

Reprinted

MAR 7 1991

HOUSE FILE 420
BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar:

(SUCCESSOR TO HSB 191)

Passed House, Date 3/25/91 (y. 209) Passed Senate, Date _____
Vote: Ayes 95 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

3275, 3277, 3169 An Act relating to corrective changes to Iowa's election laws and
2 providing emergency powers to the state commissioner of
3 elections.

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

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HF 420

31697

1 Section 1. Section 43.42, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS.

5 Any qualified elector may change or declare a party
6 affiliation at the polls on election day and shall be entitled
7 to vote at any primary election. Each elector doing so shall
8 indicate the elector's change or declaration of party
9 affiliation on the voter's declaration of eligibility
10 affidavit.

11 Sec. 2. NEW SECTION. 43.43 VOTER'S DECLARATION OF
12 ELIGIBILITY.

13 Each person voting at a primary election shall sign a
14 declaration of eligibility which shall be in substantially the
15 following form:

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

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

21 I am affiliated with the _____ party. If my current
22 voter registration record indicates another party affiliation
23 or no party affiliation, I swear or affirm that I have in good
24 faith changed my previously declared party affiliation, or
25 declared my party affiliation, and now desire to be a member
26 of the party indicated above.

27 _____
28 Signature of voter

29 _____
30 Address

31 () _____
32 Telephone

33 Approved:
34 _____
35 Election board member

Date

31697

1 Sec. 3. Section 44.9, subsections 5 and 6, Code 1991, are
2 amended to read as follows:

3 5. In the office of the proper commissioner, or school
4 board secretary ~~or-city-clerk~~, in case of a special election
5 to fill vacancies, at least twenty-five days before the day of
6 election.

7 6. In the office of the proper city clerk, at least forty-
8 two days before the regularly scheduled or special city
9 election.

31697

10 Sec. 4. Section 47.1, Code 1991, is amended by adding the
11 following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. The state commissioner of
13 elections may exercise emergency powers over any election
14 being held in a district in which either a natural disaster or
15 extremely inclement weather has occurred. The state
16 commissioner of elections may also exercise emergency powers
17 during an armed conflict involving United States armed forces,
18 or mobilization of those forces, or if an election contest
19 court finds that there were errors in the conduct of an
20 election making it impossible to determine the result.

21 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
22 adopt rules describing the emergency powers and the situations
23 in which the powers will be exercised.

3268

24 Sec. 5. Section 49.41, Code 1991, is amended by striking
25 the section and inserting in lieu thereof the following:

26 49.41 MORE THAN ONE OFFICE PROHIBITED.

27 A person shall not be a candidate for more than one office
28 to be filled at the same election. A person who has been
29 nominated for more than one office shall file a written notice
30 declaring the office for which the person wishes to appear on
31 the ballot.

32 If the nomination papers for all offices for which the
33 candidate has been nominated are required to be filed with the
34 same commissioner of elections, the candidate shall file a
35 written notice with that commissioner no later than five p.m.

1 on the final date upon which nomination papers may be filed
2 for the election. The notice shall state the office for which
3 the person wishes to appear on the ballot. If the required
4 notice is not filed, the candidate's name shall not be
5 certified by the state commissioner for any office for which
6 nomination papers are filed with the state commissioner and
7 the county commissioner of elections shall not include the
8 candidate's name on the ballot for any office in any county.

9 If a person is a candidate for one or more offices for
10 which nomination papers are required to be filed with the
11 state commissioner and one or more offices for which
12 nomination papers are required to be filed with the county
13 commissioner, the candidate shall notify the state
14 commissioner and the county commissioner in writing. The
15 notice shall state the office for which the person chooses to
16 remain a candidate. The notice shall be filed no later than
17 the last day to file nomination papers with the commissioner.
18 If the required notice is not filed, the candidate's name
19 shall not appear on the ballot for any office in any county.

20 If necessary, the county commissioner shall certify to the
21 state commissioner the name of any person who is a candidate
22 for more than one office which will appear on the ballot for
23 the election. The certification of dual candidacy shall be
24 made no later than five p.m. on the day following the final
25 day to file nomination papers in the office of the
26 commissioner.

27 When the state commissioner receives notice from the county
28 commissioner that a candidate for a state or federal office
29 has also been nominated for a county or township office, the
30 state commissioner shall amend the certificate issued pursuant
31 to section 43.73 and notify the commissioners of any other
32 counties to whom the candidate's name was originally certified
33 and instruct them to remove the candidate's name from the
34 ballot in those counties.

3147
32 35 Sec. 6. Section 50.13, Code 1991, is amended by adding the

1 following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. If the ballots are to be
3 shredded, the package may be opened, if necessary, but the
4 ballots shall not be examined before shredding. Shredded
5 ballots may be recycled.

6 Sec. 7. Section 50.30, Code 1991, is amended to read as
7 follows:

8 50.30 ABSTRACTS FORWARDED TO STATE COMMISSIONER.

9 The commissioner shall, within ten days after the election,
10 forward to the state commissioner ~~in-separate, securely-sealed~~
11 ~~envelopes,~~ one of the said duplicate abstracts of votes for
12 each of the following offices:

- 13 1. President and vice president of the United States.
- 14 2. Senator in Congress.
- 15 3. Representative in Congress.
- 16 4. Governor and lieutenant governor.
- 17 5. Senator or representative in the general assembly by
18 districts.
- 19 6. A state officer not otherwise specified above.

20 The abstracts for all offices except governor and
21 lieutenant governor shall be enclosed in a securely sealed
22 envelope.

23 Sec. 8. Section 50.32, Code 1991, is amended to read as
24 follows:

25 50.32 ENDORSEMENT ON OTHER ENVELOPES ENVELOPE.

26 ~~Said-remaining-envelopes~~ The envelope for offices other
27 than governor and lieutenant governor shall be endorsed
28 substantially in the manner provided in section 50.31, with
29 changes necessary to indicate the particular ~~office~~ offices,
30 and each shall be addressed, "To the State Commissioner of
31 Elections".

32 Sec. 9. Section 53.18, Code 1991, is amended to read as
33 follows:

34 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

35 Upon receipt of the absentee ballot, the commissioner shall

1 at once record the number appearing on the application and
2 return carrier envelope and time of receipt of such ballot and
3 ~~enclose the same, unopened, together with the application made~~
4 ~~by the qualified elector, in a large carrier envelope on which~~
5 ~~shall appear the words "This envelope contains an absent~~
6 ~~voter's ballot for the election", and securely seal the same~~
7 attach the elector's application to the unopened envelope.
8 Absentee ballots shall be stored in a secure place until they
9 are delivered to the absentee and special voters.

10 Sec. 10. Section 69.13, subsections 1 and 2, Code 1991,
11 are amended to read as follows:

12 1. SENATOR IN CONGRESS AND ELECTIVE STATE OFFICERS. If a
13 vacancy occurs in the office of senator in the Congress of the
14 United States, lieutenant governor, secretary of state,
15 auditor of state, treasurer of state, secretary of
16 agriculture, or attorney general ~~seventy-five~~ eighty-nine or
17 more days ~~prior to~~ before a general election, and the
18 unexpired term in which the vacancy exists has more than
19 seventy days to run after the date of that general election,
20 the vacancy shall be filled for the balance of the unexpired
21 term at that general election and the person elected to fill
22 the vacancy shall assume office as soon as a certificate of
23 election has been issued and the person has qualified.

24 2. COUNTY OFFICERS. If a vacancy occurs in the office of
25 county supervisor or in any of the offices listed in section
26 39.17 ~~sixty~~ seventy-four or more days ~~prior to~~ before a
27 general election, and the unexpired term in which the vacancy
28 exists has more than seventy days to run after the date of
29 that general election, the vacancy shall be filled for the
30 balance of the unexpired term at that general election and the
31 person elected to fill the vacancy shall assume office as soon
32 as a certificate of election has been issued and the person
33 has qualified.

34 Sec. 11. Section 176A.8, subsection 5, unnumbered
35 paragraph 1, Code 1991, is amended to read as follows:

1 To and shall, at least ninety days prior to the date fixed
2 for the election of council members, appoint a nominating
3 committee consisting of four persons who are not council
4 members and designate the chairperson. The membership of the
5 nominating committee shall be gender balanced. The nominating
6 committee shall consider the geographic distribution of
7 potential nominees in nominating one or more resident
8 qualified electors of the extension district as candidates for
9 election to each office to be filled at the election. To
10 qualify for the election ballot, each nominee shall file a
11 nominating petition signed by at least twenty-five qualified
12 eligible electors of the district with the county commissioner
13 of elections at least sixty-nine days before the date of
14 election.

15 Sec. 12. Section 230A.5, Code 1991, is amended to read as
16 follows:

17 230A.5 ELECTION OF TRUSTEES.

18 The election of community mental health center trustees
19 shall take place at the general election on ballots which
20 shall not reflect a nominee's political affiliation.
21 Nomination shall be made by petition in accordance with
22 chapter 45. The petition form shall be furnished by the
23 county commissioner of elections, signed by eligible electors
24 of the county or affiliated counties equal in number to one
25 percent of the vote cast therein for president of the United
26 States or governor, as the case may be, in the last previous
27 general election, and shall be filed with the county
28 commissioner of elections ~~at least fifty-five days prior to~~
29 ~~the date of the general election.~~ A plurality shall be
30 sufficient to elect community mental health center trustees,
31 and no primary election for that office shall be held.

