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HOUSE FILE 652
BY COMMITTEE ON STATE GOVERNMENT

MAR 25 1993

Place On Calendar

(SUCCESSOR TO HSB 174)

Passed House, (p. 1035) Date 4-2-93 Passed Senate, (p. 1325) Date 4/23/93
Vote: Ayes 91 Nays 5 Vote: Ayes 42 Nays 7
Approved May 19, 1993

A BILL FOR

1 An Act relating to the office of secretary of state, the conduct
2 of elections and voter registration in the state, and relating
3 to corrective and technical changes to Iowa's election laws,
4 providing an effective date, and providing penalties.

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

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HF 652

1 Section 1. Section 9.4, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. For a copy of any law or record, upon the request of
4 any private person or corporation, a fee to be determined by
5 the secretary of state not to exceed ten twenty-five cents per
6 page if the copies are made by the requestor. The fee for
7 copies made by a state employee shall not exceed fifty cents
8 per page. The secretary of state, or the secretary's
9 designee, may require that the requestor photocopy the
10 materials requested.

11 Sec. 2. Section 39.2, subsection 3, Code 1993, is amended
12 by adding the following new unnumbered paragraph after
13 unnumbered paragraph 1:

14 NEW UNNUMBERED PARAGRAPH. If a special election to fill a
15 vacancy is held in conjunction with a regularly scheduled
16 election, the filing deadlines for the special election shall
17 coincide with the filing deadlines for the regularly scheduled
18 election. An election to fill a vacancy in a city office
19 cannot be held in conjunction with a general election if the
20 city election procedures provide for a primary election.

21 Sec. 3. Section 39.3, Code 1993, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 8A. "Public measure" means any question
24 authorized or required by law to be submitted to the voters at
25 an election.

26 Sec. 4. NEW SECTION. 39.11 MORE THAN ONE OFFICE
27 PROHIBITED.

28 Statewide elected officials and members of the general
29 assembly shall not hold more than one elective office at a
30 time. All other elected officials shall not hold more than
31 one elective office at the same level of government at a time.
32 This section does not apply to the following offices: county
33 agricultural extension council, soil and water conservation
34 district commission, or regional library board of trustees.

35 Sec. 5. NEW SECTION. 39.12 FAILURE TO VACATE.

1 An elected official who has been elected to another
2 elective office to which section 39.11 applies shall choose
3 only one office in which to serve. The official shall resign
4 from all but one of the offices to which section 39.11 applies
5 before the beginning of the term of the office to which the
6 person was most recently elected. Failure to submit the
7 required resignation will result in a vacancy in all elective
8 offices to which the person was elected.

9 Sec. 6. NEW SECTION. 43.59 NUMBER OF VOTERS CERTIFIED.

10 The commissioner shall certify to the state commissioner
11 the total number of people who voted in the primary election
12 in each political party.

13 Sec. 7. Section 44.16, Code 1993, is amended by striking
14 the section and inserting in lieu thereof the following:

15 44.16 RETURN OF PAPERS -- ADDITIONS NOT ALLOWED.

16 After a nomination petition or certificate has been filed,
17 it shall not be returned to the candidate or person who has
18 filed the document, and no signature or other information
19 shall be added to the nomination petition or certificate.

20 Sec. 8. Section 45.1, subsections 1 through 3, Code 1993,
21 are amended by striking the subsections and inserting in lieu
22 thereof the following:

23 1. Nominations for candidates for president and vice
24 president, governor and lieutenant governor, and for other
25 statewide elected offices may be made by nomination petitions
26 signed by not less than one thousand five hundred eligible
27 electors residing in not less than ten counties of the state.

28 2. Nominations for candidates for a representative in the
29 United States house of representatives may be made by
30 nomination petitions signed by not less than the number of
31 eligible electors equal to the number of signatures required
32 in subsection 1 divided by the number of congressional
33 districts.

34 3. Nominations for candidates for the state senate may be
35 made by nomination petitions signed by not less than one

1 hundred eligible electors of the senate district.

2 3A. Nominations for candidates for the state house of
3 representatives may be made by nomination petitions signed by
4 not less than fifty eligible electors of the representative
5 district.

6 3B. Nominations for candidates for offices filled by the
7 voters of a whole county may be made by nomination petitions
8 signed by eligible electors of the county equal in number to
9 at least one percent of the number of registered voters in the
10 county on July 1 in the year preceding the year in which the
11 office will appear on the ballot, or by at least two hundred
12 fifty eligible electors of the county, whichever is less.

13 3C. Nominations for candidates for the office of county
14 supervisor elected by the voters of a supervisor district may
15 be made by nomination petitions signed by eligible electors of
16 the supervisor district equal in number to at least one
17 percent of the number of registered voters in the supervisor
18 district on July 1 in the year preceding the year in which the
19 office will appear on the ballot, or by at least one hundred
20 fifty eligible electors of the supervisor district, whichever
21 is less.

22 3D. Nomination papers for the offices of president and
23 vice president shall include the names of the candidates for
24 both offices on each page of the petition. A certificate
25 listing the names of the candidates for presidential electors,
26 one from each congressional district and two from the state at
27 large, shall be filed in the state commissioner's office at
28 the same time the nomination papers are filed.

29 Nomination papers for the offices of governor and
30 lieutenant governor shall include the names of candidates for
31 both offices on each page of the petition. Nomination papers
32 for other statewide elected offices and all other offices
33 shall include the name of the candidate on each page of the
34 petition.

35 Sec. 9. Section 47.1, unnumbered paragraph 2, Code 1993,

1 is amended to read as follows:

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

11 Sec. 10. Section 47.6, subsection 1, Code 1993, is amended
12 by adding the following new unnumbered paragraph after
13 unnumbered paragraph 2:

14 NEW UNNUMBERED PARAGRAPH. A public measure shall not be
15 withdrawn from the ballot at any election if the public
16 measure was placed on the ballot by a petition, or if the
17 election is a special election called specifically for the
18 purpose of deciding one or more public measures for a single
19 political subdivision. However, a public measure which was
20 submitted to the county commissioner of elections by the
21 governing body of a political subdivision may be withdrawn by
22 the governing body which submitted the public measure if the
23 public measure was to be placed on the ballot of a regularly
24 scheduled election. The notice of withdrawal must be made by
25 resolution of the governing body and must be filed with the
26 commissioner no later than the last day upon which a candidate
27 may withdraw from the ballot.

28 Sec. 11. Section 47.8, subsection 1, Code 1993, is amended
29 to read as follows:

30 1. There is established a state voter registration
31 commission which shall meet at least once-each-month quarterly
32 to make and review policy, promulgate adopt rules and
33 establish procedures to be followed by the registrar in
34 discharging the duties of that office. The commission shall
35 consist of the state commissioner of elections or the state

1 commissioner's designee and the state chairpersons of the two
2 political parties whose candidates for president of the United
3 States or governor, as the case may be, received the greatest
4 and next greatest number of votes in the most recent general
5 election, or their respective designees, who shall serve
6 without additional salary or reimbursement.

7 Sec. 12. Section 48.16, Code 1993, is amended by adding
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Any person designated by
10 statute, or by the commissioner, or by the registrant, to
11 deliver the completed registration to the commissioner or the
12 commissioner's designee, who neglects to return the
13 registration to the commissioner or the commissioner's
14 designee, is subject to a scheduled fine of one hundred
15 dollars. Any person designated by the commissioner, or by the
16 registrant, to deliver the completed registration form, who
17 willfully fails to deliver the registration form to the
18 commissioner or the commissioner's designee, is guilty of a
19 serious misdemeanor.

20 Sec. 13. Section 48.31, subsection 4, Code 1993, is
21 amended to read as follows:

22 4. ~~The clerk-of-district-court~~ state registrar of voters
23 sends notification of an elector's conviction of a felony, as
24 defined in section 701.7. The clerk of district court shall
25 send notice of a felony conviction to the state registrar of
26 voters. The registrar shall determine in which county the
27 felon is registered to vote, if any. The registration shall
28 be cancelled where the felon is registered, even if it is not
29 in the same county where the conviction was obtained.

30 Sec. 14. Section 49.10, subsections 3 and 4, Code 1993,
31 are amended to read as follows:

32 3. In any city in which precinct lines have been changed
33 to comply with section 49.5, the commissioner may fix the
34 polling place for any precinct outside the boundaries of the
35 precinct if there is no building or facility within the

1 precinct suitable and available for use as a polling place.
2 In so doing, the commissioner shall fix the polling place at
3 the point nearest the precinct which is suitable and available
4 for use as a polling place and is reasonably accessible to
5 voters of the precinct.

6 4. No single room or area of any building or facility
7 shall be fixed as the polling place for more than one precinct
8 unless there are separate entrances ~~thereto~~ each clearly
9 marked on the days on which elections are held as the entrance
10 to the polling place of a particular precinct, and suitable
11 arrangements are made within such the room or area to prevent
12 direct access from the polling place of any precinct to the
13 polling place of any other precinct. When the commissioner
14 has fixed such a polling place for any precinct it shall
15 remain the polling place at all subsequent elections, except
16 elections for which the precinct is merged with another
17 precinct as permitted by section 49.11, until the boundaries
18 of the precinct are changed or the commissioner fixes a new
19 polling place, except that the polling place shall be changed
20 to a point within the boundaries of the precinct at any time
21 not less than sixty days before the next succeeding election
22 that a building or facility suitable for such use becomes
23 available within the precinct.

24 4 5. If two or more contiguous townships have been
25 combined into one election precinct by the board of
26 supervisors, the commissioner shall provide a polling place
27 which is convenient to all of the electors in the precinct.

28 Sec. 15. Section 49.107, subsection 1, Code 1993, is
29 amended to read as follows:

30 1. Loitering, congregating, electioneering, posting of
31 signs, treating voters, or soliciting votes, during the
32 receiving of the ballots, either on the premises of any
33 polling place or within three hundred feet of any outside door
34 of any building affording access to any room where the polls
35 are held, or of any outside door of any building affording

1 access to any hallway, corridor, stairway, or other means of
2 reaching the room where the polls are held; ~~except this.~~ This
3 subsection shall not apply to the posting of signs on private
4 property not a polling place, except that the placement of a
5 sign on a motor vehicle, trailer, or semitrailer, or any
6 attachment to a motor vehicle, trailer, or semitrailer parked
7 on public property within three hundred feet of a polling
8 place, which sign is more than ninety square inches in size,
9 is prohibited.

