeks.

22 Section 4. 43.11. Moves candidate filing period up two
 23 weeks.

24 Section 5. 43.15(3). Adds the requirement that signers of
 25 nomination papers for supervisor candidates who are elected by
 26 the voters of a supervisor district must reside in the same
 27 supervisor district the candidate seeks to represent.

28 Section 6. 43.16. Moves withdrawal deadline up two weeks.

29 Section 7. 43.21. Moves candidate filing period for town-
 30 ship office candidates in the primary election up two weeks.
 31 Adds first day for township candidates to file making this
 32 section consistent with other filing periods.

33 Section 8. 43.22. Moves state commissioner's certifica-
 34 tion deadline for the primary election up two weeks.

35 Section 9. 43.23. Moves withdrawal and candidate replace-

1 ment deadlines for the primary up two weeks. See also section
2 6, amending 43.16.

3 Section 10. 43.24. Moves objection deadline for the pri-
4 mary up two weeks. Changes objection deadline for special
5 charter cities from 30 to 36 days before the election to allow
6 more time for ballot preparation.

7 Section 11. 43.29. This new section forbids the use of
8 parentheses, quotation marks, and personal or professional
9 titles in the names of candidates printed on ballots. Addi-
10 tional punctuation serves to consume limited space on ballots
11 and draw more attention to some candidates than others.

12 Section 12. 43.30. Grants the county commissioner
13 authority to make sample ballots available to the general
14 public. Requires "Sample Ballot" and the commissioner's
15 signature to be stamped on each sample. Allows reasonable
16 copying fees to be charged for copying costs.

17 Section 13. 43.45. Specifically indicates that for
18 primary elections the canvass of votes in the precinct on
19 election night is public, as are all other similar canvasses.
20 [see 50.1].

21 Section 14. 43.48. Corrects a misused term by changing
22 the term "election register" to "tally list."

23 Section 15. 43.54. Amends confusing language by changing
24 a vague reference ("so nominated") to "nominated pursuant to
25 section 43.53." Also explicitly requires candidates for town-
26 ship offices who were nominated by write-in votes to file
27 affidavits of candidacy.

28 Section 16. 43.56. (New section.) Provides a method for
29 conducting recounts for primary election races in which there
30 is no apparent winner because no candidate received the re-
31 quired 35% of the vote cast. Does not require bond if the
32 candidate requesting the recount is within 50 votes or 1%
33 (whichever is greater) of the required 35% of the vote needed
34 for nomination.

35 Section 17. 43.67. Amends confusing language by changing

1 a vague reference ("so nominated") to "nominated pursuant to
2 section 43.66."

3 Section 18. 43.73. Moves state commissioner's certifica-
4 tion deadline for the general election up two weeks.

5 Section 19. 43.76. Moves deadline for withdrawal by
6 candidates nominated in the primary election up two weeks.

7 Section 20. 43.77. Moves vacancy time lines up two weeks.

8 Section 21. 43.78. Moves up two weeks filing deadlines
9 for candidates nominated by conventions to fill vacancies on
10 the general election ballot.

11 Section 22. 43.79. Moves up two weeks dates for special
12 procedures following the death of certain candidates.

13 Section 23. 44.4. Moves filing deadlines for candidates
14 for the general election up two weeks.

15 Section 24. 44.9. Moves withdrawal deadlines for candi-
16 dates for the general election up two weeks. Removes require-
17 ment that withdrawal notices be notarized. Other Code sec-
18 tions specifying withdrawal procedures do not require that the
19 withdrawal notice be notarized.

20 Section 25. 44.11. Moves vacancy timetable up two weeks.

21 Section 26. 45.1(1). Specifies that the names of all
22 candidates for presidential electors (one from each
23 congressional district, and two from state at large) must be
24 attached to nomination papers for candidates for president and
25 vice president.

26 Section 27. 45.3. Adds to this chapter the restriction
27 that no person may sign nomination petitions for more
28 candidates for an election or nomination than there are
29 persons to be elected to the office. Clarifies that signers
30 of nomination petitions for primary election candidates may
31 also sign nomination papers for candidates for the same
32 offices for the general election.

33 Section 28. 46.20. Moves filing date for judges up two
34 weeks.

35 Section 29. 46.21. Changes time for state commissioner to

1 certify judicial ballot to county commissioners.

2 Section 30. 47.2(6). (New subsection.) Requires the
3 county commissioner of elections in each county to have the
4 commissioner's office open on the final day for filing
5 nomination papers until the time specified for the end of the
6 filing of nomination papers in that office.

7 Section 31. 47.6. Requires political subdivisions to file
8 complete texts of public measures at the time they give notice
9 of the special election to the county commissioner.

10 Section 32. 48.31. Allows the commissioner to cancel a
11 voter's registration upon written request of the registrant.
12 This will help clean up registration lists.

13 Section 33. 49.8(6). Establishes a time limit for making
14 changes in precincts as a money-saving mechanism. Prohibits
15 changing precincts later than 99 days before the June primary
16 election, unless the changes will not take effect until
17 January 1 of the next even-numbered year.