32 Sec. 13. Section 330.17, unnumbered paragraph 1, Code
33 1991, is amended to read as follows:

34 The council of any city or county which owns or acquires an
35 airport may, and upon the council's receipt of a valid

1 petition as provided in section 362.4, or receipt of a
2 petition by the board of supervisors as provided in section
3 331.306 shall, at a regular city election or a general
4 election if one is to be held within sixty seventy-four days
5 from the filing of the petition, or otherwise at a special
6 election called for that purpose, submit to the voters the
7 question as to whether the management and control of the
8 airport shall be placed in an airport commission. If a
9 majority of the voters favors placing the management and
10 control of the airport in an airport commission, the
11 commission shall be established as provided in this chapter.

12 Sec. 14. Section 331.237, subsection 1, Code 1991, is
13 amended to read as follows:

14 1. If a proposed charter for county government is received
15 not later than sixty five working days before the filing
16 deadline for candidates for county offices specified in
17 section 44.4 for the next general election, the board shall
18 direct the county commissioner of elections to submit to the
19 qualified electors of the county at the next general election
20 the question of whether the proposed charter shall be adopted.
21 If a majority of the votes cast on the question is in favor of
22 the proposal, the proposal is adopted.

23 Sec. 15. Section 347.25, unnumbered paragraph 1, Code
24 1991, is amended to read as follows:

25 The election of hospital trustees whose offices are
26 established by this chapter or chapter 145A or 347A shall take
27 place at the general election on ballots which shall not
28 reflect a nominee's political affiliation. Nomination shall
29 be made by petition in accordance with chapter 45. The
30 petition form shall be furnished by the county commissioner of
31 elections, signed by fifty eligible electors of the county,
32 and shall be filed with the county commissioner of elections
33 at-least-fifty-five-days-prior-to-the-date-of-the-general
34 election. A plurality is sufficient to elect hospital
35 trustees.

1 Sec. 16. Section 477B.6, subsection 1, unnumbered
2 paragraph 2, Code 1991, is amended to read as follows:

3 "Shall the following public measure be adopted? YES _____ NO _____

4 "~~Should-enhanced~~ Enhanced 911 emergency telephone service
5 shall be funded, in whole or in part, by a monthly surcharge
6 of (an amount determined by the local joint E911 service board
7 of up to one dollar) on each telephone access line collected
8 as part of each telephone subscriber's monthly phone bill if
9 provided within (description of the proposed E911 service
10 area)?"

11 Sec. 17. Section 477B.6, subsection 2, unnumbered
12 paragraph 2, Code 1991, is amended to read as follows:

13 At the request of the joint E911 service board a county
14 commissioner of elections shall include the question on the
15 next eligible general election ballot in each electoral
16 precinct to be served, in whole or in part, by the proposed
17 E911 service area, provided the request is timely submitted to
18 permit inclusion. The question may be included in the next
19 election in which all of the voters in the proposed E911
20 service area will be eligible to vote on the same day~~-such-as~~
21 ~~a-primary,-general,-or-school-board-election.~~ The county
22 commissioner of elections shall report the results to the
23 joint E911 service board. The joint E911 service board shall
24 compile the results if subscribers from more than one county
25 are included within the proposed service area. The joint E911
26 service board shall announce whether a simple majority of the
27 compiled votes reported by the commissioner approved the
28 referendum question.

5278 >

29 EXPLANATION

30 This bill proposes technical corrections to Iowa's election
31 laws. It incorporates the party affiliation change or
32 declaration form with the voter's declaration of eligibility
33 form, both of which must be completed by voters at the polls
34 on primary election day. It corrects certain election filing
35 and withdrawal deadlines to conform to other provisions of the

1 Code. It rewrites and clarifies the section prohibiting a
2 candidate from filing nomination papers for more than one
3 office.

4 The bill also allows the state commissioner of elections to
5 exercise emergency powers over any election being held in a
6 district where a natural disaster or extremely inclement
7 weather has occurred, or during an armed conflict or
8 mobilization of United States armed forces, or if an election
9 court determines that there were errors in the conduct of an
10 election.

11 The bill also allows commissioners to shred and recycle
12 used ballots. It eliminates the requirement that general
13 election abstracts be returned to the secretary of state in
14 separate envelopes. It also eliminates the requirement that
15 an absentee ballot envelope and the elector's application be
16 placed in a large carrier envelope. The commissioner is
17 allowed to attach the elector's application to the envelope
18 containing the absentee ballot.

19 It changes the requirement that nominating petitions for
20 county agricultural extension council members be signed by
21 qualified electors to "eligible" electors. The E911 public
22 measure is reworded to conform to the style used for other
23 public measures. Finally, it removes primary and school
24 elections from the list of elections at which an E911
25 surcharge public measure may be voted on.

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HOUSE FILE 420

H-3169

1 Amend House File 420 as follows:

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

4 "Section 1. Section 43.18, Code 1991, is amended
5 by adding the following new unnumbered paragraph after
6 unnumbered paragraph 2:

7 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
8 not cause nomination papers for more than one public
9 office to be voted for at the primary election, to
10 remain filed in the office of the state commissioner
11 or the commissioner unless I, not later than the final
12 date for filing nomination papers, notify the state
13 commissioner or the commissioner by affidavit of the
14 office for which I elect to be a candidate. I am
15 aware that violation of section 43.20 will invalidate
16 my candidacy for any office to be filled at the
*17 primary election."

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

20 "Sec. ____ . Section 43.67, Code 1991, is amended by
21 adding the following new unnumbered paragraph after
22 unnumbered paragraph 2:

23 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
24 not cause nomination papers for more than one public
25 office to be filled at the general election, to remain
26 filed in the office of the state commissioner or the
27 commissioner unless I, not later than the final date
28 for filing nomination papers, notify the state
29 commissioner or the commissioner by affidavit of the
30 office for which I elect to be a candidate. I am
31 aware that violation of section 49.41 will invalidate
32 my candidacy for any office to be filled at the
*33 general election.

34 Sec. ____ . Section 44.3, subsection 2, Code 1991,
35 is amended by adding the following new unnumbered
36 paragraph after unnumbered paragraph 2:

37 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
38 not cause nomination papers for more than one public
39 office to be filled at the general election, to remain
40 filed in the office of the state commissioner or the
41 commissioner unless I, not later than the final date
42 for filing nomination papers, notify the state
43 commissioner or the commissioner by affidavit of the
44 office for which I elect to be a candidate. I am
45 aware that violation of section 49.41 will invalidate
46 my candidacy for any office to be filled at the
*47 general election."

48 3. Page 2, by inserting after line 9, the
49 following:

50 "Sec. ____ . Section 45.3, Code 1991, is amended by

H-3169

Page 2

1 adding the following new unnumbered paragraph after
2 unnumbered paragraph 2:

3 NEW UNNUMBERED PARAGRAPH. I am aware that I shall
4 not cause nomination papers for more than one public
5 office to be filled at the general election, to remain
6 filed in the office of the state commissioner or the
7 commissioner unless I, not later than the final date
8 for filing nomination papers, notify the state
9 commissioner or the commissioner by affidavit of the
10 office for which I elect to be a candidate. I am
11 aware that violation of section 49.41 will invalidate
12 my candidacy for any office to be filled at the
>13 general election."

14 4. Title page, line 1, by striking the words
15 "laws and" and inserting the following: "laws,".

16 5. Title page, line 3, by inserting after the
17 word "elections" the following: ", and relating to
18 the affidavit filing requirements for a single public
19 office by primary election candidates and certain
20 general election candidates".

21 5. By renumbering as necessary.

BY HANSON of Delaware	TEAFORD of Black Hawk
HALVORSON R.N. of Webster	RENKEN of Grundy
PAVICH of Pottawattamie	KREBSBACH of Mitchell
BEATTY of Warren	VAN MAANEN of Mahaska

H-3169 FILED MARCH 11, 1991

Adopted as amended by 3317+3377 3/25 (p 809)

HOUSE FILE 420

H-3177

1 Amend House File 420 as follows:

2 1. Page 2, by inserting after line 23 the
3 following:

4 "Sec. ____ . Section 48.31, subsection 6, Code 1991,
5 is amended to read as follows:

6 6. When first-class mail, which is designated "not
7 to be forwarded", was addressed to the elector at the
8 address shown on the registration records and is
9 returned by the postal service. However, if any
10 first-class mail, other than a registration receipt
11 mailed pursuant to section 48.3, was addressed to a
12 qualified elector and is returned by the postal
13 service less than sixty days before the date of a
14 general election, the elector's registration shall not
15 be canceled until after the general election is held."

16 2. By renumbering as necessary.

By HALVORSON of Webster TEAFORD of Black Hawk
PAVICH of Pottawattamie HANSON of Delaware

H-3177 FILED MARCH 12, 1991

Adopted 3/25 (p. 803)

HOUSE FILE 420

H-3183

1 Amend the amendment, H-3169, to House File 420 as
2 follows:

3 1. Page 1, by inserting before line 4 the follow-
4 ing:

5 "Section 1. Section 43.18, unnumbered paragraph 2,
6 Code 1991, is amended to read as follows:

7 I,, being duly sworn, say that I reside
8 at street, city of, county of
9 in the state of Iowa; that I am eligible to
10 the office for which I am a candidate, and that the
11 ~~political party with which I affiliate is~~ I am
12 registered with the party; that I am a
13 candidate for nomination to the office of
14 to be made at the primary election to be held on
15, and hereby request that my name be printed
16 upon the official primary ballot as provided by law,
17 as a candidate of that party. I furthermore declare
18 that if I am nominated and elected I will qualify as
19 such officer."

20 2. By renumbering as necessary.

By SPENNER of Henry

H-3183 FILED MARCH 13, 1991

W/LS 3/25 (p. 809)

HOUSE FILE 420

H-3187

1 Amend House File 420 as follows:

2 1. Page 3, by inserting after line 34, the
3 following:

4 "This section does not apply to the following
5 public offices: county agricultural extension
6 council, soil and water conservation district
7 commission, or regional library board of trustees."