10 Sec. 16. Section 49A.8, Code 1993, is amended by adding
11 the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Upon completion of the canvass,
13 the secretary of state shall certify to the Iowa Code editor
14 the results of the election.

15 Sec. 17. Section 50.9, Code 1993, is amended to read as
16 follows:

17 50.9 RETURN OF BALLOTS NOT VOTED.

18 Ballots not voted, or spoiled by voters while attempting to
19 vote, shall be returned by the precinct election officials to
20 the commissioner, and a receipt taken ~~therefor; and they for~~
21 the ballots. The ballots shall be preserved for twenty-two
22 months following elections for federal offices and for six
23 months following elections for all other offices.

24 Sec. 18. Section 50.16, unnumbered paragraph 1, Code 1993,
25 is amended to read as follows:

26 The tally list shall be prepared in writing by the election
27 board, giving, in legibly printed numerals, the total number
28 of people who cast ballots in the precinct, the whole total
29 number of ballots cast for each officer, except those
30 rejected, the name of each person voted for, and the number of
31 votes given to each person for each different office; ~~which.~~
32 The tally list shall be signed by the precinct election
33 officials, and be substantially as follows:

34 Sec. 19. Section 50.24, Code 1993, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The board shall also prepare a
2 certificate showing the total number of people who cast
3 ballots in the election. For general elections and elections
4 held pursuant to section 69.14, a copy of the certificate
5 shall be forwarded to the state commissioner.

6 Sec. 20. Section 50.33, Code 1993, is amended to read as
7 follows:

8 50.33 FORWARDING OF ENVELOPES.

9 ~~Said~~ The envelopes, including the one addressed to the
10 speaker, after being prepared, sealed, and endorsed as
11 ~~aforesaid~~ required by this chapter, shall be placed in one
12 package and forwarded to the state commissioner.

13 Sec. 21. Section 50.48, subsection 1, Code 1993, is
14 amended by adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Immediately upon receipt of a
16 request for a recount, the commissioner shall send a copy of
17 the request to the apparent winner by certified mail. The
18 commissioner shall also attempt to contact the apparent winner
19 by telephone. If the apparent winner cannot be reached within
20 four days, the chairperson of the political party or
21 organization which nominated the apparent winner shall be
22 contacted and shall act on behalf of the apparent winner, if
23 necessary. For candidates for state or federal offices, the
24 chairperson of the state party shall be contacted. For
25 candidates for county offices, the county chairperson of the
26 party shall be contacted.

27 Sec. 22. Section 50.48, subsection 4, Code 1993, is
28 amended to read as follows:

29 4. When all members of the recount board have been
30 selected, the board shall undertake and complete the required
31 recount as expeditiously as reasonably possible. The
32 commissioner or the commissioner's designee shall supervise
33 the handling of ballots or voting machine documents to ensure
34 that the ballots and other documents are protected from
35 alteration or damage. The board shall open only the sealed

1 ballot containers from the precincts specified in the request
2 to be recounted. The board shall recount only the ballots
3 which were voted and counted for the office in question. If
4 an electronic tabulating system was used to count the ballots,
5 the recount board may request the commissioner to retabulate
6 the ballots using the electronic tabulating system. Any
7 member of the recount board may at any time during the recount
8 proceedings extend the recount of votes cast for the office or
9 nomination in question to any other precinct or precincts in
10 the same county, or from which the returns were reported to
11 the commissioner responsible for conducting the election,
12 without the necessity of posting additional bond.

13 The ballots or voting machine documents shall be resealed
14 by the recount board before adjournment and shall be preserved
15 as required by section 50.12. At the conclusion of the
16 recount, the recount board shall make and file with the
17 commissioner a written report of its findings, which shall be
18 signed by at least two members of the recount board. The
19 recount board shall complete the recount and file its report
20 not later than the eighteenth day following the county board's
21 canvass of the election in question.

22 Sec. 23. Section 52.23, unnumbered paragraph 2, Code 1993,
23 is amended to read as follows:

24 The inspection sheets from each machine used in the
25 election and one copy of the printed results from each machine
26 shall be signed by all precinct election officials and, with
27 any paper or papers upon which write-in votes were recorded by
28 voters, shall be securely sealed in an envelope marked with
29 the name and date of the election, the precinct, and the
30 serial numbers of the machines from which the enclosed results
31 were removed. This envelope shall be preserved, unopened, for
32 twenty-two months following elections for federal offices and
33 for six months following elections for all other offices
34 unless a recount is requested pursuant to section 50.48 or an
35 election contest is pending. The envelope shall be destroyed

1 in the same manner as ballots pursuant to section 50.13.
2 Additional copies of the results, if any, shall be delivered
3 to the commissioner with the other supplies from the election
4 pursuant to section 50.17.

5 Sec. 24. Section 52.32, subsection 2, Code 1993, is
6 amended to read as follows:

7 2. The precinct election officials shall affix a seal upon
8 the ballot container. The precinct election officials shall
9 then each affix their signatures to a statement attesting that
10 the requirements of this section have been met and the time
11 the ballot container is removed from the precinct polling
12 location for delivery to the counting center pursuant to
13 section 52.37. The statement shall be returned to the
14 commissioner at the counting center with the election-register
15 as-required-by-section-50-17 ballot container and shall
16 accompany the ballots through the counting process.

17 Sec. 25. Section 52.36, Code 1993, is amended by adding
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The commissioner shall appoint
20 from the lists provided by the county political party
21 chairpersons a resolution board to tabulate write-in votes and
22 to decide questions regarding damaged, defective, or other
23 ballots which cannot be tabulated by machine. The
24 commissioner shall appoint as many people to the resolution
25 board as the commissioner believes are necessary. The
26 resolution board shall be divided into three-person teams.
27 Each team shall consist of no more than two people who are
28 members of the same political party.

29 Sec. 26. Section 52.37, subsection 2, Code 1993, is
30 amended to read as follows:

31 2. After the record required by subsection 1 has been
32 made, the ballot container shall be opened. If any ballot is
33 found damaged or defective, so that it cannot be counted
34 properly by the automatic tabulating equipment, a true
35 duplicate shall be made in-the-presence-of-witnesses by the

1 resolution board team and substituted for the damaged or
2 defective ballot, or, as an alternative, the valid votes on a
3 defective ballot may be manually counted at the counting
4 center by ~~at-least-two-employees-of-the-commissioner~~ the
5 resolution board, whichever method is best suited to the
6 system being used. All duplicate ballots shall be clearly
7 labeled as such, and shall bear a serial number which shall
8 also be recorded on the damaged or defective ballot.

9 The resolution board shall also tabulate any write-in votes
10 which were cast. Write-in votes cast for a candidate whose
11 name appears on the ballot for the same office shall be
12 counted as a vote for the candidate indicated, if the vote is
13 otherwise properly cast. Ballots which are rejected by the
14 tabulating equipment as blank because they have been marked
15 with an unreadable marker shall be duplicated or tabulated as
16 required by this subsection for damaged or defective ballots.

17 Sec. 27. Section 53.1, Code 1993, is amended by adding the
18 following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person who has been designated
20 to have power of attorney by a qualified elector does not have
21 authority to request or to cast an absentee ballot on behalf
22 of the qualified elector.

23 Sec. 28. Section 53.11, Code 1993, is amended to read as
24 follows:

25 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

26 The commissioner shall deliver an absentee ballot to any
27 qualified elector applying in person at the commissioner's
28 office, ~~or at any location designated by the commissioner,~~ not
29 more than forty days before the date of the general election
30 or the primary election, and for all other elections, as soon
31 as the ballot is available, or, if delivered at a location
32 designated by the commissioner, not more than twenty-four days
33 before an election. The qualified elector shall immediately
34 mark the ballot, enclose and seal it in a ballot envelope,
35 subscribe to the affidavit on the reverse side of the

1 envelope, and return the absentee ballot to the commissioner.
2 The commissioner shall record the numbers appearing on the
3 application and ballot envelope along with the name of the
4 qualified elector.

5 Sec. 29. Section 53.11, Code 1993, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Satellite absentee voting
8 stations shall be established throughout the cities and county
9 at the direction of the commissioner or upon receipt of a
10 petition signed by not less than one hundred eligible electors
11 requesting that a satellite absentee voting station be
12 established at a location to be described on the petition. A
13 petition requesting a satellite absentee voting station must
14 be filed no later than five p.m. on the eleventh day before
15 the election. A satellite absentee voting station established
16 by petition must be open at least one day from eight a.m.
17 until 5 p.m. A satellite absentee voting station established
18 at the direction of the commissioner or by petition may remain
19 open until five p.m. on the day before the election.

20 Sec. 30. Section 53.21, Code 1993, is amended by adding
21 the following new unnumbered paragraphs:

22 NEW UNNUMBERED PARAGRAPH. A voter who spoils an absentee
23 ballot may return it to the commissioner. The outside of the
24 return envelope shall be marked "SPOILED BALLOT". The
25 commissioner shall replace the ballot in the manner provided
26 in this section for lost ballots.

27 NEW UNNUMBERED PARAGRAPH. An absentee ballot returned to
28 the commissioner without a designation that the ballot was
29 spoiled shall not be replaced.

30 Sec. 31. Section 53.22, subsection 1, paragraph a, Code
31 1993, is amended by adding the following new unnumbered
32 paragraphs:

33 NEW UNNUMBERED PARAGRAPH. If materials are prepared for
34 the two special precinct election officials, a list shall be
35 made of all electors to whom ballots are to be delivered. The

1 list shall be sent with the officials who deliver the ballots
2 and shall include spaces to indicate whether the person was
3 present at the hospital or health care facility when the
4 officials arrived, whether the person requested assistance
5 from the officials, whether the person was assisted by another
6 person of the elector's choice, the time that the ballot was
7 returned to the officials, and any other notes the officials
8 deem necessary.