18 Section 34. 49.23. Changes the publication period for no-
19 tices of changes in polling places to the same period for pub-
20 lishing the notice of election and sample ballot. This change
21 will allow all official notices regarding an election to be
22 published at the same time.

23 Section 35. 49.31(5). (New subsection.) Forbids the use
24 of parentheses, quotation marks, and personal or professional
25 titles in the candidates' names printed on ballots. Addi-
26 tional punctuation serves to consume limited space on ballots
27 and draw more attention to some candidates than others.

28 Section 36. 49.37(3). (New subsection.) Describes the
29 sequence of offices for general election ballots.

30 Section 37. 49.44. Gives the county commissioner discre-
31 tion to prepare summaries of public measures for use on paper
32 ballots if needed for clarity. Summaries are routinely used
33 on all statewide public measures and for voting systems which
34 do not have sufficient space for the complete question. They
35 are not mandated for local public measures presented on paper

1 ballots. The purpose of this amendment is to allow the use of
2 summaries to provide voters with a brief synopsis of very long
3 ballot questions.

4 Section 38. 49.48. Changes statement to describe the
5 location of judges or constitutional amendments on ballots.
6 This section currently requires the notice to state that the
7 judges and amendments are at the top of the ballot; that is
8 not always the case.

9 Section 39. 49.53. Clarifies that the full text of any
10 public measure must be included in the notice of election. If
11 summaries are used on ballots or voting machines, the full
12 text to be posted in the voting booth must be published with
13 the sample ballot, and is subject to the same type size re-
14 quirements as ballots.

15 Section 40. 49.58. Changes calendar with respect to death
16 of candidates following deadline for withdrawal.

17 Section 41. 49.75. Modifies precinct officials' oath to
18 read "swear or affirm" as it does in other oaths.

19 Section 42. 49.107(8). Adds precinct election officials
20 to the list of officers and candidates who may not serve as
21 poll watchers. On election day the loyalties of precinct of-
22 ficials should not be divided between their precinct duties
23 and political interests.

24 Sections 43, 44, 45, and 72. 50.12, 50.13, 50.19, and
25 50.14. Amends requirements for retention of election docu-
26 ments to conform to federal laws that require election ma-
27 terials from federal elections to be retained for 22 months.
28 Section 50.14, which requires the destruction of primary
29 election materials ten days before the general election, is
30 repealed at the end of the bill. All primary elections are
31 federal elections, and the documents must be retained for 22
32 months.

33 Section 46. 50.22. Restricts reinstatement of registra-
34 tions for returned mail. Registrants whose registration re-
35 ceipts were returned may not have their registration rein-

1 stated. Registrations may be reinstated for voters whose
2 registrations were canceled because first class mail (other
3 than the registration receipt) was returned from their regis-
4 tration addresses if the voter still resides in the same
5 county.

6 Section 47. 50.22. Requires the special precinct board to
7 canvass absentee ballots that are received after election day,
8 rather than having the county board of supervisors tally votes
9 in a public meeting. This change is made to preserve the
10 secrecy of the ballots.

11 Section 48. 50.24. Removes the requirement that the su-
12 pervisors tabulate absentee ballots received after election
13 day at a public meeting. Requires the supervisors to contact
14 the chairperson of the special precinct board before adjourn-
15 ing the canvass.

16 Permits supervisors to make corrections in obvious clerical
17 errors in tally lists from precincts where voting machines or
18 electronic tabulation equipment was used.

19 Section 49. 52.5. Changes the requirement for formulating
20 rules for newly certified voting systems to "prior to actual
21 use" rather than prior to purchase. Many systems are certi-
22 fied for use that have never been purchased by any of Iowa's
23 counties. Formulating rules for systems which may never be
24 used is wasteful.

25 Amendments to this section also permit the State Commis-
26 sioner and the Board of Examiners to hire an independent con-
27 sultant to provide technical expertise in evaluating and
28 testing voting equipment to determine whether the equipment is
29 suitable for use in Iowa. The consultant's fee would be paid
30 by the vendor seeking the certification.

31 Section 50. 52.32. Provides county commissioners with the
32 option of directing the precinct officials to tabulate write-
33 in votes at the precinct or the counting center. In elections
34 with a large number of write-in votes, precinct tabulation is
35 a more efficient method.

1 Section 51. 53.18. Requires the commissioner to leave the
2 carrier envelope unopened upon receipt of an absentee ballot.

3 Section 52. 53.21. (New section.) Provides a method for
4 replacing lost absentee ballots.

5 Section 53. 53.39. Permits mailing absentee ballots
6 earlier than 40 days before election day if the ballots are
7 ready. Also emphasizes the requirement that ballots must be
8 ready not less than 40 days before the primary and general
9 elections.

10 Sections 54 and 55. 53.40 and 53.41. Adds an omitted sec-
11 tion number to Code sections cited about retention of election
12 materials.