By SPEAR of Lee

H-3187 FILED MARCH 13, 1991

Adopted 3/25 (p. 805)

HOUSE FILE 420

H-3172

1 Amend House File 420 as follows:

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

4 "Section 1. Section 43.20, subsection 4,
5 unnumbered paragraphs 3 and 4, Code 1991, are amended
6 to read as follows:

7 No candidate for public office shall cause
8 nomination papers to remain filed in the office of the
9 state commissioner or the commissioner on the last day
10 for filing nomination papers, for more than one office
11 to be filled at the primary election. However, this
12 restriction does not apply to any of the following
13 public offices: county agricultural extension
14 council; soil and water conservation district
15 commission; or regional library board of trustees.

16 Any candidate for public office, to be voted for at
17 a primary election, who has filed nomination papers
18 for more than one office shall, not later than the
19 final date for filing, notify the state commissioner
20 or the commissioner by affidavit, for which office the
21 person elects to be a candidate, which in no case
22 shall be more than one. However, this restriction
23 does not apply to any of the following public offices:
24 county agricultural extension council; soil and water
25 conservation district commission; or regional library
26 board of trustees. In the event no such election is
27 made by such date by the candidate, the state
28 commissioner shall not certify the person's name to be
29 placed on the ballot for any office nor shall the
30 commissioner place the person's name on the ballot in
31 any county."

32 2. Page 3, by inserting after line 34 the
33 following:

34 "This section does not apply to any of the
35 following public offices: county agricultural
36 extension council, soil and water conservation
37 district commission, or regional library board of
38 trustees."

39 3. By renumbering as necessary.

By SPEAR of Lee

H-3172 FILED MARCH 12, 1991

w/s 3/25 (p. 802)

HOUSE FILE 420

H-3277

1 Amend House File 420 as follows:

2 1. Page 4, by inserting after line 31, the
3 following:

4 "Sec. _____. Section 53.2, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:

6 Any qualified elector, under the circumstances
7 specified in section 53.1, may on any day, except
8 election day, and not more than seventy days prior to
9 the date of the election, apply in person for an
10 absentee ballot at the commissioner's office or at any
11 location designated by the commissioner, or make
12 written application to the commissioner for an
13 absentee ballot. The state commissioner shall
14 prescribe a form for absentee ballot applications.
15 However, if an elector submits an application that
16 includes all of the information required in this
17 section, the prescribed form is not required.

18 Sec. _____. Section 53.7, Code 1991, is amended to
19 read as follows:

20 53.7 SOLICITATION BY PUBLIC EMPLOYEES.

21 1. It shall be unlawful for any employee of the
22 state or any employee of a political subdivision
23 thereof to solicit any application or request for
24 application for an absentee ballot, or to take an
25 affidavit in connection with any absentee ballot while
26 the employee is on the employer's premises or
27 otherwise in the course of employment. However, any
28 such employee may take such affidavit in connection
29 with an absentee ballot which is cast by the qualified
30 elector in person in the office where such employee is
31 employed in accordance with section 53.11. This
32 section subsection shall not apply to any elected
33 official.

34 2. Any public officer or employee, or any person
35 acting under color of a public officer or employee,
36 who knowingly requires that a public employee solicit
37 an application or request for an application for an
38 absentee ballot, or knowingly requires that an
39 employee take an affidavit or request for an affidavit
40 in connection with an absentee ballot application
41 commits a serious misdemeanor.

42 Sec. _____. Section 53.11, is amended to read as
43 follows:

44 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

×45 The commissioner shall deliver an absentee ballot
46 to any qualified elector applying in person at the
47 commissioner's office, or at any location designated
48 by the commissioner, not more than forty days before
×49 the date of the general election and the primary
50 election, and for all other elections, as soon as the

H-3277

Page 2

1 ballot is available. The qualified elector shall
 2 immediately mark the ballot, enclose and seal it in a
 3 ballot envelope, subscribe to the affidavit on the
 4 reverse side of the envelope, and return the absentee
 5 ballot to the commissioner. The commissioner shall
 6 record the numbers appearing on the application and
 7 ballot envelope along with the name of the qualified
 8 elector. The commissioner of any county in which
 9 there is located a city of five thousand or more
 10 population, which is not the county seat, may permit
 11 qualified electors to appear in person at some
 12 designated place within each such city and there cast
 13 an absentee ballot in the manner prescribed by this
 14 section."

15 2. Title page, line 1, by striking the words
 16 "laws and" and inserting the following: "laws,".

17 3. Title page, line 3, by inserting after the
 18 word "elections" the following: ", and relating to
 19 absentee voting".

20 4. By renumbering as necessary.

By HALVORSON of Webster

PAVICH of Pottawattamie

H-3277 FILED MARCH 19, 1991

Adopted as amended by 3284 & 3316 3/25 (p 807)

HOUSE FILE 420

H-3268

1 Amend House File 420 as follows:

2 1. Page 2, by inserting after line 23 the fol-
 3 lowing:

4 "Sec. _____. Section 49.31, subsection 6, Code 1991,
 5 is amended to read as follows:

6 6. For the ~~purpose~~ purpose of ballot rotation the
 7 absentee ballot and special voters precinct shall may
 8 be considered a separate precinct ~~unless the office~~
 9 ~~with appear on the ballot in only one precinct other~~
 10 ~~than the absentee ballot and special voters precinct."~~

11 2. By renumbering as necessary.

By HALVORSON of Webster

McKEAN of Jones

H-3268 FILED MARCH 19, 1991

Adopted 3/25 (p 803)

HOUSE FILE 420

H-3284

- 1 Amend amendment H-3277, to House File 420, as
- 2 follows:
- 3 1. Page 1, line 49, by striking the word "and"
- 4 and inserting the following: "and or".

By KREMER of Buchanan

H-3284 FILED MARCH 20, 1991

Adopted 3/25 (p. 807)

HOUSE FILE 420

H-3316

- 1 Amend the amendment, H-3277, to House File 420 as
- 2 follows:
- 3 1. Page 2, by striking lines 5 through 8 and
- 4 inserting the following: "ballot to the commissioner.
- 5 The commissioner shall record the numbers appearing on
- 6 the application and ballot envelope along with the
- 7 name of the qualified elector. ~~The commissioner of~~
- 8 ~~any county in which~~".

By HALVORSON of Webster

H-3316 FILED MARCH 25, 1991

ADOPTED BY UNANIMOUS CONSENT *(p. 806)*

HOUSE FILE 420

H-3317

- 1 Amend amendment, H-3169, to House File 420 as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "election." the following:
- 5 "I am further aware that section 43.20, subsection
- 6 4, unnumbered paragraph 3, does not apply to the
- 7 offices of county agricultural extension council, soil
- 8 and water conservation district commission, or
- 9 regional library board of trustees."
- 10 2. Page 1, line 33, by inserting after the word
- 11 "election." the following:
- 12 "I am further aware that section 49.41, does not
- 13 apply to the offices of county agricultural extension
- 14 council, soil and water conservation district
- 15 commission, or regional library board of trustees."
- 16 3. Page 1, line 47, by inserting after the word
- 17 "election." the following:
- 18 "I am further aware that section 49.41, does not
- 19 apply to the offices of county agricultural extension
- 20 council, soil and water conservation district
- 21 commission, or regional library board of trustees."
- 22 4. Page 2, line 13, by inserting after the word
- 23 "election." the following:
- 24 "I am further aware that section 49.41, does not
- 25 apply to the offices of county agricultural extension
- 26 council, soil and water conservation district
- 27 commission, or regional library board of trustees."

By HANSON of Delaware

H-3317 FILED MARCH 25, 1991

ADOPTED BY UNANIMOUS CONSENT *(p. 808)*

H-3278

Amend House File 420 as follows:

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

"Sec. ____ . NEW SECTION. 49.114 IMPROPER VOTING.

1. For the purposes of this section, "improper voting" means voting at any election authorized by law, knowing oneself not to be qualified, including voting at any general election authorized by law in this state while at the same time being registered and having voted in another jurisdiction, in the same calendar year, in the biennial election held in November for election of national officers.

2. If a precinct official or the county commissioner has reason to believe, or has been informed, that a voter improperly voted, the precinct official shall notify the county commissioner. The county commissioner shall immediately notify the state commissioner who shall investigate the matter. During the investigation, the votes cast in that precinct shall be canvassed, pursuant to chapter 50.

3. Not later than thirty days before the date the candidates-elect are to be sworn into office, the state commissioner shall notify the county commissioner of the precinct which initiated the investigation of the findings of the investigation. If the state commissioner finds that an elector voted improperly, the state commissioner shall order a new vote by special election in the precinct where the improper voting occurred. A person who was not a qualified elector in that precinct at the time of the general election shall not be allowed to vote at the special election. When the new vote is taken and returned, the votes shall be canvassed, and the results of the election shall be proclaimed pursuant to section 50.11.

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

"Sec. ____ . Section 722.5, subsection 2, Code 1991, is amended to read as follows:

1. Votes at any election authorized by law, knowing oneself not to be qualified, including voting at any general election authorized by law in this state while at the same time being registered and having voted in another jurisdiction, in the same calendar year, in the biennial election held in November for election of national officers.

3. Title page, line 1, by striking the words "laws and" and inserting the following: "laws,"

4. Title page, line 1, by inserting after the word "elections" the following: ", and relating to

Page 2

1. Improper voting in a general election".

2. 5. By renumbering as necessary.