9 NEW UNNUMBERED PARAGRAPH. The officials shall also be
10 issued a supply of extra ballots to replace spoiled ballots.
11 Receipts shall be issued in substantially the same form as
12 receipts issued to precinct election officials pursuant to
13 section 49.65. All ballots shall be accounted for and shall
14 be returned to the commissioner. Separate envelopes shall be
15 provided for the return of spoiled ballots and unused ballots.

16 Sec. 32. Section 53.31, Code 1993, is amended by striking
17 the section and inserting in lieu thereof the following:

18 53.31 CHALLENGES.

19 Any person qualified to vote at the election in progress
20 may challenge the qualifications of a person casting an
21 absentee ballot by submitting a written challenge to the
22 commissioner no later than five p.m. on the day before the
23 election. It is the duty of the special precinct officials to
24 challenge the absentee ballot of any person whom the official
25 knows or suspects is not duly qualified. Challenges by
26 members of the special precinct election board or observers
27 present pursuant to section 53.23 may be made at any time
28 before the close of the polls on election day. The challenge
29 shall state the reasons for which the challenge is being
30 submitted and shall be signed by the challenger. When a
31 challenge is received the absentee ballot shall be set aside
32 for consideration by the special precinct election board when
33 it meets as required by section 50.22.

34 The commissioner shall immediately send a written notice to
35 the elector whose qualifications have been challenged. The

1 notice shall be sent to the address at which the challenged
2 elector is registered to vote. If the ballot was mailed to
3 the challenged elector, the notice shall also be sent to the
4 address to which the ballot was mailed if it is different from
5 the elector's registration address. The notice shall advise
6 the elector of the reason for the challenge, the date and time
7 that the special precinct election board will reconvene to
8 determine challenges, and that the elector has the right to
9 submit written evidence of the elector's qualifications. The
10 notice shall include the telephone number of the
11 commissioner's office. If the commissioner has access to a
12 facsimile machine, the notice shall include the telephone
13 number of the facsimile machine. As far as possible, other
14 procedures for considering special ballots shall be followed.

15 Sec. 33. NEW SECTION. 53.35A FAILURE TO RETURN BALLOT --
16 PENALTY.

17 Any person designated by the commissioner, or by the
18 elector casting the absentee ballot, to deliver the sealed
19 envelope containing the absentee ballot, who neglects to
20 return the ballot to the commissioner or the commissioner's
21 designee is subject to a scheduled fine of one hundred
22 dollars. Any person designated by the commissioner, or by the
23 elector casting the absentee ballot, to deliver the sealed
24 envelope containing the absentee ballot, who willfully fails
25 to return the ballot to the commissioner or the commissioner's
26 designee is guilty of a serious misdemeanor.

27 Sec. 34. Section 59.1, Code 1993, is amended by adding the
28 following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. A copy of the statement of
30 notice of contest shall be filed with the secretary of state
31 within five days of service of the notice upon the incumbent.
32 The secretary of state shall notify the presiding officer of
33 the house in which the contest will be tried.

34 Sec. 35. NEW SECTION. 59.7 NOTICE OF RESULT.

35 The presiding officer of the house in which the contest was

1 tried shall certify to the secretary of state the results of
2 the contest.

3 Sec. 36. Section 62.23, Code 1993, is amended to read as
4 follows:

5 62.23 COMPENSATION.

6 The judges shall be entitled to receive four one hundred
7 dollars a day for the time occupied by the trial.

8 Sec. 37. Section 62.24, Code 1993, is amended by striking
9 the section and inserting in lieu thereof the following:

10 62.24 COSTS.

11 The contestant and the incumbent are responsible for the
12 expenses of the witnesses called by them, respectively. If
13 the results of the election are upheld by the contest, if the
14 statement is dismissed, or if the prosecution fails, the costs
15 of the contest shall be paid by the contestant. If the court
16 or tribunal trying the contest determines that the contestant
17 won the election, or if the election is set aside, the costs
18 of the contest shall be paid by the county.

19 Sec. 38. Section 69.2, Code 1993, is amended by adding the
20 following new subsections:

21 NEW SUBSECTION. 8. The incumbent simultaneously holding
22 more than one elective office at the same level of government.
23 This subsection does not apply to the following offices:
24 county agricultural extension council, soil and water
25 conservation district commission, or regional library board of
26 trustees.

27 NEW SUBSECTION. 9. An incumbent statewide elected
28 official or member of the general assembly simultaneously
29 holding more than one elective office.

30 Sec. 39. Section 99F.7, subsection 10, paragraph a, Code
31 1993, is amended to read as follows:

32 a. A license to conduct gambling games on an excursion
33 gambling boat in a county shall be issued only if the county
34 electorate approves the conduct of the gambling games as
35 provided in this subsection. The board of supervisors, upon

1 receipt of a valid petition meeting the requirements of
2 section 331.306, shall direct the commissioner of elections to
3 submit to the qualified ~~voters~~ electors of the county a
4 proposition to approve or disapprove the conduct of gambling
5 games on an excursion gambling boat in the county. The
6 proposition shall be submitted at a general election or at a
7 special election called for that purpose. To be submitted at
8 a general election, the petition must be received by the board
9 of supervisors at least ~~sixty~~ sixty five working days before the
10 last day for candidates for county offices to file nomination
11 papers for the general election pursuant to section 44.4. If
12 a majority of the county voters voting on the proposition
13 favor the conduct of gambling games, the commission may issue
14 one or more licenses as provided in this chapter. If a
15 majority of the county voters voting on the proposition do not
16 favor the conduct of gambling games, a license to conduct
17 gambling games in the county shall not be issued. After a
18 referendum has been held, another referendum requested by
19 petition shall not be held for at least two years.

20 Sec. 40. Section 275.25, subsection 1, Code 1993, is
21 amended to read as follows:

22 1. If the proposition to establish a new school district
23 carries under the method provided in this chapter, the area
24 education agency administrator with whom the petition was
25 filed shall give written notice of a proposed date for a
26 special election for directors of the newly formed school
27 district to the commissioner of elections of the county in the
28 district involved in the reorganization which has the greatest
29 taxable base. The proposed date shall be as soon as possible
30 pursuant to sections 39.2, subsections 1 and 2, and 47.6,
31 subsections 1 and 2, but not later than the third Tuesday in
32 January of the calendar year in which the reorganization takes
33 effect. The election shall be conducted as provided in
34 section 277.3, and nomination petitions shall be filed
35 pursuant to section 277.4, except as otherwise provided in

1 this subsection. Nomination petitions shall be filed with the
2 secretary of the board of the existing school district in
3 which the candidate resides, signed by not less than ten
4 eligible electors of the newly formed district, and filed not
5 less than thirty twenty-eight days prior-to before the date
6 set for the special school election. The school secretary, or
7 the secretary's designee, shall be present in the secretary's
8 office until 5 p.m. on the final day to file the nomination
9 papers. The nomination papers shall be delivered to the
10 commissioner no later than 5 p.m. on the twenty-seventh day
11 before the election.

12 If the special election is held in conjunction with the
13 regular school election, the filing deadlines for the regular
14 school election apply.

15 Sec. 41. Section 275.36, Code 1993, is amended to read as
16 follows:

17 275.36 SUBMISSION OF CHANGE TO ELECTORS.

18 If a petition for a change in the number of directors or in
19 the method of election of school directors, describing the
20 boundaries of the proposed director districts, if any, signed
21 by eligible electors of the school district equal in number to
22 at least thirty percent of those who voted in the last
23 previous annual school election in the school district, but
24 not less than twenty-five one hundred persons, and accompanied
25 by affidavit as required by section 275.13 be filed with the
26 school board of a school district, not earlier than six months
27 and not later than two-months sixty-seven days before a
28 regular or special school election, the school board shall
29 submit such proposition to the voters at such the election.
30 If a proposition for a change in the number of directors or in
31 the method of election of school directors submitted to the
32 voters under this section is rejected, it shall not be
33 resubmitted to the voters of the district in substantially the
34 same form within the next three years; if it is approved, no
35 other proposal may be submitted to the voters of the district

1 under this section within the next six years.

2 Sec. 42. Section 277.4, unnumbered paragraph 2, Code 1993,
3 is amended to read as follows:

4 Each candidate shall be nominated by a petition. If the
5 candidate is running for an at large seat in the district, the
6 petition must be signed by not less than ten-eligible one
7 percent of the qualified electors of the district or one
8 hundred eligible electors of the district, whichever is less.
9 If the candidate is running for a seat in a director district,
10 the petition must be signed by not less than one percent of
11 the eligible electors in the director district or one hundred
12 eligible electors in the district, whichever is less. Signers
13 of nomination petitions shall include their addresses and the
14 date of signing, and must reside in the same director district
15 as the candidate if directors are elected by the voters of a
16 director district, rather than at large. A person may sign
17 nomination petitions for more than one candidate for the same
18 office, and the signature is not invalid solely because the
19 person signed nomination petitions for one or more other
20 candidates for the office. The petition shall be filed with
21 the affidavit of the candidate being nominated, stating the
22 candidate's name, place of residence, that such person is a
23 candidate and is eligible for the office the candidate seeks,
24 and that if elected the candidate will qualify for the office.

25 Sec. 43. Section 331.206, subsection 2, Code 1993, is
26 amended by adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. A plan selected by the board
28 shall become effective on the first day in January which is
29 not a Sunday or holiday following the next general election,
30 at which time the terms of the members expire and the terms of
31 the members elected under the requirements of the new
32 supervisor representation plan at the general election as
33 specified in section 331.208, 331.209, or 331.210 shall
34 commence.

35 Sec. 44. Section 331.323, subsection 1, unnumbered

1 paragraph 2, Code 1993, is amended to read as follows:

2 If a petition of electors equal in number to twenty-five
3 percent of the votes cast for the county office receiving the
4 greatest number of votes at the preceding general election is
5 filed with the auditor no later than five working days before
6 the filing deadline for candidates for county offices as
7 specified in section 44.4 for the next general election, the
8 board shall direct the commissioner of elections to call an
9 election for the purpose of voting on the proposal. If the
10 petition contains more than one proposal for combining duties,
11 each proposal shall be listed on the ballot as a separate
12 issue. If the majority of the votes cast is in favor of a
13 proposal, the board shall take all steps necessary to combine
14 the duties as specified in the petition.