13 Section 56. 53.44. Specifies time for armed forces and
14 overseas absentee ballots to be returned--same as 53.17.

15 Section 57. 54.5. Requires the political parties to file
16 the names of presidential electors before the filing deadline
17 for the general election. Permits the national nominating
18 convention certificate to serve as the official notice from
19 the political party of the names of presidential and vice
20 presidential candidates. Moves deadline up two weeks.

21 Sections 58 through 60. 69.12. Clarifies vacancy require-
22 ments and adjusts deadlines by two weeks.

23 Section 61. 69.13. Clarifies the length of term of a
24 person appointed to fill a vacancy.

25 Section 62. 277.4. Provides that each signer of nomina-
26 tion petitions for candidates for school elections may sign no
27 more petitions than there are seats to be filled. Requires
28 that signers of nomination petitions live in the same district
29 as candidates whose papers they sign if the candidates will be
30 voted for only by electors within a district. Changes the
31 initial filing date from a Sunday (65 days before the
32 election) to a Monday (64 days before the election).

33 Section 63. 278.2. Specifies that the people must include
34 their signatures, addresses and date of signing when petition-
35 ing under this chapter. Adds a filing date for petitions to

1 include public measures on the school election ballot.

2 Section 64. 279.7. Changes the filing deadline for
3 special elections to fill vacancies on school boards from 30
4 days before the election to 25 days to allow time for the
5 circulation of nomination petitions.

6 Section 65. 280A.11. Clarifies the method of filling va-
7 cancies in merged area schools by specifically stating that
8 vacancies are filled by appointment made by the remaining mem-
9 bers of the board until the next pending election.

10 Section 66. 303B.3. Clarifies the role of the control
11 county in regional library district elections.

12 Section 67. 331.306. Requires that petitions authorized
13 by section 331.306 be filed with Board of Supervisors no later
14 than 82 days before general election if the question is to be
15 voted upon at the general election. The supervisors shall
16 notify the auditor to submit the question to the voters no
17 later than the last day nomination papers may be filed for the
18 general election (69 days before). Also specifies that the
19 people must include their signatures, addresses and date of
20 signing when petitioning under this chapter.

21 Section 68. 362.4. Specifies that the people must include
22 their signatures, addresses and date of signing when
23 petitioning under this chapter.

24 Section 69. 372.13. Establishes a deadline (at least 60
25 days before election date) for a city council to notify the
26 county commissioner in writing of its preference for a date to
27 hold a special election to fill a vacancy.

28 Section 70. 376.4. Provides that each signer of nomina-
29 tion petitions for candidates for city elections may sign no
30 more petitions than there are seats to be filled. Changes the
31 initial filing date from a Sunday (72 days before the
32 election) to a Monday (71 days before).

33 Section 71. 602.1216. Requires petitions to have clerks
34 of the district court stand for retention to be filed with the
35 state commissioner no later than 120 days before the general

1 election.

2 Section 72. 50.14. See summary of section 43.

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SENATE FILE 371

AN ACT

RELATING TO ELECTIONS AND ELECTION PROCEDURES.

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

Section 1. Section 6.6, Code 1989, is amended to read as follows:

6.6 CERTIFICATION -- SAMPLE BALLOT.

The state commissioner of elections shall, not less than fifty-five sixty-nine days preceding any election at which a constitutional amendment or public measure is to be submitted to a vote of the entire people of the state, transmit to the county commissioner of elections of each county a certified copy of such the amendment or measure and a sample of the ballot to be used in such cases, prepared in accordance with law.

Sec. 2. Section 43.4, unnumbered paragraph 2, Code 1989, is amended to read as follows:

There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall forthwith within seven days certify to the county central committee and the county commissioner the names of those elected as party committee members and delegates to the county convention.

PARAGRAPH DIVIDED. When the rules of a political party require the selection and reporting of delegates selected as part of the presidential nominating process, or the rules of a political party require the tabulation and reporting of the number of persons attending the caucus favoring each presidential candidate, it is the duty of a person designated as provided by the rules of that political party to report the results of the precinct caucus as directed by the state central committee of that political party. When the person designated to report the results of the precinct caucus reports the results, representatives of each candidate may, if

they so choose, may accompany the person as the results are being reported to assure that an accurate report of the proceedings is reported. If ballots are used at the precinct caucus, representatives of each candidate or other persons attending the precinct caucus may observe the tabulation of the results of the balloting.

Within fourteen days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention.