By TYRRELL of Iowa

H-3278 FILED MARCH 19, 1991

Lusk 3/25 (p 204)

Sen. State Board 3/27 D. Pass 4/11/91 (p. 1198)

HOUSE FILE 420
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 191)

(As Amended and Passed by the House March 25, 1991)

Amended - 3746
As Passed House, Date 4/22/91 (p. 143) Passed Senate, Date 4/17/91 (p. 1205)
Vote: Ayes 97 Nays 0 Vote: Ayes 48 Nays 0
Approved May 7, 1991 (p. 2192)
Motion to reconsider 4/23
" w/RS 4/24/91

A BILL FOR

1 An Act relating to corrective changes to Iowa's election laws,
2 providing emergency powers to the state commissioner of
3 elections, and relating to the affidavit filing requirements
4 for a single public office by primary election candidates and
5 certain general election candidates, and relating to absentee
6 voting.

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

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9 House Amendments _____

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3445 >

1 Section 1. Section 43.18, Code 1991, is amended by adding
2 the following new unnumbered paragraph after unnumbered
3 paragraph 2:

4 NEW UNNUMBERED PARAGRAPH. I am aware that I shall not
5 cause nomination papers for more than one public office to be
6 voted for at the primary election, to remain filed in the
7 office of the state commissioner or the commissioner unless I,
8 not later than the final date for filing nomination papers,
9 notify the state commissioner or the commissioner by affidavit
10 of the office for which I elect to be a candidate. I am aware
11 that violation of section 43.20 will invalidate my candidacy
12 for any office to be filled at the primary election.

13 I am further aware that section 43.20, subsection 4,
14 unnumbered paragraph 3, does not apply to the offices of
15 county agricultural extension council, soil and water
16 conservation district commission, or regional library board of
17 trustees.

18 Sec. 2. Section 43.42, Code 1991, is amended by striking
19 the section and inserting in lieu thereof the following:

20 43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS.

21 Any qualified elector may change or declare a party
22 affiliation at the polls on election day and shall be entitled
23 to vote at any primary election. Each elector doing so shall
24 indicate the elector's change or declaration of party
25 affiliation on the voter's declaration of eligibility
26 affidavit.

27 Sec. 3. NEW SECTION. 43.43 VOTER'S DECLARATION OF
28 ELIGIBILITY.

29 Each person voting at a primary election shall sign a
30 declaration of eligibility which shall be in substantially the
31 following form:

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

35 I am a qualified elector. I have not voted and will not

1 vote in any other precinct in this election.

2 I am affiliated with the _____ party. If my current
3 voter registration record indicates another party affiliation
4 or no party affiliation, I swear or affirm that I have in good
5 faith changed my previously declared party affiliation, or
6 declared my party affiliation, and now desire to be a member
7 of the party indicated above.

8

9

Signature of voter

10

11

Address

12

() _____

13

Telephone

14 Approved:

15

Election board member

Date

17 Sec. 4. Section 43.67, Code 1991, is amended by adding the
18 following new unnumbered paragraph after unnumbered paragraph
19 2:

20 NEW UNNUMBERED PARAGRAPH. I am aware that I shall not
21 cause nomination papers for more than one public office to be
22 filled at the general election, to remain filed in the office
23 of the state commissioner or the commissioner unless I, not
24 later than the final date for filing nomination papers, notify
25 the state commissioner or the commissioner by affidavit of the
26 office for which I elect to be a candidate. I am aware that
27 violation of section 49.41 will invalidate my candidacy for
28 any office to be filled at the general election.

29 I am further aware that section 49.41, does not apply to
30 the offices of county agricultural extension council, soil and
31 water conservation district commission, or regional library
32 board of trustees.

33 Sec. 5. Section 44.3, subsection 2, Code 1991, is amended
34 by adding the following new unnumbered paragraph after
35 unnumbered paragraph 2:

1 NEW UNNUMBERED PARAGRAPH. I am aware that I shall not
2 cause nomination papers for more than one public office to be
3 filled at the general election, to remain filed in the office
4 of the state commissioner or the commissioner unless I, not
5 later than the final date for filing nomination papers, notify
6 the state commissioner or the commissioner by affidavit of the
7 office for which I elect to be a candidate. I am aware that
8 violation of section 49.41 will invalidate my candidacy for
9 any office to be filled at the general election.

10 I am further aware that section 49.41, does not apply to
11 the offices of county agricultural extension council, soil and
12 water conservation district commission, or regional library
13 board of trustees.

14 Sec. 6. Section 44.9, subsections 5 and 6, Code 1991, are
15 amended to read as follows:

16 5. In the office of the proper commissioner, or school
17 board secretary or city clerk, in case of a special election
18 to fill vacancies, at least twenty-five days before the day of
19 election.

20 6. In the office of the proper city clerk, at least forty-
21 two days before the regularly scheduled or special city
22 election.

23 Sec. 7. Section 45.3, Code 1991, is amended by adding the
24 following new unnumbered paragraph after unnumbered paragraph
25 2:

26 NEW UNNUMBERED PARAGRAPH. I am aware that I shall not
27 cause nomination papers for more than one public office to be
28 filled at the general election, to remain filed in the office
29 of the state commissioner or the commissioner unless I, not
30 later than the final date for filing nomination papers, notify
31 the state commissioner or the commissioner by affidavit of the
32 office for which I elect to be a candidate. I am aware that
33 violation of section 49.41 will invalidate my candidacy for
34 any office to be filled at the general election.

35 I am further aware that section 49.41, does not apply to

1 the offices of county agricultural extension council, soil and
 2 water conservation district commission, or regional library
 3 board of trustees.

4 Sec. 8. Section 47.1, Code 1991, is amended by adding the
 5 following new unnumbered paragraphs:

6 NEW UNNUMBERED PARAGRAPH. The state commissioner of
 7 elections may exercise emergency powers over any election
 8 being held in a district in which either a natural disaster or
 9 extremely inclement weather has occurred. The state
 10 commissioner of elections may also exercise emergency powers
 11 during an armed conflict involving United States armed forces,
 12 or mobilization of those forces, or if an election contest
 13 court finds that there were errors in the conduct of an
 14 election making it impossible to determine the result.

15 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
 16 adopt rules describing the emergency powers and the situations
 17 in which the powers will be exercised.

18 Sec. 9. Section 48.31, subsection 6, Code 1991, is amended
 19 to read as follows:

20 6. When first-class mail, which is designated "not to be
 21 forwarded", was addressed to the elector at the address shown
 22 on the registration records and is returned by the postal
 23 service. However, if any first-class mail, other than a
 24 registration receipt mailed pursuant to section 48.3, was
 25 addressed to a qualified elector and is returned by the postal
 26 service less than sixty days before the date of a general
 27 election, the elector's registration shall not be canceled
 28 until after the general election is held.

29 Sec. 10. Section 49.31, subsection 6, Code 1991, is
 30 amended to read as follows:

31 6. For the purposes purpose of ballot rotation the
 32 absentee ballot and special voters precinct shall may be
 33 considered a separate precinct, ~~unless the office will appear~~
 34 ~~on the ballot in only one precinct other than the absentee~~
 35 ~~ballot and special voters precinct.~~

1 Sec. 11. Section 49.41, Code 1991, is amended by striking
2 the section and inserting in lieu thereof the following:

3 49.41 MORE THAN ONE OFFICE PROHIBITED.

4 A person shall not be a candidate for more than one office
5 to be filled at the same election. A person who has been
6 nominated for more than one office shall file a written notice
7 declaring the office for which the person wishes to appear on
8 the ballot.

9 If the nomination papers for all offices for which the
10 candidate has been nominated are required to be filed with the
11 same commissioner of elections, the candidate shall file a
12 written notice with that commissioner no later than five p.m.
13 on the final date upon which nomination papers may be filed
14 for the election. The notice shall state the office for which
15 the person wishes to appear on the ballot. If the required
16 notice is not filed, the candidate's name shall not be
17 certified by the state commissioner for any office for which
18 nomination papers are filed with the state commissioner and
19 the county commissioner of elections shall not include the
20 candidate's name on the ballot for any office in any county.

21 If a person is a candidate for one or more offices for
22 which nomination papers are required to be filed with the
23 state commissioner and one or more offices for which
24 nomination papers are required to be filed with the county
25 commissioner, the candidate shall notify the state
26 commissioner and the county commissioner in writing. The
27 notice shall state the office for which the person chooses to
28 remain a candidate. The notice shall be filed no later than
29 the last day to file nomination papers with the commissioner.
30 If the required notice is not filed, the candidate's name
31 shall not appear on the ballot for any office in any county.

32 If necessary, the county commissioner shall certify to the
33 state commissioner the name of any person who is a candidate
34 for more than one office which will appear on the ballot for
35 the election. The certification of dual candidacy shall be

1 made no later than five p.m. on the day following the final
2 day to file nomination papers in the office of the
3 commissioner.

4 When the state commissioner receives notice from the county
5 commissioner that a candidate for a state or federal office
6 has also been nominated for a county or township office, the
7 state commissioner shall amend the certificate issued pursuant
8 to section 43.73 and notify the commissioners of any other
9 counties to whom the candidate's name was originally certified
10 and instruct them to remove the candidate's name from the
11 ballot in those counties.

12 This section does not apply to the following public
13 offices: county agricultural extension council, soil and
14 water conservation district commission, or regional library
15 board of trustees.

16 Sec. 12. Section 50.13, Code 1991, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. If the ballots are to be
19 shredded, the package may be opened, if necessary, but the
20 ballots shall not be examined before shredding. Shredded
21 ballots may be recycled.

22 Sec. 13. Section 50.30, Code 1991, is amended to read as
23 follows:

24 50.30 ABSTRACTS FORWARDED TO STATE COMMISSIONER.

25 The commissioner shall, within ten days after the election,
26 forward to the state commissioner ~~in-separate, -securely-sealed~~
27 ~~envelopes~~, one of the said duplicate abstracts of votes for
28 each of the following offices:

- 29 1. President and vice president of the United States.
- 30 2. Senator in Congress.
- 31 3. Representative in Congress.
- 32 4. Governor and lieutenant governor.
- 33 5. Senator or representative in the general assembly by
34 districts.
- 35 6. A state officer not otherwise specified above.