15 Sec. 45. Section 362.3, subsection 2, Code 1993, is
16 amended to read as follows:

17 2. A publication required by the city code must be in a
18 newspaper published at least once weekly and having general
19 circulation in the city. However, if the city has a
20 population of two hundred or less, or in the case of notices
21 of elections, ordinances, and amendments to be published in a
22 city in which no newspaper is published, a publication may be
23 made by posting in three public places in the city which have
24 been permanently designated by ordinance.

25 Sec. 46. Section 364.2, subsection 4, paragraph b, Code
26 1993, is amended to read as follows:

27 b. No such ordinance shall become effective unless
28 approved at an election. The proposal may be submitted by the
29 council on its own motion to the voters at any city election.
30 Upon receipt of a valid petition as defined in section 362.4
31 requesting that a proposal be submitted to the voters, the
32 council shall submit the proposal at the next regular city
33 election or at a special election called for that purpose
34 ~~prior-to~~ before the next regular city election. If a majority
35 of those voting approves the proposal the city may proceed as

1 proposed. The complete text of the ordinance shall be
2 included on the ballot, if paper ballots are used. If an
3 electronic voting system or voting machine is used, the
4 ordinance shall be summarized on the ballot and the full text
5 of the ordinance posted for the voters. All absentee voters
6 shall receive the full text of the ordinance.

7 Sec. 47. Section 422B.1, subsection 6, Code 1993, is
8 amended by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Costs of local option tax
10 elections shall be apportioned among jurisdictions within the
11 county voting on the question at the same election on a pro
12 rata basis in proportion to the number of qualified electors
13 in each taxing jurisdiction and the total number of qualified
14 electors in all of the taxing jurisdictions.

15 Sec. 48. INAPPLICABILITY OF OTHER LEGISLATION. The
16 provisions of House File 234, if enacted by the Seventy-fifth
17 Session of the General Assembly, shall not apply to this Act.

18 Sec. 49. EFFECTIVE DATE. Section 41 of this Act is
19 effective January 1, 1994.

20 EXPLANATION

21 Code section 9.4 is amended to raise the maximum photocopy
22 fee from 10 cents to 25 cents per page if the requestor makes
23 the copies, and to 50 cents per page if office staff makes the
24 copies.

25 Code section 39.2 is amended to require uniform filing
26 deadlines for elections held in conjunction with regularly
27 scheduled elections and to forbid holding a special city
28 election to fill a vacancy in conjunction with a general
29 election if the city election procedures require a primary
30 election.

31 Code section 39.3 is amended to add a new subsection
32 defining public measure as any question authorized or required
33 by law to be submitted to the voters at an election.

34 Code sections 39.11 and 39.12 are enacted to prohibit
35 statewide elected officials from holding more than one

1 elective office at a time and prohibits all other elected
2 officials from holding more than one elective office at the
3 same level of government at a time with the exception of the
4 following offices: county agricultural extension council,
5 soil and water conservation district commission, and regional
6 library board of trustees. The person must resign all but one
7 of the offices and failure to do so will result in a vacancy
8 in all the elective offices to which the person was elected.

9 Code section 43.59 is enacted to require that the county
10 auditor certify to the secretary of state the total number of
11 people who voted in the primary election in each political
12 party.

13 Code section 44.16 is stricken and new language enacted
14 which prohibits adding signatures or other information to a
15 nomination petition or certificate nominating a candidate for
16 a nonparty political organization after it has been filed.

17 Code section 45.1 is amended to revise the signature
18 requirements for candidates nominated for federal, state, and
19 local offices. The number of signatures for statewide elected
20 office is increased from 1,000 to 1,500 eligible electors
21 residing in not less than 10 counties. The number of
22 signatures required for nominations for candidates for a
23 United States house of representatives seat or a seat in the
24 general assembly is changed from percentages of votes cast to
25 the number of signatures required for president and vice-
26 president, governor and lieutenant governor, and for other
27 statewide elected offices divided by the number of districts
28 for the office in question. The required number of signatures
29 for nominations to county offices is changed from a percentage
30 of the number of voters in a prior election to a number equal
31 to one percent of the number of registered voters in the
32 county on July 1 of the year preceding the year in which the
33 office will appear on the ballot or 250 eligible electors,
34 whichever is less. For supervisor districts a minimum of 150
35 signatures are required. Nomination petitions must contain

1 the name of each candidate to whom the petition applies.

2 Code section 47.1 is amended to allow the secretary of
3 state to exercise emergency powers over an election in which a
4 natural or other disaster has occurred. Current Code language
5 only contemplates natural disasters.

6 Code section 47.6 is amended to provide that a public
7 measure placed by petition on the ballot of a regularly
8 scheduled election cannot be withdrawn. The amendment does
9 allow a public measure submitted by the governing body of a
10 political subdivision for inclusion on the ballot of a
11 regularly scheduled election to be withdrawn by the governing
12 body. If the election is held specifically for the purpose of
13 submitting a public measure for a single political
14 subdivision, the public measure cannot be withdrawn.

15 Code section 47.8 is amended to require that the state
16 voter registration commission meet quarterly rather than
17 monthly as is currently required.

18 Code section 48.16 is amended by adding a fine for failure
19 to deliver registrations and providing for a serious
20 misdemeanor charge for willful failure to deliver
21 registrations.

22 Code section 48.31 is amended to provide a method by which
23 the registration of a registered voter will be removed if the
24 registered voter has been convicted of a felony in a county
25 other than the county where the elector is registered to vote.
26 Currently, the procedure only provides for notification of the
27 auditor of the county in which the felony conviction is
28 obtained.

29 Code section 49.10 is amended to allow the use of one
30 building for more than one precinct to apply to all polling
31 places rather than only city polling places.

32 Code section 49.107 is amended to allow vehicles with
33 political signs no larger than 90 square inches to park on
34 public property within 300 feet of a polling place.

35 Code section 49A.8 is amended to require the secretary of

1 state to certify to the Iowa Code editor the results of a vote
2 on a constitutional amendment or other public measure.

3 Code section 50.9 is amended to require that unvoted or
4 spoiled ballots for federal elections be preserved for 22
5 months. Currently, federal law requires ballots cast in
6 federal elections to be preserved for 22 months.

7 Code sections 50.16 and 50.24 are amended to require
8 counties to report to the secretary of state the number of
9 people who voted in each precinct and the total number who
10 voted in the general election and in special elections to fill
11 vacancies.

12 Code section 50.33 is amended to remove archaic language.

13 Code section 50.48 is amended to specify the method for
14 notifying the apparent winner in the event of an election
15 recount. If the apparent winner cannot be notified, the
16 political party chairperson shall act on behalf of the
17 apparent winner, if necessary. Code section 50.48 is also
18 amended to provide more direction for the conduct of election
19 recounts.

20 Code section 52.23 is amended to require that voting
21 machine documents from federal elections be preserved for 22
22 months as are ballots and other election documents from
23 federal elections.

24 Code section 52.32 is amended to require that the statement
25 of precinct officials regarding ballot security requirements
26 accompany the ballots through the counting center.

27 Code sections 52.36 and 52.37 are amended to replace the
28 two-person team of auditor's office employees designated to
29 count write-in votes and resolve questions about unreadable
30 ballots with a three-person, bipartisan resolution team which
31 is consistent with other ballot tabulation procedures.

32 Section 52.37 is also amended to provide that ballots which
33 are rejected by tabulating equipment because they have been
34 marked with an unreadable marker shall be duplicated or
35 tabulated in the same manner as write-in votes.

1 Code section 53.1 is amended to prohibit a person who has
2 power of attorney over a qualified elector from requesting or
3 casting an absentee ballot on behalf of the qualified elector.

4 Code section 53.11 is amended by adding a paragraph which
5 provides for establishment of satellite absentee voting
6 stations at either the direction of the commissioner or upon
7 petition of not less than 100 eligible electors filed no later
8 than 5 p.m. on the 11th day before the election. A station
9 established by petition must be open for at least one day
10 between 8 a.m. and 5 p.m. A satellite absentee voting station
11 may remain open until 5 p.m. on the day before the election.

12 Section 53.11 is also amended to provide that absentee
13 ballots delivered to a location designated by the
14 commissioner, which is other than the commissioner's office,
15 may be delivered no more than 24 days before an election.

16 Code section 53.21 is amended to establish a procedure for
17 a voter to return a spoiled absentee ballot and request a
18 replacement.

19 Code section 53.22 is amended to establish recordkeeping
20 and delivery procedures for special precinct absentee ballot
21 teams delivering ballots to hospitals and health care
22 facilities.

23 Code section 53.31 is stricken and new language enacted in
24 lieu thereof which establishes procedures for challenging
25 absentee ballots.

26 New section 53.35A is added to set a fine of \$100 for
27 someone designated to deliver absentee ballots who fails to
28 deliver the absentee ballots. If the designee willfully fails
29 to return the absentee ballots that individual is guilty of a
30 serious misdemeanor.

31 Code section 59.1 is amended to require that the statement
32 of notice of an election contest be filed with the secretary
33 of state who shall notify the presiding officer of the house
34 in which the contest is to be tried.

35 Code section 59.7 is amended to require the appropriate

1 presiding officer to certify the results of the election
2 contest to the secretary of state.

3 Code section 62.23 is amended to raise the trial fee per
4 day paid to contest court judges from \$4 to \$100.

5 Code section 62.24 is stricken and new language inserted in
6 lieu thereof which requires the cost of an election contest to
7 be paid by the county if the contest court finds in favor of
8 the contestant. Currently, the cost is to be paid by the
9 apparent winner of the election if the court finds in favor of
10 the contestant.

11 Code section 69.2, relating to what constitutes a vacancy
12 in office, is amended to include an incumbent who is holding
13 more than one elective office at the same level of government
14 and an incumbent statewide elected official or member of the
15 general assembly simultaneously holding more than one elective
16 office.

17 Code section 99F.7 is amended to change the filing deadline
18 by which a petition calling for an election on the question of
19 authorizing excursion boat gambling in a county to correspond
20 with other filing deadlines for the general election.