Sec. 3. Section 43.6, subsections 1 and 2, Code 1989, are amended to read as follows:

1. When a vacancy occurs in the office of senator in the congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and section 69.13, subsection 1, requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs seventy-five eighty-nine or more days prior to before the date of that primary election. If the vacancy occurs less than ninety one hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the sixteth seventy-fourth day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than seventy-five eighty-nine days before the date of that primary election, but not less than seventy-five eighty-nine days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and section 69.13, subsection 2, requires that the vacancy be

filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs sixty seventy-four or more days prior to before the date of that primary election. If the vacancy occurs less than seventy-five eighty-nine days before the date of that primary election, the commissioner shall accept nomination papers for that office only until five o'clock p.m. on the forty-ninth sixty-third day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than sixty seventy-four days before the date of that primary election, but not less than sixty seventy-four days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 4. Section 43.11, Code 1989, is amended to read as follows:

43.11 FILING OF NOMINATION PAPERS.

Nomination papers in behalf of a candidate shall be filed:

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

2. For United States senator, for an elective state office, for representative in Congress, and for member of the general assembly, in the office of the state commissioner not earlier than eighty-five ninety-nine days nor later than five o'clock p.m. on the sixty-seventh eighty-first day prior to before the day fixed for holding the primary election.

Sec. 5. Section 43.15, subsection 1, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

1. A signer may sign nomination papers for more than one candidate for the same office, and the signature is not

invalid solely because the signer signed nomination papers for one or more other candidates for the office.

Sec. 6. Section 43.15, subsection 3, Code 1989, is amended to read as follows:

3. All signers, for all nominations, of each separate part of a nomination paper, shall reside in the same county, representative or senatorial district for members of the general assembly. In counties where the supervisors are elected from districts, signers of nomination petitions for supervisor candidates shall reside in the supervisor district the candidate seeks to represent.

Sec. 7. Section 43.16, unnumbered paragraphs 2 and 3, Code 1989, are amended to read as follows:

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

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

Sec. 8. Section 43.21, Code 1989, is amended to read as follows:

43.21 TOWNSHIP OFFICE.

The name of a candidate for a township office shall be printed on the official primary ballot of the candidate's party if the candidate files the candidate's personal affidavit, in the form prescribed by section 43.18, with the commissioner not earlier than ninety-two days nor later than five o'clock p.m. of the fifty-fifth sixty-ninth day prior to before the primary election. If prior to before that time there is presented to the commissioner a nomination paper signed by at least ten eligible electors of the township requesting that the name of any person be placed on the primary ballot as a candidate for a township office, and the nomination paper is not accompanied by the candidate's

personal affidavit, the commissioner shall advise the candidate that such an affidavit is required before the candidate's name may be placed on the ballot.

Sec. 9. Section 43.22, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The state commissioner shall, at least ~~forty-five~~ sixty-nine days before a primary election, furnish to the commissioner of each county a certificate under the state commissioner's hand and seal, which certificate shall show:

Sec. 10. Section 43.23, Code 1989, is amended to read as follows:

43.23 DEATH OR WITHDRAWAL OF PRIMARY CANDIDATE.

1. When ~~any~~ if a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws up to the ~~sixty-second~~ seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one additional primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by five o'clock p.m. on the ~~forty-seventh~~ seventy-first day before the date of the primary election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

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

Sec. 11. Section 43.24, subsection 1, paragraphs a, b, and d, Code 1989, are amended to read as follows:

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

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

d. Those filed with the city clerk under this chapter, at least ~~thirty~~ thirty-six days ~~prior to~~ before the municipal election.

Sec. 12. NEW SECTION. 43.29 FORM OF NAME ON BALLOT.

The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

Sec. 13. Section 43.30, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may make sample ballots available to the public. The sample ballots shall be stamped with the words "sample ballot" and a facsimile of the commissioner's signature. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots.

Sec. 14. Section 43.45, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Upon the closing of the polls the precinct election officials shall immediately publicly canvass the vote in the following manner:

Sec. 15. Section 43.48, Code 1989, is amended to read as follows:

43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

Any elector of the county shall have the right, before the day fixed for canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown on the outside of the envelope containing the election register tally list.

Sec. 16. Section 43.54, Code 1989, is amended to read as follows:

43.54 RIGHT TO PLACE ON BALLOT.

Each candidate so nominated shall be pursuant to section 43.53 is entitled to have the candidate's name printed on the official ballot to be voted for at the general election without other certificate if the candidate files an affidavit in the form required by section 43.67 not later than five o'clock p.m. on the seventh day following the completion of the canvass.

Sec. 17. NEW SECTION. 43.56 PRIMARY ELECTION RECOUNT PROVISIONS.

Recounts of votes for primary elections shall be conducted following the procedure outlined in section 50.48. However, if a recount is requested for an office for which no candidate has received the required thirty-five percent to be nominated, the recount board shall consist of the following persons:

1. One person chosen by the candidate requesting the recount, who shall be named in the request.
2. One person chosen by the candidate who received the highest number of votes for the nomination being recounted. However, if the candidate who requested the recount received more votes than anyone else for the nomination, the candidate who received the second highest number of votes shall designate this person to serve on the recount board.
3. A third person mutually agreeable to the board members designated by the candidates.

A bond is not necessary for a primary election recount under these circumstances if the difference between the number of votes needed to be nominated and the number of votes received by the candidate requesting the recount is less than fifty votes or one percent of the total number of votes cast for the nomination in question, whichever is greater. If a bond is required, the bond shall be in the amount specified in section 50.48, subsection 2.