1 The abstracts for all offices except governor and
2 lieutenant governor shall be enclosed in a securely sealed
3 envelope.

4 Sec. 14. Section 50.32, Code 1991, is amended to read as
5 follows:

6 50.32 ENDORSEMENT ON OTHER ENVELOPES ENVELOPE.

7 ~~Said-remaining-envelopes~~ The envelope for offices other
8 than governor and lieutenant governor shall be endorsed
9 substantially in the manner provided in section 50.31, with
10 changes necessary to indicate the particular office offices,
11 and each shall be addressed, "To the State Commissioner of
12 Elections".

13 Sec. 15. Section 53.2, unnumbered paragraph 1, Code 1991,
14 is amended to read as follows:

15 Any qualified elector, under the circumstances specified in
16 section 53.1, may on any day, except election day, and not
17 more than seventy days prior to the date of the election,
18 apply in person for an absentee ballot at the commissioner's
19 office or at any location designated by the commissioner, or
20 make written application to the commissioner for an absentee
21 ballot. The state commissioner shall prescribe a form for
22 absentee ballot applications. However, if an elector submits
23 an application that includes all of the information required
24 in this section, the prescribed form is not required.

25 Sec. 16. Section 53.7, Code 1991, is amended to read as
26 follows:

27 53.7 SOLICITATION BY PUBLIC EMPLOYEES.

28 1. It shall be unlawful for any employee of the state or
29 any employee of a political subdivision thereof to solicit any
30 application or request for application for an absentee ballot,
31 or to take an affidavit in connection with any absentee ballot
32 while the employee is on the employer's premises or otherwise
33 in the course of employment. However, any such employee may
34 take such affidavit in connection with an absentee ballot
35 which is cast by the qualified elector in person in the office

1 where such employee is employed in accordance with section
2 53.11. This section subsection shall not apply to any elected
3 official.

4 2. Any public officer or employee, or any person acting
5 under color of a public officer or employee, who knowingly
6 requires that a public employee solicit an application or
7 request for an application for an absentee ballot, or
8 knowingly requires that an employee take an affidavit or
9 request for an affidavit in connection with an absentee ballot
10 application commits a serious misdemeanor.

11 Sec. 17. Section 53.11, is amended to read as follows:

12 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

13 The commissioner shall deliver an absentee ballot to any
14 qualified elector applying in person at the commissioner's
15 office, or at any location designated by the commissioner, not
16 more than forty days before the date of the general election
17 and or the primary election, and for all other elections, as
18 soon as the ballot is available. The qualified elector shall
19 immediately mark the ballot, enclose and seal it in a ballot
20 envelope, subscribe to the affidavit on the reverse side of
21 the envelope, and return the absentee ballot to the
22 commissioner. The commissioner shall record the numbers
23 appearing on the application and ballot envelope along with
24 the name of the qualified elector. ~~The commissioner of any~~
25 ~~county in which there is located a city of five thousand or~~
26 ~~more population, which is not the county seat, may permit~~
27 ~~qualified electors to appear in person at some designated~~
28 ~~place within each such city and there cast an absentee ballot~~
29 ~~in the manner prescribed by this section.~~

30 Sec. 18. Section 53.18, Code 1991, is amended to read as
31 follows:

32 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

33 Upon receipt of the absentee ballot, the commissioner shall
34 at once record the number appearing on the application and
35 return carrier envelope and time of receipt of such ballot and

1 ~~enclose the same, unopened, together with the application made~~
2 ~~by the qualified elector, in a large carrier envelope on which~~
3 ~~shall appear the words "This envelope contains an absent~~
4 ~~voter's ballot for the election", and securely seal the same~~
5 attach the elector's application to the unopened envelope.
6 Absentee ballots shall be stored in a secure place until they
7 are delivered to the absentee and special voters.

8 Sec. 19. Section 69.13, subsections 1 and 2, Code 1991,
9 are amended to read as follows:

10 1. SENATOR IN CONGRESS AND ELECTIVE STATE OFFICERS. If a
11 vacancy occurs in the office of senator in the Congress of the
12 United States, lieutenant governor, secretary of state,
13 auditor of state, treasurer of state, secretary of
14 agriculture, or attorney general ~~seventy-five~~ eighty-nine or
15 more days ~~prior to~~ before a general election, and the
16 unexpired term in which the vacancy exists has more than
17 seventy days to run after the date of that general election,
18 the vacancy shall be filled for the balance of the unexpired
19 term at that general election and the person elected to fill
20 the vacancy shall assume office as soon as a certificate of
21 election has been issued and the person has qualified.

22 2. COUNTY OFFICERS. If a vacancy occurs in the office of
23 county supervisor or in any of the offices listed in section
24 39.17 ~~sixty~~ seventy-four or more days ~~prior to~~ before a
25 general election, and the unexpired term in which the vacancy
26 exists has more than seventy days to run after the date of
27 that general election, the vacancy shall be filled for the
28 balance of the unexpired term at that general election and the
29 person elected to fill the vacancy shall assume office as soon
30 as a certificate of election has been issued and the person
31 has qualified.

32 Sec. 20. Section 176A.8, subsection 5, unnumbered
33 paragraph 1, Code 1991, is amended to read as follows:

34 To and shall, at least ninety days prior to the date fixed
35 for the election of council members, appoint a nominating

1 committee consisting of four persons who are not council
2 members and designate the chairperson. The membership of the
3 nominating committee shall be gender balanced. The nominating
4 committee shall consider the geographic distribution of
5 potential nominees in nominating one or more resident
6 qualified electors of the extension district as candidates for
7 election to each office to be filled at the election. To
8 qualify for the election ballot, each nominee shall file a
9 nominating petition signed by at least twenty-five qualified
10 eligible electors of the district with the county commissioner
11 of elections at least sixty-nine days before the date of
12 election.

13 Sec. 21. Section 230A.5, Code 1991, is amended to read as
14 follows:

15 230A.5 ELECTION OF TRUSTEES.

16 The election of community mental health center trustees
17 shall take place at the general election on ballots which
18 shall not reflect a nominee's political affiliation.
19 Nomination shall be made by petition in accordance with
20 chapter 45. The petition form shall be furnished by the
21 county commissioner of elections, signed by eligible electors
22 of the county or affiliated counties equal in number to one
23 percent of the vote cast therein for president of the United
24 States or governor, as the case may be, in the last previous
25 general election, and shall be filed with the county
26 commissioner of elections ~~at-least-fifty-five-days-prior-to~~
27 ~~the-date-of-the-general-election~~. A plurality shall be
28 sufficient to elect community mental health center trustees,
29 and no primary election for that office shall be held.

30 Sec. 22. Section 330.17, unnumbered paragraph 1, Code
31 1991, is amended to read as follows:

32 The council of any city or county which owns or acquires an
33 airport may, and upon the council's receipt of a valid
34 petition as provided in section 362.4, or receipt of a
35 petition by the board of supervisors as provided in section

1 331.306 shall, at a regular city election or a general
2 election if one is to be held within sixty seventy-four days
3 from the filing of the petition, or otherwise at a special
4 election called for that purpose, submit to the voters the
5 question as to whether the management and control of the
6 airport shall be placed in an airport commission. If a
7 majority of the voters favors placing the management and
8 control of the airport in an airport commission, the
9 commission shall be established as provided in this chapter.

10 Sec. 23. Section 331.237, subsection 1, Code 1991, is
11 amended to read as follows:

12 1. If a proposed charter for county government is received
13 not later than sixty five working days before the filing
14 deadline for candidates for county offices specified in
15 section 44.4 for the next general election, the board shall
16 direct the county commissioner of elections to submit to the
17 qualified electors of the county at the next general election
18 the question of whether the proposed charter shall be adopted.
19 If a majority of the votes cast on the question is in favor of
20 the proposal, the proposal is adopted.

21 Sec. 24. Section 347.25, unnumbered paragraph 1, Code
22 1991, is amended to read as follows:

23 The election of hospital trustees whose offices are
24 established by this chapter or chapter 145A or 347A shall take
25 place at the general election on ballots which shall not
26 reflect a nominee's political affiliation. Nomination shall
27 be made by petition in accordance with chapter 45. The
28 petition form shall be furnished by the county commissioner of
29 elections, signed by fifty eligible electors of the county,
30 and shall be filed with the county commissioner of elections
31 ~~at least fifty five days prior to the date of the general~~
32 ~~election.~~ A plurality is sufficient to elect hospital
33 trustees.

34 Sec. 25. Section 477B.6, subsection 1, unnumbered
35 paragraph 2, Code 1991, is amended to read as follows:

1 "Shall the following public measure be adopted? YES NO

2 "Should-enhanced Enhanced 911 emergency telephone service
3 shall be funded, in whole or in part, by a monthly surcharge
4 of (an amount determined by the local joint E911 service board
5 of up to one dollar) on each telephone access line collected
6 as part of each telephone subscriber's monthly phone bill if
7 provided within (description of the proposed E911 service
8 area)?"

9 Sec. 26. Section 477B.6, subsection 2, unnumbered
10 paragraph 2, Code 1991, is amended to read as follows:

11 At the request of the joint E911 service board a county
12 commissioner of elections shall include the question on the
13 next eligible general election ballot in each electoral
14 precinct to be served, in whole or in part, by the proposed
15 E911 service area, provided the request is timely submitted to
16 permit inclusion. The question may be included in the next
17 election in which all of the voters in the proposed E911
18 service area will be eligible to vote on the same day~~7-such-as~~
19 ~~a-primary7-general7-or-school-board-election~~. The county
20 commissioner of elections shall report the results to the
21 joint E911 service board. The joint E911 service board shall
22 compile the results if subscribers from more than one county
23 are included within the proposed service area. The joint E911
24 service board shall announce whether a simple majority of the
25 compiled votes reported by the commissioner approved the
26 referendum question.