21 Code section 275.25 is amended to change the candidate
22 filing deadline for special elections in newly formed school
23 districts from 30 days before the election to 28 days before
24 the election and requires the school secretary's office to be
25 open on the final filing date. It also specifies that if the
26 special election is held in conjunction with the regular
27 school election, the filing deadlines for the regular election
28 apply.

29 Code section 275.36, providing for the procedure for
30 placing the question of changing the number of school district
31 directors or the method by which the directors are elected, is
32 amended to conform the petition signature and filing
33 requirements with other propositions which may be placed on
34 the ballot of a regular school election.

35 Code section 277.4 is amended to specify the signature

1 requirements for nomination papers for school director
2 districts, which is made effective January 1, 1994.

3 Code section 331.206 is amended to require that the
4 effective date of a supervisor election plan selected by the
5 board of supervisors be the first day of January following the
6 general election which is not a Sunday or holiday.

7 Code section 331.323 is amended to establish a filing
8 deadline for petitions calling for the combining of the duties
9 of certain county officers and employees.

10 Code section 362.3 is amended to allow cities with
11 populations of 200 or less or cities in which no newspaper is
12 published to post notices of election rather than publish them
13 in a newspaper.

14 Code section 364.2 is amended to specify the requirement
15 that franchise ordinances must appear on the ballot at an
16 election in which the question to grant, amend, extend, or
17 renew the franchise is on the ballot.

18 Code section 422B.1 is amended to require that the costs of
19 conducting an election, on the question of the imposition of
20 one or more local option taxes be apportioned among the
21 potential taxing jurisdictions within the county in which the
22 question is being submitted on a pro rata basis in proportion
23 to the number of qualified electors in each taxing
24 jurisdiction and the total number of qualified electors in the
25 district, whichever is less.

26 Section 48 of this bill provides that if House File 234 is
27 enacted, it shall not apply to this bill.

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HOUSE FILE 652

H-3509

1 Amend House File 652 as follows:

2 1. Page 5, by inserting after line 29, the
3 following:

4 "Sec. ____ . Section 49.5, subsection 3, Code 1993,
5 is amended to read as follows:

6 3. Cities using any form of city government
7 authorized by law in which some or all members of the
8 city council are elected from wards shall be
9 apportioned into wards on the basis of population.
10 The ward boundaries shall follow the boundaries of
11 election precincts. However, a special charter city
12 with a population of three thousand five hundred or
13 less which is divided into council wards may, for any
14 election, direct the county commissioner of elections
15 to consolidate two or more precincts."

16 2. Page 6, by inserting after line 27, the
17 following:

18 "Sec. ____ . Section 49.11, subsection 3, Code 1993,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. c. The city council of a special
21 charter city with a population of three thousand five
22 hundred or less which is divided into council wards,
23 requests the commissioner to consolidate two or more
24 precincts for any election."

25 3. By renumbering as necessary.

By BRAUNS of Muscatine

H-3509 FILED MARCH 26, 1993

(P. 1034) *Adopted*
4-2-93

HOUSE FILE 652

H-3655

1 Amend House File 652 as follows:

2 1. Page 5, line 14, by striking the words "one
3 hundred" and inserting the following: "ten".

By HALVORSON of Webster

H-3655 FILED APRIL 1, 1993

(P. 1034) *Adopted*
4-2-93

4-6-93 Senate - State Gov
4-8-93 Senate - Des Press
4/23/93 Motion to R/S by Director
5/19/93 Motion - 9th week

HOUSE FILE 652
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 174)

(As Amended and Passed by the House April 2, 1993)

Passed House, Date _____ Passed Senate, Date 4/23/93
Vote: Ayes _____ Nays _____ Vote: Ayes 42 Nays 7

Approved May 19, 1993 5/19/93 Repassed 49/0
(P. 1325) (P. 1520)

A BILL FOR

1 An Act relating to the office of secretary of state, the conduct
2 of elections and voter registration in the state, and relating
3 to corrective and technical changes to Iowa's election laws,
4 providing an effective date, and providing penalties.

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

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House Amendments _____

1 Section 1. Section 9.4, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. For a copy of any law or record, upon the request of
4 any ~~private person or corporation~~, a fee to be determined by
5 the secretary of state not to exceed ~~ten~~ twenty-five cents per
6 page if the copies are made by the requestor. The fee for
7 copies made by a state employee shall not exceed fifty cents
8 per page. The secretary of state, or the secretary's
9 designee, may require that the requestor photocopy the
10 materials requested.

11 Sec. 2. Section 39.2, subsection 3, Code 1993, is amended
12 by adding the following new unnumbered paragraph after
13 unnumbered paragraph 1:

14 NEW UNNUMBERED PARAGRAPH. If a special election to fill a
15 vacancy is held in conjunction with a regularly scheduled
16 election, the filing deadlines for the special election shall
17 coincide with the filing deadlines for the regularly scheduled
18 election. An election to fill a vacancy in a city office
19 cannot be held in conjunction with a general election if the
20 city election procedures provide for a primary election.

21 Sec. 3. Section 39.3, Code 1993, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 8A. "Public measure" means any question
24 authorized or required by law to be submitted to the voters at
25 an election.

26 Sec. 4. NEW SECTION. 39.11 MORE THAN ONE OFFICE
27 PROHIBITED.

28 Statewide elected officials and members of the general
29 assembly shall not hold more than one elective office at a
30 time. All other elected officials shall not hold more than
31 one elective office at the same level of government at a time.
32 This section does not apply to the following offices: county
33 agricultural extension council, soil and water conservation
34 district commission, or regional library board of trustees.

35 Sec. 5. NEW SECTION. 39.12 FAILURE TO VACATE.

1 An elected official who has been elected to another
2 elective office to which section 39.11 applies shall choose
3 only one office in which to serve. The official shall resign
4 from all but one of the offices to which section 39.11 applies
5 before the beginning of the term of the office to which the
6 person was most recently elected. Failure to submit the
7 required resignation will result in a vacancy in all elective
8 offices to which the person was elected.

9 Sec. 6. NEW SECTION. 43.59 NUMBER OF VOTERS CERTIFIED.

10 The commissioner shall certify to the state commissioner
11 the total number of people who voted in the primary election
12 in each political party.

13 Sec. 7. Section 44.16, Code 1993, is amended by striking
14 the section and inserting in lieu thereof the following:

15 44.16 RETURN OF PAPERS -- ADDITIONS NOT ALLOWED.

16 After a nomination petition or certificate has been filed,
17 it shall not be returned to the candidate or person who has
18 filed the document, and no signature or other information
19 shall be added to the nomination petition or certificate.

20 Sec. 8. Section 45.1, subsections 1 through 3, Code 1993,
21 are amended by striking the subsections and inserting in lieu
22 thereof the following:

23 1. Nominations for candidates for president and vice
24 president, governor and lieutenant governor, and for other
25 statewide elected offices may be made by nomination petitions
26 signed by not less than one thousand five hundred eligible
27 electors residing in not less than ten counties of the state.

28 2. Nominations for candidates for a representative in the
29 United States house of representatives may be made by
30 nomination petitions signed by not less than the number of
31 eligible electors equal to the number of signatures required
32 in subsection 1 divided by the number of congressional
33 districts.

34 3. Nominations for candidates for the state senate may be
35 made by nomination petitions signed by not less than one

1 hundred eligible electors of the senate district.

2 3A. Nominations for candidates for the state house of
3 representatives may be made by nomination petitions signed by
4 not less than fifty eligible electors of the representative
5 district.

6 3B. Nominations for candidates for offices filled by the
7 voters of a whole county may be made by nomination petitions
8 signed by eligible electors of the county equal in number to
9 at least one percent of the number of registered voters in the
10 county on July 1 in the year preceding the year in which the
11 office will appear on the ballot, or by at least two hundred
12 fifty eligible electors of the county, whichever is less.

13 3C. Nominations for candidates for the office of county
14 supervisor elected by the voters of a supervisor district may
15 be made by nomination petitions signed by eligible electors of
16 the supervisor district equal in number to at least one
17 percent of the number of registered voters in the supervisor
18 district on July 1 in the year preceding the year in which the
19 office will appear on the ballot, or by at least one hundred
20 fifty eligible electors of the supervisor district, whichever
21 is less.

22 3D. Nomination papers for the offices of president and
23 vice president shall include the names of the candidates for
24 both offices on each page of the petition. A certificate
25 listing the names of the candidates for presidential electors,
26 one from each congressional district and two from the state at
27 large, shall be filed in the state commissioner's office at
28 the same time the nomination papers are filed.

29 Nomination papers for the offices of governor and
30 lieutenant governor shall include the names of candidates for
31 both offices on each page of the petition. Nomination papers
32 for other statewide elected offices and all other offices
33 shall include the name of the candidate on each page of the
34 petition.

35 Sec. 9. Section 47.1, unnumbered paragraph 2, Code 1993,

1 is amended to read as follows:

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

11 Sec. 10. Section 47.6, subsection 1, Code 1993, is amended
12 by adding the following new unnumbered paragraph after
13 unnumbered paragraph 2:

14 NEW UNNUMBERED PARAGRAPH. A public measure shall not be
15 withdrawn from the ballot at any election if the public
16 measure was placed on the ballot by a petition, or if the
17 election is a special election called specifically for the
18 purpose of deciding one or more public measures for a single
19 political subdivision. However, a public measure which was
20 submitted to the county commissioner of elections by the
21 governing body of a political subdivision may be withdrawn by
22 the governing body which submitted the public measure if the
23 public measure was to be placed on the ballot of a regularly
24 scheduled election. The notice of withdrawal must be made by
25 resolution of the governing body and must be filed with the
26 commissioner no later than the last day upon which a candidate
27 may withdraw from the ballot.

28 Sec. 11. Section 47.8, subsection 1, Code 1993, is amended
29 to read as follows:

30 1. There is established a state voter registration
31 commission which shall meet at least ~~once-each-month~~ quarterly
32 to make and review policy, ~~promulgate~~ adopt rules and
33 establish procedures to be followed by the registrar in
34 discharging the duties of that office. The commission shall
35 consist of the state commissioner of elections or the state

1 commissioner's designee and the state chairpersons of the two
2 political parties whose candidates for president of the United
3 States or governor, as the case may be, received the greatest
4 and next greatest number of votes in the most recent general
5 election, or their respective designees, who shall serve
6 without additional salary or reimbursement.