Sec. 18. Section 43.67, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Each candidate so nominated shall be pursuant to section 43.66 is entitled to have the candidate's name printed on the

official ballot to be voted at the general election without other certificate, except that a candidate whose name was not printed on the official primary election ballot must execute and deliver to the commissioner or the state commissioner, as the case may be, an affidavit in substantially the following form:

Sec. 19. Section 43.73, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Not less than fifty-five ~~sixty-nine~~ days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which the tickets of the several political parties shall appear on the official ballot.

Sec. 20. Section 43.76, Code 1989, is amended to read as follows:

43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

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

Sec. 21. Section 43.77, subsections 3 and 4, Code 1989, are amended to read as follows:

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section 43.76, was found to lack the requisite qualifications for the office, or died, at a time not later than the seventy-fifth eighty-ninth day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the sixteth seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, subsection 1, less than seventy-five eighty-nine days before the primary election and not less than seventy-five eighty-nine days before the general election, or in the office of county supervisor or any of the offices listed in section 39.17, under the circumstances described in section 69.13, subsection 2, less than sixty seventy-four days before the primary election and not less than sixty seventy-four days before the general election.

Sec. 22. Section 43.78, subsections 2 and 3, Code 1989, are amended to read as follows:

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

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "d", "e", or "f" shall be submitted in writing to the commissioner not later than five o'clock p.m. on the fifty-fifth sixty-ninth day prior-to before the date of the general election.

Sec. 23. Section 43.79, Code 1989, is amended to read as follows:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the seventy-fourth eighty-eighth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the fifty-ninth seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 24. Section 44.4, Code 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 eighty-five ninety-nine days nor later than five o'clock p.m. on the sixty-seventh eighty-first day prior-to before the date of the general election to be held in November; and those nominations made for a special election called pursuant to section 69.14 shall be filed not less than twenty days prior to before the date of an election called upon at least forty days' notice and not less than seven days prior-to before the

date of an election called upon at least ten days' notice. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ~~seventy-eight~~ ninety-two days nor later than five o'clock p.m. on the ~~fifty-fifth~~ sixty-ninth day prior to ~~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 prior to ~~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 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 sixty seventy-four days before the day date of election.
2. Those filed with the commissioner, not less than fifty sixty-four days before the day date of election.
3. Those filed with the city clerk, at least forty-two days prior to ~~before~~ the municipal election.
4. In case of nominations to fill vacancies occurring after the time when an original nomination for any office is required to be filed, objections shall be filed within three days after the filing of the certificate.

Sec. 25. Section 44.9, unnumbered paragraph 1 and subsections 1 and 2, Code 1989, are amended to read as follows:

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

1. In the office of the state commissioner, at least sixty seventy-four days before the day date of the election.

2. In the office of the proper commissioner, at least fifty sixty-four days before the day date of the election.

Sec. 26. Section 44.11, Code 1989, is amended to read as follows:

44.11 VACANCIES FILLED.

If a candidate named under this chapter declines a nomination, or dies before election day, or ~~should any~~ if a certificate of nomination be is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to any a certificate of nomination, or to the eligibility of any candidate therein named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies thus occasioned may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than sixty seventy-four days prior to ~~before~~ the election in the case of nominations required to be filed with the state commissioner, not less than fifty sixty-four days prior to ~~before~~ the election in the case of nominations required to be filed with the commissioner, and not less than thirty-five days prior to ~~before~~ the election in the case of nominations required to be filed in the office of the school board secretary, or and not less than forty-two days before the election in the case of nominations required to be filed with the city clerk.

Sec. 27. Section 45.1, subsection 1, Code 1989, is amended to read as follows:

1. Nominations for candidates for president and vice president and for state offices may be made by nomination papers signed by not less than one thousand eligible electors of the state. For candidates for president and vice president, the names and addresses of the candidates for presidential electors, one from each congressional district

and two from the state at large, shall be printed on the face of or attached to each page of the nomination petition.

Sec. 28. Section 45.3, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Each eligible elector who signs a nominating petition drawn up in accordance with this chapter shall add to the signature the elector's residence address and the date of signing. The person whose nomination is proposed by the petition may shall not sign it. A person may sign nomination petitions under this chapter for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

PARAGRAPH DIVIDED. Before the petition is filed, there shall be endorsed upon or attached to it an affidavit executed by that candidate, in substantially the following form:

Sec. 29. Section 46.20, Code 1989, is amended to read as follows:

46.20 DECLARATION OF CANDIDACY.

At least ninety one hundred four days prior to before the judicial election preceding expiration of the initial or regular term of office, a judge of the supreme court, court of appeals, or district court including district associate judges, or a clerk of the district court who is required to stand for retention under section 602.1216 may file a declaration of candidacy with the state commissioner of elections to stand for retention or rejection at that election. If a judge or clerk fails to file the declaration, the office shall be vacant at the end of the term. District associate judges filing the declaration shall stand for retention in the judicial election district of their residence.