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HOUSE FILE 420

S-3445

1 Amend House File 420, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 43.14, unnumbered paragraph 2,
6 Code 1991, is amended to read as follows:

7 "I, the undersigned, an eligible elector of
8 county or legislative district, and state of Iowa,
9 hereby nominate of county or
10 legislative district, state of Iowa, who has
11 ~~affiliated registered with and-is-a-member-of~~ the
12 party, as a candidate for the office of
13 to be voted for at the primary election to be
14 held on"

15 Sec. ____ . Section 43.18, unnumbered paragraph 2,
16 Code 1991, is amended to read as follows:

17 I,, being duly sworn, say that I reside
18 at street, city of, county of
19 in the state of Iowa; that I am eligible to
20 the office for which I am a candidate, and that the
21 ~~political-party-with-which-I-affiliate-is~~ I am
22 registered with the party; that I am a
23 candidate for nomination to the office of
24 to be made at the primary election to be held on
25, and hereby request that my name be printed
26 upon the official primary ballot as provided by law,
27 as a candidate of that party. I furthermore declare
28 that if I am nominated and elected I will qualify as
29 such officer."

30 2. Title page, line 3, by striking the words "and
31 relating to" and inserting the following: "relating
32 to election nomination papers and affidavits,".

33 3. By renumbering as necessary.

By MARK R. HAGERLA

S-3445 FILED APRIL 17, 1991

ADOPTED (p 1204)

SENATE AMENDMENT TO HOUSE FILE 420

H-3746

1 Amend House File 420, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Section 1. Section 43.14, unnumbered paragraph 2,
6 Code 1991, is amended to read as follows:

7 "I, the undersigned, an eligible elector of
8 county or legislative district, and state of Iowa,
9 hereby nominate of county or
10 legislative district, state of Iowa, who has
11 ~~affiliated registered with and-is-a-member-of~~ the
12 party, as a candidate for the office of
13 to be voted for at the primary election to be
14 held on"

15 Sec. _____. Section 43.18, unnumbered paragraph 2,
16 Code 1991, is amended to read as follows:

17 I,, being duly sworn, say that I reside
18 at street, city of, county of
19 in the state of Iowa; that I am eligible to
20 the office for which I am a candidate, and that the
21 ~~political-party-with-which-i-affiliate-is~~ I am
22 registered with the party; that I am a
23 candidate for nomination to the office of
24 to be made at the primary election to be held on
25, and hereby request that my name be printed
26 upon the official primary ballot as provided by law,
27 as a candidate of that party. I furthermore declare
28 that if I am nominated and elected I will qualify as
29 such officer."

30 2. Title page, line 3, by striking the words "and
31 relating to" and inserting the following: "relating
32 to election nomination papers and affidavits,".

33 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3746 FILED APRIL 19, 1991

Have corrected 4/22/91 (p. 1430)

Pavich C
Beatty
Halvorson of Webster
Hanson of Delaware
Krebsbach
Renken
Teaford

NSB 191

STATE GOVERNMENT

SENATE/HOUSE FILE 426
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 corrective changes to Iowa's election laws.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 43.42, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS.

5 Any qualified elector may change or declare a party
6 affiliation at the polls on election day and shall be entitled
7 to vote at any primary election. Each elector doing so shall
8 indicate the elector's change or declaration of party
9 affiliation on the voter's declaration of eligibility
10 affidavit.

11 Sec. 2. NEW SECTION. 43.43 VOTER'S DECLARATION OF
12 ELIGIBILITY.

13 Each person voting at a primary election shall sign a
14 declaration of eligibility which shall be in substantially the
15 following form:

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

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

21 I am affiliated with the _____ party. If my current
22 voter registration record indicates another party affiliation
23 or no party affiliation, I swear or affirm that I have in good
24 faith changed my previously declared party affiliation, or
25 declared my party affiliation, and now desire to be a member
26 of the party indicated above.

27

28

Signature of voter

29

30

Address

31

() _____

32

Telephone

33 Approved:

34

35 Election board member

Date

1 Sec. 3. Section 44.9, subsections 5 and 6, Code 1991, are
2 amended to read as follows:

3 5. In the office of the proper commissioner, or school
4 board secretary ~~or-city-clerk~~, in case of a special election
5 to fill vacancies, at least twenty-five days before the day of
6 election.

7 6. In the office of the proper city clerk, at least forty-
8 two days before the regularly scheduled or special city
9 election.

10 Sec. 4. Section 49.41, Code 1991, is amended by striking
11 the section and inserting in lieu thereof the following:

12 49.41 MORE THAN ONE OFFICE PROHIBITED.

13 A person shall not be a candidate for more than one office
14 to be filled at the same election. A person who has been
15 nominated for more than one office shall file a written notice
16 declaring the office for which the person wishes to appear on
17 the ballot.

18 If the nomination papers for all offices for which the
19 candidate has been nominated are required to be filed with the
20 same commissioner of elections, the candidate shall file a
21 written notice with that commissioner no later than five p.m.
22 on the final date upon which nomination papers may be filed
23 for the election. The notice shall state the office for which
24 the person wishes to appear on the ballot. If the required
25 notice is not filed, the candidate's name shall not be
26 certified by the state commissioner for any office for which
27 nomination papers are filed with the state commissioner and
28 the county commissioner of elections shall not include the
29 candidate's name on the ballot for any office in any county.

30 If a person is a candidate for one or more offices for
31 which nomination papers are required to be filed with the
32 state commissioner and one or more offices for which
33 nomination papers are required to be filed with the county
34 commissioner, the candidate shall notify the state
35 commissioner and the county commissioner in writing. The

1 notice shall state the office for which the person chooses to
2 remain a candidate. The notice shall be filed no later than
3 the last day to file nomination papers with the commissioner.
4 If the required notice is not filed, the candidate's name
5 shall not appear on the ballot for any office in any county.

6 If necessary, the county commissioner shall certify to the
7 state commissioner the name of any person who is a candidate
8 for more than one office which will appear on the ballot for
9 the election. The certification of dual candidacy shall be
10 made no later than five p.m. on the day following the final
11 day to file nomination papers in the office of the
12 commissioner.

13 When the state commissioner receives notice from the county
14 commissioner that a candidate for a state or federal office
15 has also been nominated for a county or township office, the
16 state commissioner shall amend the certificate issued pursuant
17 to section 43.73 and notify the commissioners of any other
18 counties to whom the candidate's name was originally certified
19 and instruct them to remove the candidate's name from the
20 ballot in those counties.

21 Sec. 5. Section 50.13, Code 1991, is amended by adding the
22 following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. If the ballots are to be
24 shredded, the package may be opened, if necessary, but the
25 ballots shall not be examined before shredding. Shredded
26 ballots may be recycled.

27 Sec. 6. Section 50.30, Code 1991, is amended to read as
28 follows:

29 50.30 ABSTRACTS FORWARDED TO STATE COMMISSIONER.

30 The commissioner shall, within ten days after the election,
31 forward to the state commissioner ~~in-separate, -security-sealed~~
32 ~~envelopes,~~ one of the said duplicate abstracts of votes for
33 each of the following offices:

- 34 1. President and vice president of the United States.
- 35 2. Senator in Congress.

- 1 3. Representative in Congress.
- 2 4. Governor and lieutenant governor.
- 3 5. Senator or representative in the general assembly by
- 4 districts.

5 6. A state officer not otherwise specified above.
6 The abstracts for all offices except governor and
7 lieutenant governor shall be enclosed in a securely sealed
8 envelope.

9 Sec. 7. Section 50.32, Code 1991, is amended to read as
10 follows:

11 50.32 ENDORSEMENT ON OTHER ENVELOPES ENVELOPE.

12 ~~Said-remaining-envelopes~~ The envelope for offices other
13 than governor and lieutenant governor shall be endorsed
14 substantially in the manner provided in section 50.31, with
15 changes necessary to indicate the particular office offices,
16 and each shall be addressed, "To the State Commissioner of
17 Elections".

18 Sec. 8. Section 53.18, Code 1991, is amended to read as
19 follows:

20 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

21 Upon receipt of the absentee ballot, the commissioner shall
22 at once record the number appearing on the application and
23 return carrier envelope and time of receipt of such ballot and
24 ~~enclose the same, unopened, together with the application made~~
25 ~~by the qualified elector, in a large carrier envelope on which~~
26 ~~shall appear the words "This envelope contains an absent~~
27 ~~voter's ballot for the election", and securely seal the same~~
28 attach the elector's application to the unopened envelope.
29 Absentee ballots shall be stored in a secure place until they
30 are delivered to the absentee and special voters.

31 Sec. 9. Section 69.13, subsections 1 and 2, Code 1991, are
32 amended to read as follows:

33 1. SENATOR IN CONGRESS AND ELECTIVE STATE OFFICERS. If a
34 vacancy occurs in the office of senator in the Congress of the
35 United States, lieutenant governor, secretary of state,

1 auditor of state, treasurer of state, secretary of
2 agriculture, or attorney general ~~seventy-five~~ eighty-nine or
3 more days ~~prior-to~~ before a general election, and the
4 unexpired term in which the vacancy exists has more than
5 seventy days to run after the date of that general election,
6 the vacancy shall be filled for the balance of the unexpired
7 term at that general election and the person elected to fill
8 the vacancy shall assume office as soon as a certificate of
9 election has been issued and the person has qualified.