7 Sec. 12. Section 48.16, Code 1993, is amended by adding
8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Any person designated by
10 statute, or by the commissioner, or by the registrant, to
11 deliver the completed registration to the commissioner or the
12 commissioner's designee, who neglects to return the
13 registration to the commissioner or the commissioner's
14 designee, is subject to a scheduled fine of ten dollars. Any
15 person designated by the commissioner, or by the registrant,
16 to deliver the completed registration form, who willfully
17 fails to deliver the registration form to the commissioner or
18 the commissioner's designee, is guilty of a serious
19 misdemeanor.

20 Sec. 13. Section 48.31, subsection 4, Code 1993, is
21 amended to read as follows:

22 4. The clerk-of-district-court state registrar of voters
23 sends notification of an elector's conviction of a felony, as
24 defined in section 701.7. The clerk of district court shall
25 send notice of a felony conviction to the state registrar of
26 voters. The registrar shall determine in which county the
27 felon is registered to vote, if any. The registration shall
28 be cancelled where the felon is registered, even if it is not
29 in the same county where the conviction was obtained.

30 Sec. 14. Section 49.5, subsection 3, Code 1993, is amended
31 to read as follows:

32 3. Cities using any form of city government authorized by
33 law in which some or all members of the city council are
34 elected from wards shall be apportioned into wards on the
35 basis of population. The ward boundaries shall follow the

1 boundaries of election precincts. However, a special charter
2 city with a population of three thousand five hundred or less
3 which is divided into council wards may, for any election,
4 direct the county commissioner of elections to consolidate two
5 or more precincts.

6 Sec. 15. Section 49.10, subsections 3 and 4, Code 1993,
7 are amended to read as follows:

8 3. In any city in which precinct lines have been changed
9 to comply with section 49.5, the commissioner may fix the
10 polling place for any precinct outside the boundaries of the
11 precinct if there is no building or facility within the
12 precinct suitable and available for use as a polling place.
13 In so doing, the commissioner shall fix the polling place at
14 the point nearest the precinct which is suitable and available
15 for use as a polling place and is reasonably accessible to
16 voters of the precinct.

17 4. No single room or area of any building or facility
18 shall be fixed as the polling place for more than one precinct
19 unless there are separate entrances thereto each clearly
20 marked on the days on which elections are held as the entrance
21 to the polling place of a particular precinct, and suitable
22 arrangements are made within such the room or area to prevent
23 direct access from the polling place of any precinct to the
24 polling place of any other precinct. When the commissioner
25 has fixed such a polling place for any precinct it shall
26 remain the polling place at all subsequent elections, except
27 elections for which the precinct is merged with another
28 precinct as permitted by section 49.11, until the boundaries
29 of the precinct are changed or the commissioner fixes a new
30 polling place, except that the polling place shall be changed
31 to a point within the boundaries of the precinct at any time
32 not less than sixty days before the next succeeding election
33 that a building or facility suitable for such use becomes
34 available within the precinct.

35 * 5. If two or more contiguous townships have been

1 combined into one election precinct by the board of
2 supervisors, the commissioner shall provide a polling place
3 which is convenient to all of the electors in the precinct.

4 Sec. 16. Section 49.11, subsection 3, Code 1993, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. c. The city council of a special charter
7 city with a population of three thousand five hundred or less
8 which is divided into council wards, requests the commissioner
9 to consolidate two or more precincts for any election.

10 Sec. 17. Section 49.107, subsection 1, Code 1993, is
11 amended to read as follows:

12 1. Loitering, congregating, electioneering, posting of
13 signs, treating voters, or soliciting votes, during the
14 receiving of the ballots, either on the premises of any
15 polling place or within three hundred feet of any outside door
16 of any building affording access to any room where the polls
17 are held, or of any outside door of any building affording
18 access to any hallway, corridor, stairway, or other means of
19 reaching the room where the polls are held, ~~except this.~~ This
20 subsection shall not apply to the posting of signs on private
21 property not a polling place, except that the placement of a
22 sign on a motor vehicle, trailer, or semitrailer, or any
23 attachment to a motor vehicle, trailer, or semitrailer parked
24 on public property within three hundred feet of a polling
25 place, which sign is more than ninety square inches in size,
26 is prohibited.

27 Sec. 18. Section 49A.8, Code 1993, is amended by adding
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Upon completion of the canvass,
30 the secretary of state shall certify to the Iowa Code editor
31 the results of the election.

32 Sec. 19. Section 50.9, Code 1993, is amended to read as
33 follows:

34 50.9 RETURN OF BALLOTS NOT VOTED.

35 Ballots not voted, or spoiled by voters while attempting to

1 vote, shall be returned by the precinct election officials to
2 the commissioner, and a receipt taken therefor, ~~and they~~ for
3 the ballots. The ballots shall be preserved for twenty-two
4 months following elections for federal offices and for six
5 months following elections for all other offices.

6 Sec. 20. Section 50.16, unnumbered paragraph 1, Code 1993,
7 is amended to read as follows:

8 The tally list shall be prepared in writing by the election
9 board, giving, in legibly printed numerals, the total number
10 of people who cast ballots in the precinct, ~~the whole total~~
11 number of ballots cast for each officer, except those
12 rejected, the name of each person voted for, and the number of
13 votes given to each person for each different office, ~~which.~~
14 The tally list shall be signed by the precinct election
15 officials, and be substantially as follows:

16 Sec. 21. Section 50.24, Code 1993, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. The board shall also prepare a
19 certificate showing the total number of people who cast
20 ballots in the election. For general elections and elections
21 held pursuant to section 69.14, a copy of the certificate
22 shall be forwarded to the state commissioner.

23 Sec. 22. Section 50.33, Code 1993, is amended to read as
24 follows:

25 50.33 FORWARDING OF ENVELOPES.

26 ~~Said~~ The envelopes, including the one addressed to the
27 speaker, after being prepared, sealed, and endorsed as
28 aforsaid required by this chapter, shall be placed in one
29 package and forwarded to the state commissioner.

30 Sec. 23. Section 50.48, subsection 1, Code 1993, is
31 amended by adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Immediately upon receipt of a
33 request for a recount, the commissioner shall send a copy of
34 the request to the apparent winner by certified mail. The
35 commissioner shall also attempt to contact the apparent winner

1 by telephone. If the apparent winner cannot be reached within
2 four days, the chairperson of the political party or
3 organization which nominated the apparent winner shall be
4 contacted and shall act on behalf of the apparent winner, if
5 necessary. For candidates for state or federal offices, the
6 chairperson of the state party shall be contacted. For
7 candidates for county offices, the county chairperson of the
8 party shall be contacted.

9 Sec. 24. Section 50.48, subsection 4, Code 1993; is
10 amended to read as follows:

11 4. When all members of the recount board have been
12 selected, the board shall undertake and complete the required
13 recount as expeditiously as reasonably possible. The
14 commissioner or the commissioner's designee shall supervise
15 the handling of ballots or voting machine documents to ensure
16 that the ballots and other documents are protected from
17 alteration or damage. The board shall open only the sealed
18 ballot containers from the precincts specified in the request
19 to be recounted. The board shall recount only the ballots
20 which were voted and counted for the office in question. If
21 an electronic tabulating system was used to count the ballots,
22 the recount board may request the commissioner to retabulate
23 the ballots using the electronic tabulating system. Any
24 member of the recount board may at any time during the recount
25 proceedings extend the recount of votes cast for the office or
26 nomination in question to any other precinct or precincts in
27 the same county, or from which the returns were reported to
28 the commissioner responsible for conducting the election,
29 without the necessity of posting additional bond.

30 The ballots or voting machine documents shall be resealed
31 by the recount board before adjournment and shall be preserved
32 as required by section 50.12. At the conclusion of the
33 recount, the recount board shall make and file with the
34 commissioner a written report of its findings, which shall be
35 signed by at least two members of the recount board. The

1 recount board shall complete the recount and file its report
2 not later than the eighteenth day following the county board's
3 canvass of the election in question.

4 Sec. 25. Section 52.23, unnumbered paragraph 2, Code 1993,
5 is amended to read as follows:

6 The inspection sheets from each machine used in the
7 election and one copy of the printed results from each machine
8 shall be signed by all precinct election officials and, with
9 any paper or papers upon which write-in votes were recorded by
10 voters, shall be securely sealed in an envelope marked with
11 the name and date of the election, the precinct, and the
12 serial numbers of the machines from which the enclosed results
13 were removed. This envelope shall be preserved, unopened, for
14 twenty-two months following elections for federal offices and
15 for six months following elections for all other offices
16 unless a recount is requested pursuant to section 50.48 or an
17 election contest is pending. The envelope shall be destroyed
18 in the same manner as ballots pursuant to section 50.13.
19 Additional copies of the results, if any, shall be delivered
20 to the commissioner with the other supplies from the election
21 pursuant to section 50.17.

22 Sec. 26. Section 52.32, subsection 2, Code 1993, is
23 amended to read as follows:

24 2. The precinct election officials shall affix a seal upon
25 the ballot container. The precinct election officials shall
26 then each affix their signatures to a statement attesting that
27 the requirements of this section have been met and the time
28 the ballot container is removed from the precinct polling
29 location for delivery to the counting center pursuant to
30 section 52.37. The statement shall be returned to the
31 commissioner at the counting center with the election-register
32 as required by section 50.17 ballot container and shall
33 accompany the ballots through the counting process.

34 Sec. 27. Section 52.36, Code 1993, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The commissioner shall appoint
2 from the lists provided by the county political party
3 chairpersons a resolution board to tabulate write-in votes and
4 to decide questions regarding damaged, defective, or other
5 ballots which cannot be tabulated by machine. The
6 commissioner shall appoint as many people to the resolution
7 board as the commissioner believes are necessary. The
8 resolution board shall be divided into three-person teams.
9 Each team shall consist of no more than two people who are
10 members of the same political party.