Sec. 30. Section 46.21, unnumbered paragraph 1, Code 1989, is amended to read as follows:

At least fifty-five sixty-nine days prior to before each judicial election, the state commissioner of elections shall

certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate, unless only one county is voting thereon. The state commissioner of elections shall rotate the names in the certificate by county, or the county commissioner of elections shall rotate them upon the ballot by precinct if only one county is voting thereon. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

Sec. 31. Section 47.2, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. On the final date for filing nomination papers in the commissioner's office the office shall be open until the time for receiving nomination papers has passed.

Sec. 32. Section 47.6, subsection 1, Code 1989, is amended to read as follows:

1. The governing body of any political subdivision which has authorized a special election to which section 19.2 is applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election. If a public measure will appear on the ballot at the special election the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

PARAGRAPH DIVIDED. 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 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. 33. Section 48.31, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Upon receipt of a written request from the qualified elector, presented in person with proper identification in the office of the county commissioner of registration.

Sec. 34. Section 49.8, subsection 6, Code 1989, is amended to read as follows:

6. Precinct boundaries established by or pursuant to section 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

Sec. 35. Section 49.23, Code 1989, is amended to read as follows:

49.23 NOTICE OF CHANGE.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be given by publication in a newspaper of general circulation in the precinct not more than fifteen

twenty nor less than five four days prior to before the day on which the election is to be held. In addition a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

Sec. 36. Section 49.31, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

Sec. 37. Section 49.37, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices and township offices in the same sequence in which they appear in sections 39.17 and 39.22. Nonpartisan offices shall be listed below or to the right of partisan offices.

Sec. 38. Section 49.44, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner may prepare a summary for public measures if the commissioner finds that a summary is needed to clarify the question to the voters.

Sec. 39. Section 49.48, Code 1989, is amended to read as follows:

49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL AMENDMENTS.

The state commissioner of elections shall prescribe a notice to inform voters that the top of the location on the ballot contains of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the voting machine or to the ballot.

Sec. 40. Section 49.53, Code 1989, is amended to read as follows:

49.53 PUBLICATION OF BALLOT AND NOTICE.

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

PARAGRAPH DIVIDED. The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county. However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

Sec. 41. Section 49.58, Code 1989, is amended to read as follows:

49.58 EFFECT OF DEATH OF CERTAIN CANDIDATES.

If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the congress of the United States, governor, lieutenant governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the seventy-fourth eighty-eighth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the fifty-ninth seventy-third day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

PARAGRAPH DIVIDED. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than five o'clock p.m. on the first Tuesday after the date of the general election. No other candidate whose name did not appear on the general election ballot as a candidate for the office in question shall be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 42. Section 49.75, Code 1989, is amended to read as follows:

49.75 OATH.

Before opening the polls, each of the board members shall take the following oath: "I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same election."

Sec. 43. Section 49.107, subsection 8, Code 1989, is amended to read as follows:

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

Sec. 44. Section 50.12, Code 1989, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making such the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal such the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months.

Sec. 45. Section 50.13, Code 1989, is amended to read as follows:

50.13 DESTRUCTION OF BALLOTS.

If, at the expiration of six-months-no the length of time specified in section 50.12, a contest is not pending, the commissioner, without opening the package in which they have been enclosed, shall destroy the same ballots, in the presence of two electors, one from each of the two leading political parties, who shall be designated by the chairperson of the board of supervisors.

Sec. 46. Section 50.19, Code 1989, is amended to read as follows:

50.19 PRESERVATION OF BOOKS -- WHEN DESTROYED.

The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to an any election in which federal offices are not on the ballot, except the tally lists, six months after the election if no a contest is not pending. If a contest is pending all election materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with section 48.31, subsection 1. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

Sec. 47. Section 50.22, unnumbered paragraph 2, Code 1989, is amended to read as follows:

The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. If the challenged voter's registration was canceled in the same county where the person attempted to vote because first class mail other than the registration receipt mailed pursuant to section 48.3 was returned by the postal service during the four years preceding the election in progress, the person's ballot shall be accepted for counting and the elector's registration shall be reinstated.

Sec. 48. Section 50.22, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The special precinct board shall also canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. If necessary, they shall reconvene again on the day of the canvass by the board of supervisors to canvass any absentee ballots which were timely received. The special precinct board shall submit their tally list to the supervisors before the conclusion of the canvass by the board.

Sec. 49. Section 50.24, Code 1989, is amended to read as follows:

50.24 CANVASS BY BOARD OF SUPERVISORS.

The county board of supervisors shall meet to canvass the vote at nine o'clock on the morning of the first Monday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday 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 ~~also open and 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.

Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

Sec. 50. Section 52.5, Code 1989, is amended to read as follows:

52.5 EXAMINATION OF MACHINE.

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

PARAGRAPH DIVIDED. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any voting machine or electronic voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the machine or system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system or machine is found not to comply with performance standards adopted by the state commissioner.