10 2. COUNTY OFFICERS. If a vacancy occurs in the office of
11 county supervisor or in any of the offices listed in section
12 39.17 ~~sixty~~ seventy-four or more days ~~prior-to~~ before a
13 general election, and the unexpired term in which the vacancy
14 exists has more than seventy days to run after the date of
15 that general election, the vacancy shall be filled for the
16 balance of the unexpired term at that general election and the
17 person elected to fill the vacancy shall assume office as soon
18 as a certificate of election has been issued and the person
19 has qualified.

20 Sec. 10. Section 176A.8, subsection 5, unnumbered
21 paragraph 1, Code 1991, is amended to read as follows:

22 To and shall, at least ninety days prior to the date fixed
23 for the election of council members, appoint a nominating
24 committee consisting of four persons who are not council
25 members and designate the chairperson. The membership of the
26 nominating committee shall be gender balanced. The nominating
27 committee shall consider the geographic distribution of
28 potential nominees in nominating one or more resident
29 qualified electors of the extension district as candidates for
30 election to each office to be filled at the election. To
31 qualify for the election ballot, each nominee shall file a
32 nominating petition signed by at least twenty-five ~~qualified~~
33 eligible electors of the district with the county commissioner
34 of elections at least sixty-nine days before the date of
35 election.

1 Sec. 11. Section 230A.5, Code 1991, is amended to read as
2 follows:

3 230A.5 ELECTION OF TRUSTEES.

4 The election of community mental health center trustees
5 shall take place at the general election on ballots which
6 shall not reflect a nominee's political affiliation.
7 Nomination shall be made by petition in accordance with
8 chapter 45. The petition form shall be furnished by the
9 county commissioner of elections, signed by eligible electors
10 of the county or affiliated counties equal in number to one
11 percent of the vote cast therein for president of the United
12 States or governor, as the case may be, in the last previous
13 general election, and shall be filed with the county
14 commissioner of elections ~~at least fifty-five days prior to~~
15 ~~the date of the general election~~. A plurality shall be
16 sufficient to elect community mental health center trustees,
17 and no primary election for that office shall be held.

18 Sec. 12. Section 330.17, unnumbered paragraph 1, Code
19 1991, is amended to read as follows:

20 The council of any city or county which owns or acquires an
21 airport may, and upon the council's receipt of a valid
22 petition as provided in section 362.4, or receipt of a
23 petition by the board of supervisors as provided in section
24 331.306 shall, at a regular city election or a general
25 election if one is to be held within sixty seventy-four days
26 from the filing of the petition, or otherwise at a special
27 election called for that purpose, submit to the voters the
28 question as to whether the management and control of the
29 airport shall be placed in an airport commission. If a
30 majority of the voters favors placing the management and
31 control of the airport in an airport commission, the
32 commission shall be established as provided in this chapter.

33 Sec. 13. Section 331.237, subsection 1, Code 1991, is
34 amended to read as follows:

35 1. If a proposed charter for county government is received

1 not later than ~~sixty~~ five working days before the filing
2 deadline for candidates for county offices specified in
3 section 44.4 for the next general election, the board shall
4 direct the county commissioner of elections to submit to the
5 qualified electors of the county at the next general election
6 the question of whether the proposed charter shall be adopted.
7 If a majority of the votes cast on the question is in favor of
8 the proposal, the proposal is adopted.

9 Sec. 14. Section 347.25, unnumbered paragraph 1, Code
10 1991, is amended to read as follows:

11 The election of hospital trustees whose offices are
12 established by this chapter or chapter 145A or 347A shall take
13 place at the general election on ballots which shall not
14 reflect a nominee's political affiliation. Nomination shall
15 be made by petition in accordance with chapter 45. The
16 petition form shall be furnished by the county commissioner of
17 elections, signed by fifty eligible electors of the county,
18 and shall be filed with the county commissioner of elections
19 ~~at least fifty-five days prior to the date of the general~~
20 ~~election.~~ A plurality is sufficient to elect hospital
21 trustees.

22 Sec. 15. Section 477B.6, subsection 1, unnumbered
23 paragraph 2, Code 1991, is amended to read as follows:

24 "Shall the following public measure be adopted? YES NO

25 ~~"Should-enhanced~~ Enhanced 911 emergency telephone service
26 shall be funded, in whole or in part, by a monthly surcharge
27 of (an amount determined by the local joint E911 service board
28 of up to one dollar) on each telephone access line collected
29 as part of each telephone subscriber's monthly phone bill if
30 provided within (description of the proposed E911 service
31 area)?"

32 Sec. 16. Section 477B.6, subsection 2, unnumbered
33 paragraph 2, Code 1991, is amended to read as follows:

34 At the request of the joint E911 service board a county
35 commissioner of elections shall include the question on the

1 next eligible general election ballot in each electoral
2 precinct to be served, in whole or in part, by the proposed
3 E911 service area, provided the request is timely submitted to
4 permit inclusion. The question may be included in the next
5 election in which all of the voters in the proposed E911
6 service area will be eligible to vote on the same day--such-as
7 a-primary,-general,-or-school-board-election. The county
8 commissioner of elections shall report the results to the
9 joint E911 service board. The joint E911 service board shall
10 compile the results if subscribers from more than one county
11 are included within the proposed service area. The joint E911
12 service board shall announce whether a simple majority of the
13 compiled votes reported by the commissioner approved the
14 referendum question.

15

EXPLANATION

16 This bill proposes technical corrections to Iowa's election
17 laws. It incorporates the party affiliation change or
18 declaration form with the voter's declaration of eligibility
19 form, both of which must be completed by voters at the polls
20 on primary election day. It corrects certain election filing
21 and withdrawal deadlines to conform to other provisions of the
22 Code. It rewrites and clarifies the section prohibiting a
23 candidate from filing nomination papers for more than one
24 office.

25 The bill also allows commissioners to shred and recycle
26 used ballots. It eliminates the requirement that general
27 election abstracts be returned to the secretary of state in
28 separate envelopes. It also eliminates the requirement that
29 an absentee ballot envelope and the elector's application be
30 placed in a large carrier envelope. The commissioner is
31 allowed to attach the elector's application to the envelope
32 containing the absentee ballot.

33 It changes the requirement that nominating petitions for
34 county agricultural extension council members be signed by
35 qualified electors to "eligible" electors. The E911 public

1 measure is reworded to conform to the style used for other
2 public measures. Finally, it removes primary and school
3 elections from the list of elections at which an E911
4 surcharge public measure may be voted on.

5 BACKGROUND STATEMENT

6 SUBMITTED BY THE AGENCY

7 This bill proposes noncontroversial, corrective changes to
8 Iowa's election laws. The purpose is to correct errors and to
9 bring inconsistent aspects of the Code into conformity with
10 other provisions.

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HOUSE FILE 420

AN ACT

RELATING TO CORRECTIVE CHANGES TO IOWA'S ELECTION LAWS, PROVIDING EMERGENCY POWERS TO THE STATE COMMISSIONER OF ELECTIONS, RELATING TO ELECTION NOMINATION PAPERS AND AFFIDAVITS, THE AFFIDAVIT FILING REQUIREMENTS FOR A SINGLE PUBLIC OFFICE BY PRIMARY ELECTION CANDIDATES AND CERTAIN GENERAL ELECTION CANDIDATES, AND RELATING TO ABSENTEE VOTING.

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

Section 1. Section 43.14, unnumbered paragraph 2, Code 1991, is amended to read as follows:

"I, the undersigned, an eligible elector of county or legislative district, and state of Iowa, hereby nominate of county or legislative district, state of Iowa, who has ~~affiliated~~ registered with ~~and-is-a-member-of~~ the party, as a candidate for the office of to be voted for at the primary election to be held on".

Sec. 2. Section 43.18, unnumbered paragraph 2, Code 1991, is amended to read as follows:

I,, being duly sworn, say that I reside at street, city of, county of in the state of Iowa; that I am eligible to the office for which

I am a candidate, and that ~~the-political-party-with-which-I-affiliate-is~~ I am registered with the party; that I am a candidate for nomination to the office of to be made at the primary election to be held on, and hereby request that my name be printed upon the official primary ballot as provided by law, as a candidate of that party. I furthermore declare that if I am nominated and elected I will qualify as such officer.

Sec. 3. Section 43.18, Code 1991, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. I am aware that I shall not cause nomination papers for more than one public office to be voted for at the primary election, to remain filed in the office of the state commissioner or the commissioner unless I, not later than the final date for filing nomination papers, notify the state commissioner or the commissioner by affidavit of the office for which I elect to be a candidate. I am aware that violation of section 43.20 will invalidate my candidacy for any office to be filled at the primary election.

I am further aware that section 43.20, subsection 4, unnumbered paragraph 3, does not apply to the offices of county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 4. Section 43.42, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

43.42 CHANGE OR DECLARATION OF PARTY AFFILIATION AT POLLS.

Any qualified elector may change or declare a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each elector doing so shall indicate the elector's change or declaration of party affiliation on the voter's declaration of eligibility affidavit.

Sec. 5. NEW SECTION. 43.43 VOTER'S DECLARATION OF ELIGIBILITY.

Each person voting at a primary election shall sign a declaration of eligibility which shall be in substantially the following form:

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

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

I am affiliated with the _____ party. If my current voter registration record indicates another party affiliation or no party affiliation, I swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party indicated above.

Signature of voter

Address

() _____
Telephone

Approved:

Election board member

Date

Sec. 6. Section 43.67, Code 1991, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. I am aware that I shall not cause nomination papers for more than one public office to be filled at the general election, to remain filed in the office of the state commissioner or the commissioner unless I, not later than the final date for filing nomination papers, notify the state commissioner or the commissioner by affidavit of the office for which I elect to be a candidate. I am aware that

violation of section 49.41 will invalidate my candidacy for any office to be filled at the general election.