11 Sec. 28. Section 52.37, subsection 2, Code 1993, is
12 amended to read as follows:

13 2. After the record required by subsection 1 has been
14 made, the ballot container shall be opened. If any ballot is
15 found damaged or defective, so that it cannot be counted
16 properly by the automatic tabulating equipment, a true
17 duplicate shall be made ~~in-the-presence-of-witnesses~~ by the
18 resolution board team and substituted for the damaged or
19 defective ballot, or, as an alternative, the valid votes on a
20 defective ballot may be manually counted at the counting
21 center by ~~at-least-two-employees-of-the-commissioner~~ the
22 resolution board, whichever method is best suited to the
23 system being used. All duplicate ballots shall be clearly
24 labeled as such, and shall bear a serial number which shall
25 also be recorded on the damaged or defective ballot.

26 The resolution board shall also tabulate any write-in votes
27 which were cast. Write-in votes cast for a candidate whose
28 name appears on the ballot for the same office shall be
29 counted as a vote for the candidate indicated, if the vote is
30 otherwise properly cast. Ballots which are rejected by the
31 tabulating equipment as blank because they have been marked
32 with an unreadable marker shall be duplicated or tabulated as
33 required by this subsection for damaged or defective ballots.

34 Sec. 29. Section 53.1, Code 1993, is amended by adding the
35 following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. A person who has been designated
2 to have power of attorney by a qualified elector does not have
3 authority to request or to cast an absentee ballot on behalf
4 of the qualified elector.

5 Sec. 30. Section 53.11, Code 1993, is amended to read as
6 follows:

7 53.11 PERSONAL DELIVERY OF ABSENTEE BALLOT.

8 The commissioner shall deliver an absentee ballot to any
9 qualified elector applying in person at the commissioner's
10 office, ~~or at any location designated by the commissioner,~~ not
11 more than forty days before the date of the general election
12 or the primary election, and for all other elections, as soon
13 as the ballot is available, or, if delivered at a location
14 designated by the commissioner, not more than twenty-four days
15 before an election. The qualified elector shall immediately
16 mark the ballot, enclose and seal it in a ballot envelope,
17 subscribe to the affidavit on the reverse side of the
18 envelope, and return the absentee ballot to the commissioner.
19 The commissioner shall record the numbers appearing on the
20 application and ballot envelope along with the name of the
21 qualified elector.

22 Sec. 31. Section 53.11, Code 1993, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. Satellite absentee voting
25 stations shall be established throughout the cities and county
26 at the direction of the commissioner or upon receipt of a
27 petition signed by not less than one hundred eligible electors
28 requesting that a satellite absentee voting station be
29 established at a location to be described on the petition. A
30 petition requesting a satellite absentee voting station must
31 be filed no later than five p.m. on the eleventh day before
32 the election. A satellite absentee voting station established
33 by petition must be open at least one day from eight a.m.
34 until 5 p.m. A satellite absentee voting station established
35 at the direction of the commissioner or by petition may remain

1 open until five p.m. on the day before the election.

2 Sec. 32. Section 53.21, Code 1993, is amended by adding
3 the following new unnumbered paragraphs:

4 NEW UNNUMBERED PARAGRAPH. A voter who spoils an absentee
5 ballot may return it to the commissioner. The outside of the
6 return envelope shall be marked "SPOILED BALLOT". The
7 commissioner shall replace the ballot in the manner provided
8 in this section for lost ballots.

9 NEW UNNUMBERED PARAGRAPH. An absentee ballot returned to
10 the commissioner without a designation that the ballot was
11 spoiled shall not be replaced.

12 Sec. 33. Section 53.22, subsection 1, paragraph a, Code
13 1993, is amended by adding the following new unnumbered
14 paragraphs:

15 NEW UNNUMBERED PARAGRAPH. If materials are prepared for
16 the two special precinct election officials, a list shall be
17 made of all electors to whom ballots are to be delivered. The
18 list shall be sent with the officials who deliver the ballots
19 and shall include spaces to indicate whether the person was
20 present at the hospital or health care facility when the
21 officials arrived, whether the person requested assistance
22 from the officials, whether the person was assisted by another
23 person of the elector's choice, the time that the ballot was
24 returned to the officials, and any other notes the officials
25 deem necessary.

26 NEW UNNUMBERED PARAGRAPH. The officials shall also be
27 issued a supply of extra ballots to replace spoiled ballots.
28 Receipts shall be issued in substantially the same form as
29 receipts issued to precinct election officials pursuant to
30 section 49.65. All ballots shall be accounted for and shall
31 be returned to the commissioner. Separate envelopes shall be
32 provided for the return of spoiled ballots and unused ballots.

33 Sec. 34. Section 53.31, Code 1993, is amended by striking
34 the section and inserting in lieu thereof the following:

35 53.31 CHALLENGES.

1 Any person qualified to vote at the election in progress
2 may challenge the qualifications of a person casting an
3 absentee ballot by submitting a written challenge to the
4 commissioner no later than five p.m. on the day before the
5 election. It is the duty of the special precinct officials to
6 challenge the absentee ballot of any person whom the official
7 knows or suspects is not duly qualified. Challenges by
8 members of the special precinct election board or observers
9 present pursuant to section 53.23 may be made at any time
10 before the close of the polls on election day. The challenge
11 shall state the reasons for which the challenge is being
12 submitted and shall be signed by the challenger. When a
13 challenge is received the absentee ballot shall be set aside
14 for consideration by the special precinct election board when
15 it meets as required by section 50.22.

16 The commissioner shall immediately send a written notice to
17 the elector whose qualifications have been challenged. The
18 notice shall be sent to the address at which the challenged
19 elector is registered to vote. If the ballot was mailed to
20 the challenged elector, the notice shall also be sent to the
21 address to which the ballot was mailed if it is different from
22 the elector's registration address. The notice shall advise
23 the elector of the reason for the challenge, the date and time
24 that the special precinct election board will reconvene to
25 determine challenges, and that the elector has the right to
26 submit written evidence of the elector's qualifications. The
27 notice shall include the telephone number of the
28 commissioner's office. If the commissioner has access to a
29 facsimile machine, the notice shall include the telephone
30 number of the facsimile machine. As far as possible, other
31 procedures for considering special ballots shall be followed.

32 Sec. 35. NEW SECTION. 53.35A FAILURE TO RETURN BALLOT --
33 PENALTY.

34 Any person designated by the commissioner, or by the
35 elector casting the absentee ballot, to deliver the sealed

1 envelope containing the absentee ballot, who neglects to
2 return the ballot to the commissioner or the commissioner's
3 designee is subject to a scheduled fine of one hundred
4 dollars. Any person designated by the commissioner, or by the
5 elector casting the absentee ballot, to deliver the sealed
6 envelope containing the absentee ballot, who willfully fails
7 to return the ballot to the commissioner or the commissioner's
8 designee is guilty of a serious misdemeanor.

9 Sec. 36. Section 59.1, Code 1993, is amended by adding the
10 following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. A copy of the statement of
12 notice of contest shall be filed with the secretary of state
13 within five days of service of the notice upon the incumbent.
14 The secretary of state shall notify the presiding officer of
15 the house in which the contest will be tried.

16 Sec. 37. NEW SECTION. 59.7 NOTICE OF RESULT.

17 The presiding officer of the house in which the contest was
18 tried shall certify to the secretary of state the results of
19 the contest.

20 Sec. 38. Section 62.23, Code 1993, is amended to read as
21 follows:

22 62.23 COMPENSATION.

23 The judges shall be entitled to receive four one hundred
24 dollars a day for the time occupied by the trial.

25 Sec. 39. Section 62.24, Code 1993, is amended by striking
26 the section and inserting in lieu thereof the following:

27 62.24 COSTS.

28 The contestant and the incumbent are responsible for the
29 expenses of the witnesses called by them, respectively. If
30 the results of the election are upheld by the contest, if the
31 statement is dismissed, or if the prosecution fails, the costs
32 of the contest shall be paid by the contestant. If the court
33 or tribunal trying the contest determines that the contestant
34 won the election, or if the election is set aside, the costs
35 of the contest shall be paid by the county.

1 Sec. 40. Section 69.2, Code 1993, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 8. The incumbent simultaneously holding
4 more than one elective office at the same level of government.
5 This subsection does not apply to the following offices:
6 county agricultural extension council, soil and water
7 conservation district commission, or regional library board of
8 trustees.

9 NEW SUBSECTION. 9. An incumbent statewide elected
10 official or member of the general assembly simultaneously
11 holding more than one elective office.

12 Sec. 41. Section 99F.7, subsection 10, paragraph a, Code
13 1993, is amended to read as follows:

14 a. A license to conduct gambling games on an excursion
15 gambling boat in a county shall be issued only if the county
16 electorate approves the conduct of the gambling games as
17 provided in this subsection. The board of supervisors, upon
18 receipt of a valid petition meeting the requirements of
19 section 331.306, shall direct the commissioner of elections to
20 submit to the qualified ~~voters~~ electors of the county a
21 proposition to approve or disapprove the conduct of gambling
22 games on an excursion gambling boat in the county. The
23 proposition shall be submitted at a general election or at a
24 special election called for that purpose. To be submitted at
25 a general election, the petition must be received by the board
26 of supervisors at least ~~sixty~~ five working days before the
27 last day for candidates for county offices to file nomination
28 papers for the general election pursuant to section 44.4. If
29 a majority of the county voters voting on the proposition
30 favor the conduct of gambling games, the commission may issue
31 one or more licenses as provided in this chapter. If a
32 majority of the county voters voting on the proposition do not
33 favor the conduct of gambling games, a license to conduct
34 gambling games in the county shall not be issued. After a
35 referendum has been held, another referendum requested by

1 petition shall not be held for at least two years.