PARAGRAPH DIVIDED. The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the voting machine or system the examiners shall report to the state commissioner describing the testing and examination of the machine or system and upon the capacity of the machine or system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of machine or system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the machine or system can be so used, it shall be deemed approved by the examiners, and machines or systems of its kind may be adopted for use at elections as provided in this section. Any form of voting machine or system not so approved cannot be used at any election. Prior to Before actual purchase use by a county of a particular electronic voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

Sec. 51. Section 52.32, subsection 2, Code 1989, is amended to read as follows:

2. If ballot cards are used and write-in votes are cast on a separate envelope or write-in ballot, the precinct election officials shall next count the write-in votes cast in the precinct, if any. If special paper ballots or ballot cards are used and write-in votes are recorded directly upon the ballot, this subsection does-not-apply is optional, at the discretion of the commissioner. If write-in votes are not

canvassed by the precinct election officials at the precinct where they were cast, they shall be tabulated at the counting center. All ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the regular ballot card of that voter. The precinct election official shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and the votes for the office involved shall not be counted.

Sec. 52. Section 53.18, Code 1989, is amended to read as follows:

53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

Upon receipt of the absentee ballot, the commissioner shall at once record the number appearing on the application and ballot return carrier envelope and time of receipt of such ballot and enclose the same, unopened, together with the application made by the qualified elector, in a large carrier envelope on which shall appear the words "This envelope contains an absent voter's ballot for the election", and securely seal the same.

Sec. 53. NEW SECTION. 53.21 REPLACEMENT OF LOST ABSENTEE BALLOTS.

A voter who has requested an absentee ballot may obtain a replacement ballot if the voter declares that the original ballot was lost or did not arrive. The commissioner upon receipt of a written or oral request for a replacement ballot shall provide a duplicate ballot. The same serial number that was assigned to the records of the original absentee ballot request shall be used on the envelopes and records of the replacement ballot.

The commissioner shall include with the replacement ballot two copies of a statement in substantially the following form: "The absentee ballot which I requested on (date) has been lost or was never received. If I find this absentee bal-

lot I will return it, unvoted, to the commissioner.

.....
(Signature of voter)

.....
(Date)"

The voter shall enclose one copy of the above statement in the return carrier envelope with the ballot envelope and retain a copy for the voter's records.

Sec. 54. Section 53.39, Code 1989, is amended to read as follows:

53.39 REQUEST FOR BALLOT.

~~The provisions of section Section 53.2 shall does~~ not apply in connection with the primary and general elections in the case of a qualified elector of the state of Iowa serving in the armed forces of the United States~~-in.~~ In any such case an application for ballot as provided for in said that section shall is not be required and an absent voter's ballot shall be sent or made available to any such voter elector upon a request ~~being-made-therefor~~ as provided for in this division. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to forty days before the said respective elections and shall be available for transmittal to such qualified electors in the armed forces of the United States at least forty days ~~prior to before~~ the respective elections. The provisions of this chapter shall apply to absent voting by qualified voters in the armed forces of the United States at said primary and general elections except as modified by the provisions of this division.

Sec. 55. Section 53.40, unnumbered paragraph 4, Code 1989, is amended to read as follows:

If the affidavit on the ballot envelope shows that the affiant is not a qualified voter on the day of the election at which said the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained therein in the envelope shall be preserved and returned by the

precinct election officials to the commissioner, who shall preserve same them for the period of time and under the conditions provided for in sections 50.12 to through 50.15 and section 50.19.

Sec. 56. Section 53.41, Code 1989, is amended to read as follows:

53.41 RECORDS BY COMMISSIONER.

The commissioner of each county shall establish and maintain a record of all requests for ballots which are made, and of all ballots transmitted, and the manner of transmittal, from and received in the commissioner's office under the provisions of this division. ~~in-the-event~~ If more than one request for absent voter's ballot for a particular election ~~shall-be~~ is made to the commissioner by or on behalf of a voter in the armed forces of the United States, the request first received shall be honored, except that if one of the requests is made by the voter, and a request on the voter's behalf has not been previously honored, such the request of the voter shall be honored in preference to a request made on the voter's behalf by another. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election. ~~in-the-event~~ If the commissioner ~~shall receive~~ receives more than one absent voter's ballot, provided for by this division, from or purporting to be from any one voter for a particular election, all of said the ballots so received from or purporting to be from such voter ~~shall-be null-and are~~ are void, and the commissioner shall not deliver any of said the ballots to the precinct election officials of election, but shall retain them in the commissioner's office, and preserve them for the period and under the conditions provided for in sections 50.12 to through 50.15 and section 50.19.

Sec. 57. Section 53.44, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Absentee ballots issued under this division shall be returned in the same manner and within the same time limits specified in section 53.17.

Sec. 58. Section 54.5, Code 1989, is amended to read as follows:

54.5 PRESIDENTIAL NOMINEES.

The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by five o'clock p.m. on the sixty-seventh ~~eighty-first~~ day prior to ~~before~~ the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party's candidates for president and vice president shall be filed within five days after adjournment.