I am further aware that section 49.41, does not apply to the offices of county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 7. Section 44.3, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. I am aware that I shall not cause nomination papers for more than one public office to be filled at the general election, to remain filed in the office of the state commissioner or the commissioner unless I, not later than the final date for filing nomination papers, notify the state commissioner or the commissioner by affidavit of the office for which I elect to be a candidate. I am aware that violation of section 49.41 will invalidate my candidacy for any office to be filled at the general election.

I am further aware that section 49.41, does not apply to the offices of county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 8. Section 44.9, subsections 5 and 6, Code 1991, are amended to read as follows:

5. In the office of the proper commissioner, or school board secretary or city clerk, in case of a special election to fill vacancies, at least twenty-five days before the day of election.

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

Sec. 9. Section 45.3, Code 1991, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. I am aware that I shall not cause nomination papers for more than one public office to be filled at the general election, to remain filed in the office of the state commissioner or the commissioner unless I, not later than the final date for filing nomination papers, notify the state commissioner or the commissioner by affidavit of the office for which I elect to be a candidate. I am aware that violation of section 49.41 will invalidate my candidacy for any office to be filled at the general election.

I am further aware that section 49.41, does not apply to the offices of county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 10. Section 47.1, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

NEW UNNUMBERED PARAGRAPH. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Sec. 11. Section 48.31, subsection 6, Code 1991, is amended to read as follows:

6. When first-class mail, which is designated "not to be forwarded", was addressed to the elector at the address shown on the registration records and is returned by the postal service. However, if any first-class mail, other than a registration receipt mailed pursuant to section 48.3, was addressed to a qualified elector and is returned by the postal

service less than sixty days before the date of a general election, the elector's registration shall not be canceled until after the general election is held.

Sec. 12. Section 49.31, subsection 6, Code 1991, is amended to read as follows:

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

Sec. 13. Section 49.41, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

49.41 MORE THAN ONE OFFICE PROHIBITED.

A person shall not be a candidate for more than one office to be filled at the same election. A person who has been nominated for more than one office shall file a written notice declaring the office for which the person wishes to appear on the ballot.

If the nomination papers for all offices for which the candidate has been nominated are required to be filed with the same commissioner of elections, the candidate shall file a written notice with that commissioner no later than five p.m. on the final date upon which nomination papers may be filed for the election. The notice shall state the office for which the person wishes to appear on the ballot. If the required notice is not filed, the candidate's name shall not be certified by the state commissioner for any office for which nomination papers are filed with the state commissioner and the county commissioner of elections shall not include the candidate's name on the ballot for any office in any county.

If a person is a candidate for one or more offices for which nomination papers are required to be filed with the state commissioner and one or more offices for which nomination papers are required to be filed with the county commissioner, the candidate shall notify the state

commissioner and the county commissioner in writing. The notice shall state the office for which the person chooses to remain a candidate. The notice shall be filed no later than the last day to file nomination papers with the commissioner. If the required notice is not filed, the candidate's name shall not appear on the ballot for any office in any county.

If necessary, the county commissioner shall certify to the state commissioner the name of any person who is a candidate for more than one office which will appear on the ballot for the election. The certification of dual candidacy shall be made no later than five p.m. on the day following the final day to file nomination papers in the office of the commissioner.

When the state commissioner receives notice from the county commissioner that a candidate for a state or federal office has also been nominated for a county or township office, the state commissioner shall amend the certificate issued pursuant to section 43.73 and notify the commissioners of any other counties to whom the candidate's name was originally certified and instruct them to remove the candidate's name from the ballot in those counties.

This section does not apply to the following public offices: county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 14. Section 50.13, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the ballots are to be shredded, the package may be opened, if necessary, but the ballots shall not be examined before shredding. Shredded ballots may be recycled.

Sec. 15. Section 50.30, Code 1991, is amended to read as follows:

50.30 ABSTRACTS FORWARDED TO STATE COMMISSIONER.

The commissioner shall, within ten days after the election, forward to the state commissioner ~~in separate, securely sealed envelopes~~, one of the said duplicate abstracts of votes for each of the following offices:

1. President and vice president of the United States.
2. Senator in Congress.
3. Representative in Congress.
4. Governor and lieutenant governor.
5. Senator or representative in the general assembly by districts.
6. A state officer not otherwise specified above.

The abstracts for all offices except governor and lieutenant governor shall be enclosed in a securely sealed envelope.

Sec. 16. Section 50.32, Code 1991, is amended to read as follows:

50.32 ENDORSEMENT ON OTHER ENVELOPES ENVELOPE.

Said remaining envelopes The envelope for offices other than governor and lieutenant governor shall be endorsed substantially in the manner provided in section 50.31, with changes necessary to indicate the particular office offices, and each shall be addressed, "To the State Commissioner of Elections".

Sec. 17. Section 53.2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

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

Sec. 18. Section 53.7, Code 1991, is amended to read as follows:

53.7 SOLICITATION BY PUBLIC EMPLOYEES.

1. It shall be unlawful for any employee of the state or any employee of a political subdivision thereof to solicit any application or request for application for an absentee ballot, or to take an affidavit in connection with any absentee ballot while the employee is on the employer's premises or otherwise in the course of employment. However, any such employee may take such affidavit in connection with an absentee ballot which is cast by the qualified elector in person in the office where such employee is employed in accordance with section 53.11. This section subsection shall not apply to any elected official.

2. Any public officer or employee, or any person acting under color of a public officer or employee, who knowingly requires that a public employee solicit an application or request for an application for an absentee ballot, or knowingly requires that an employee take an affidavit or request for an affidavit in connection with an absentee ballot application commits a serious misdemeanor.

Sec. 19. Section 53.11, is amended to read as follows:

53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

The commissioner shall deliver an absentee ballot to any qualified elector applying in person at the commissioner's office, or at any location designated by the commissioner, not more than forty days before the date of the general election and or the primary election, and for all other elections, as soon as the ballot is available. The qualified elector shall immediately mark the ballot, enclose and seal it in a ballot envelope, subscribe to the affidavit on the reverse side of the envelope, and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ballot envelope along with the name of the qualified elector. ~~The commissioner of any~~

~~county in which there is located a city of five thousand or more population, which is not the county seat, may permit qualified electors to appear in person at some designated place within each such city and there cast an absentee ballot in the manner prescribed by this section.~~

Sec. 20. Section 53.18, Code 1991, 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 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~~ attach the elector's application to the unopened envelope. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters.

Sec. 21. Section 69.13, subsections 1 and 2, Code 1991, are amended to read as follows:

1. SENATOR IN CONGRESS AND ELECTIVE STATE OFFICERS. If 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 seventy-five eighty-nine or more days prior to before a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

2. COUNTY OFFICERS. If a vacancy occurs in the office of county supervisor or in any of the offices listed in section 39.17 sixty seventy-four or more days prior to before a

general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 22. Section 176A.8, subsection 5, unnumbered paragraph 1, Code 1991, is amended to read as follows:

To and shall, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The membership of the nominating committee shall be gender balanced. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident qualified electors of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five qualified eligible electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

Sec. 23. Section 230A.5, Code 1991, is amended to read as follows:

230A.5 ELECTION OF TRUSTEES.

The election of community mental health center trustees shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by eligible electors of the county or affiliated counties equal in number to one percent of the vote cast therein for president of the United States or governor, as the case may be, in the last previous

general election, and shall be filed with the county commissioner of elections ~~at least fifty-five days prior to the date of the general election.~~ A plurality shall be sufficient to elect community mental health center trustees, and no primary election for that office shall be held.

Sec. 24. Section 330.17, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The council of any city or county which owns or acquires an airport may, and upon the council's receipt of a valid petition as provided in section 362.4, or receipt of a petition by the board of supervisors as provided in section 331.306 shall, at a regular city election or a general election if one is to be held within sixty seventy-four days from the filing of the petition, or otherwise at a special election called for that purpose, submit to the voters the question as to whether the management and control of the airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

Sec. 25. Section 331.237, subsection 1, Code 1991, is amended to read as follows:

1. If a proposed charter for county government is received not later than sixty five working days before the filing deadline for candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the qualified electors of the county at the next general election the question of whether the proposed charter shall be adopted. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 26. Section 347.25, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The election of hospital trustees whose offices are established by this chapter or chapter 145A or 347A shall take

place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by fifty eligible electors of the county, and shall be filed with the county commissioner of elections ~~at least fifty-five days prior to the date of the general election.~~ A plurality is sufficient to elect hospital trustees.

Sec. 27. Section 477B.6, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

"Shall the following public measure be adopted? YES NO

~~#Should-enhanced~~ Enhanced 911 emergency telephone service shall be funded, in whole or in part, by a monthly surcharge of (an amount determined by the local joint E911 service board of up to one dollar) on each telephone access line collected as part of each telephone subscriber's monthly phone bill if provided within (description of the proposed E911 service area)?"

Sec. 28. Section 477B.6, subsection 2, unnumbered paragraph 2, Code 1991, is amended to read as follows:

At the request of the joint E911 service board a county commissioner of elections shall include the question on the next eligible general election ballot in each electoral precinct to be served, in whole or in part, by the proposed E911 service area, provided the request is timely submitted to permit inclusion. The question may be included in the next election in which all of the voters in the proposed E911 service area will be eligible to vote on the same day, ~~such as a primary, general, or school board election.~~ The county commissioner of elections shall report the results to the joint E911 service board. The joint E911 service board shall compile the results if subscribers from more than one county are included within the proposed service area. The joint E911 service board shall announce whether a simple majority of the

compiled votes reported by the commissioner approved the referendum question.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 420, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 7, 1991

TERRY E. BRANSTAD
Governor

HF 420