As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party's national nominating convention may be used to certify the names of the party's candidates for president and vice president. If certificates of nomination are received from both the state central committee and the national nominating convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

The state central committee shall also file a list of the names and addresses of the party's presidential electors, one from each congressional district and two from the state at large, not later than five o'clock p.m. on the eighty-first day before the general election.

Sec. 59. Section 69.12, unnumbered paragraph 1, Code 1989, is amended to read as follows:

When a vacancy occurs in any nonpartisan elective office of a political subdivision of this state, and the statutes governing the office in which the vacancy occurs require that it be filled by election or are silent as to the method of filling the vacancy, it shall be filled pursuant to this section. As used in this section, "pending election" means

any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision in which the vacancy exists.

Sec. 60. Section 69.12, subsection 1, paragraph a, subparagraph (1), Code 1989, is amended to read as follows:

(1) ~~Sixty~~ Seventy-four or more days prior to the election, if it is a general or primary election.

Sec. 61. Section 69.12, subsection 1, paragraph b, subparagraph (1), Code 1989, is amended to read as follows:

(1) The fifty-fifth-day-prior-to final filing date for candidates filing with the state commissioner or commissioner, as the case may be, for a general or primary election.

Sec. 62. Section 69.13, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the unexpired term of office in which the vacancy occurs will expire within seventy days after the date of the next pending election, section 69.11 applies.

Sec. 63. Section 277.4, unnumbered paragraph 1, Code 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-five~~ sixty-four days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who is ordinarily available to accept nomination papers under this section.

PARAGRAPH DIVIDED. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same district as the candidate if directors are elected by

district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall include be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

Sec. 64. Section 278.2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Petitions filed under this section shall be filed with the secretary of the school board at least seventy-five days before the date of the annual school election, if the question is to be included on the ballot at that election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Sec. 65. Section 279.7, unnumbered paragraph 4, Code 1989, is amended to read as follows:

Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than thirty twenty-five days prior-to before the date set for the election.

Sec. 66. Section 280A.11, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The governing board of a merged area is a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire. The term of a member of the board of directors is three years and commences at the organization meeting. Vacancies on the board which occur more than ninety days prior to the next regular school election may shall be filled at the next

regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member is elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy is defined in section 277.29. A member shall not serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Sec. 67. Section 280A.15, subsection 2, Code 1989, is amended to read as follows:

2. A candidate for member of the board of directors of a merged area shall be nominated by a petition signed by not less than fifty eligible electors of the director district from which the member is to be elected. The petition shall state the number of the director district from which the candidate seeks election, and the candidate's name and status as an eligible elector of the director district. Signers of the petition, in addition to signing their names, shall show their residence, including street and number if any, the school district in which they reside, and the date they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

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

Sec. 68. Section 303B.3, unnumbered paragraph 2, Code 1989, is amended to read as follows:

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

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

Sec. 69. Section 331.306, Code 1989, is amended to read as follows:

331.306 PETITIONS OF ELIGIBLE ELECTORS.

If a petition of the voters is authorized by this chapter, the petition is valid if signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Petitions authorized by this chapter shall be filed with the board of supervisors not later than eighty-two days before the date of the general election if the question is to be voted upon at the general election. If the petition is found to be valid, the board of supervisors shall, not later than sixty-nine days before the general election, notify the county commissioner of elections to submit the question to the qualified electors at the general election.

Sec. 70. Section 362.4, Code 1989, is amended to read as follows:

362.4 PETITION OF ELIGIBLE ELECTORS.

If a petition of the voters is authorized by the city code, the petition is valid if signed by eligible electors of the city equal in number to ten percent of the persons who voted at the last preceding regular city election, but not less than ten persons, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

Sec. 71. Section 372.13, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. The council shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

Sec. 72. Section 376.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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

Sec. 73. Section 467A.5, subsection 3, Code 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. ~~An eligible elector shall not in any one year sign the nominating petitions of a number of candidates greater than the number of commissioners to be elected in that year.~~ The signed petitions shall be filed with the county commissioner of elections not later than five o'clock p.m. on the fifty-fifth day prior to 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 sufficient to elect commissioners, and no primary election for the office shall 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. 74. Section 602.1216, Code 1989, is amended to read as follows:

602.1216 RETENTION OF CLERKS OF THE DISTRICT COURT.

A clerk of the district court shall stand for retention in office, in the county of the clerk's office, upon the petition of ten percent of all ~~eligible and registered~~ qualified electors in the county to the state commissioner of elections, at the judicial election in 1988 and every four years thereafter, under sections 46.17 through 46.24. The petition shall be filed in the office of the state commissioner not later than one hundred twenty days before the general election. A clerk who is not retained in office is ineligible to serve as clerk, in the county in which the clerk was not retained, for the four years following the retention vote.

Sec. 75. Section 50.14, Code 1989, is repealed.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 371, Seventy-third General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved May 8, 1989

TERRY E. BRANSTAD
Governor