2 Sec. 42. Section 275.25, subsection 1, Code 1993, is
3 amended to read as follows:

4 1. If the proposition to establish a new school district
5 carries under the method provided in this chapter, the area
6 education agency administrator with whom the petition was
7 filed shall give written notice of a proposed date for a
8 special election for directors of the newly formed school
9 district to the commissioner of elections of the county in the
10 district involved in the reorganization which has the greatest
11 taxable base. The proposed date shall be as soon as possible
12 pursuant to sections 39.2, subsections 1 and 2, and 47.6,
13 subsections 1 and 2, but not later than the third Tuesday in
14 January of the calendar year in which the reorganization takes
15 effect. The election shall be conducted as provided in
16 section 277.3, and nomination petitions shall be filed
17 pursuant to section 277.4, except as otherwise provided in
18 this subsection. Nomination petitions shall be filed with the
19 secretary of the board of the existing school district in
20 which the candidate resides, signed by not less than ten
21 eligible electors of the newly formed district, and filed not
22 less than ~~thirty~~ twenty-eight days ~~prior to~~ before the date
23 set for the special school election. The school secretary, or
24 the secretary's designee, shall be present in the secretary's
25 office until 5 p.m. on the final day to file the nomination
26 papers. The nomination papers shall be delivered to the
27 commissioner no later than 5 p.m. on the twenty-seventh day
28 before the election.

29 If the special election is held in conjunction with the
30 regular school election, the filing deadlines for the regular
31 school election apply.

32 Sec. 43. Section 275.36, Code 1993, is amended to read as
33 follows:

34 275.36 SUBMISSION OF CHANGE TO ELECTORS.

35 If a petition for a change in the number of directors or in

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

19 Sec. 44. Section 277.4, unnumbered paragraph 2, Code 1993,
20 is amended to read as follows:

21 Each candidate shall be nominated by a petition. If the
22 candidate is running for an at large seat in the district, the
23 petition must be signed by not less than ~~ten-eligible~~ one
24 percent of the qualified electors of the district or one
25 hundred eligible electors of the district, whichever is less.
26 If the candidate is running for a seat in a director district,
27 the petition must be signed by not less than one percent of
28 the eligible electors in the director district or one hundred
29 eligible electors in the district, whichever is less. Signers
30 of nomination petitions shall include their addresses and the
31 date of signing, and must reside in the same director district
32 as the candidate if directors are elected by the voters of a
33 director district, rather than at large. A person may sign
34 nomination petitions for more than one candidate for the same
35 office, and the signature is not invalid solely because the

1 person signed nomination petitions for one or more other
2 candidates for the office. The petition shall be filed with
3 the affidavit of the candidate being nominated, stating the
4 candidate's name, place of residence, that such person is a
5 candidate and is eligible for the office the candidate seeks,
6 and that if elected the candidate will qualify for the office.

7 Sec. 45. Section 331.206, subsection 2, Code 1993, is
8 amended by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. A plan selected by the board
10 shall become effective on the first day in January which is
11 not a Sunday or holiday following the next general election,
12 at which time the terms of the members expire and the terms of
13 the members elected under the requirements of the new
14 supervisor representation plan at the general election as
15 specified in section 331.208, 331.209, or 331.210 shall
16 commence.

17 Sec. 46. Section 331.323, subsection 1, unnumbered
18 paragraph 2, Code 1993, is amended to read as follows:

19 If a petition of electors equal in number to twenty-five
20 percent of the votes cast for the county office receiving the
21 greatest number of votes at the preceding general election is
22 filed with the auditor no later than five working days before
23 the filing deadline for candidates for county offices as
24 specified in section 44.4 for the next general election, the
25 board shall direct the commissioner of elections to call an
26 election for the purpose of voting on the proposal. If the
27 petition contains more than one proposal for combining duties,
28 each proposal shall be listed on the ballot as a separate
29 issue. If the majority of the votes cast is in favor of a
30 proposal, the board shall take all steps necessary to combine
31 the duties as specified in the petition.

32 Sec. 47. Section 362.3, subsection 2, Code 1993, is
33 amended to read as follows:

34 2. A publication required by the city code must be in a
35 newspaper published at least once weekly and having general

1 circulation in the city. However, if the city has a
2 population of two hundred or less, or in the case of notices
3 of elections, ordinances, and amendments to be published in a
4 city in which no newspaper is published, a publication may be
5 made by posting in three public places in the city which have
6 been permanently designated by ordinance.

7 Sec. 48. Section 364.2, subsection 4, paragraph b, Code
8 1993, is amended to read as follows:

9 b. No such ordinance shall become effective unless
10 approved at an election. The proposal may be submitted by the
11 council on its own motion to the voters at any city election.
12 Upon receipt of a valid petition as defined in section 362.4
13 requesting that a proposal be submitted to the voters, the
14 council shall submit the proposal at the next regular city
15 election or at a special election called for that purpose
16 ~~prior to~~ before the next regular city election. If a majority
17 of those voting approves the proposal the city may proceed as
18 proposed. The complete text of the ordinance shall be
19 included on the ballot, if paper ballots are used. If an
20 electronic voting system or voting machine is used, the
21 ordinance shall be summarized on the ballot and the full text
22 of the ordinance posted for the voters. All absentee voters
23 shall receive the full text of the ordinance.

24 Sec. 49. Section 422B.1, subsection 6, Code 1993, is
25 amended by adding the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Costs of local option tax
27 elections shall be apportioned among jurisdictions within the
28 county voting on the question at the same election on a pro
29 rata basis in proportion to the number of qualified electors
30 in each taxing jurisdiction and the total number of qualified
31 electors in all of the taxing jurisdictions.

32 Sec. 50. INAPPLICABILITY OF OTHER LEGISLATION. The
33 provisions of House File 234, if enacted by the Seventy-fifth
34 Session of the General Assembly, shall not apply to this Act.

35 Sec. 51. EFFECTIVE DATE. Section 43 of this Act is

1 effective January 1, 1994.

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HOUSE FILE 652

S-3609

- 1 Amend the amendment, S-3483, to House File 652, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 2, by striking lines 4 through 6 and
5 inserting the following:
6 "2. Early pick-up officers shall be appointed in
7 two-person teams, one from each of the political
8 parties referred".
9 2. Page 2, line 13, by striking the word "The"
10 and inserting the following: "Each two-person team
11 of".
12 3. Page 2, line 17, by striking the words "either
13 or both of the" and inserting the following: "persons
14 designated as".
15 4. Page 2, line 21, by inserting after the word
16 "person" the following: "or persons".

By MICHAEL E. GRONSTAL

S-3609 FILED APRIL 23, 1993
ADOPTED

HOUSE FILE 652

S-3619

- 1 Amend House File 652, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 5 through 10 and
4 inserting the following: "the secretary of state not
5 to-exceed-ten-cents-per-page by rule adopted pursuant
6 to chapter 17A."
7 2. Page 5, by striking lines 9 through 14 and
8 inserting the following:
9 "NEW UNNUMBERED PARAGRAPH. Any".
10 3. Page 12, by striking lines 5 through 21.
11 4. By striking page 14, line 34, through page 15,
12 line 4, and inserting the following:
13 "Any person designated by the commissioner, or by
14 the".
15 5. Page 18, line 23, by inserting after the word
16 "by" the following: "eligible electors equal in
17 number to".
18 6. Page 18, line 27, by inserting after the word
19 "by" the following: "eligible electors equal in
20 number to".
21 7. Page 18, line 28, by striking the word
22 "eligible" and inserting the following: "qualified".

By MICHAEL E. GRONSTAL

S-3619 FILED APRIL 23, 1993
ADOPTED

HOUSE FILE 652

S-3750

1 Amend the amendment, S-3483, to House File 652, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 42, by inserting after the word
5 "designee." the following: "No compilation of vote
6 subtotals shall be made while the polls are open. Any
7 person who makes a compilation of vote subtotals
8 before the polls are closed commits a simple
9 misdemeanor."

10 2. Page 2, line 43, by striking the words "of
11 these persons" and inserting the following: "person".

By MICHAEL E. GRONSTAL

S-3750 FILED APRIL 30, 1993

adopted
5/1/93
(P. 1520)

HOUSE FILE 652

S-3546

1 Amend House File 652, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 25, by inserting after the word
4 "election" the following: ", including a question on
5 the recall of elected officials of political
6 subdivisions".
7 2. Page 4, line 14, by inserting after the word
8 "measure" the following: ", including a question on
9 the recall of an elected official of a political
10 subdivision,".
11 3. Page 8, line 20, by striking the words "and
12 elections" and inserting the following: ",
13 elections".
14 4. Page 8, line 21, by inserting after the figure
15 "69.14," the following: "and elections held pursuant
16 to chapter 66A,".
17 5. Page 15, by inserting after line 35, the
18 following:
19 "Sec. ____ . NEW SECTION. 66A.1 OFFICERS SUBJECT
20 TO RECALL.
21 1. Any elective public officer of a political sub-
22 division in the state is subject to recall from office
23 by the electors of the political subdivision from
24 which the officer was elected. The eligible electors
25 of a political subdivision may petition for the recall
26 of the elective officer by filing a petition with the
27 county commissioner of elections demanding the recall
28 of the officeholder.
29 2. A public officer who is appointed to an
30 elective office is subject to recall in the same
31 manner as provided for an officer who is elected to
32 that office.
33 3. An officer shall not be recalled for performing
34 a duty or obligation of the office to which the
35 officer was elected, which duty or obligation is
36 imposed by law, nor for failure to perform any act
37 that if performed would subject the officer to
38 prosecution.
39 4. For the purpose of this chapter, "political
40 subdivision" means a county, township, school
41 corporation, city, or any local board or commission.
42 Sec. ____ . NEW SECTION. 66A.2 PETITION FOR RECALL
43 -- PERSONS QUALIFIED TO PETITION -- PENALTY.
44 Any eligible elector of a political subdivision of
45 this state may sign a petition for recall of an
46 officer elected from that political subdivision.
47 However, if the political subdivision from which the
48 officer is elected is divided into election districts,
49 the eligible elector signing the petition must be an
50 eligible elector of that election district from which

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1 the officer was elected.

2 A person signing a name other than that person's
3 own to a petition for recall or who knowingly signs
4 the same petition for recall more than once or who is
5 not an eligible elector at the time of signing a
6 petition for recall is guilty of a serious
7 misdemeanor.

8 Sec. ____ . NEW SECTION. 66A.3 PETITION FOR RECALL
9 -- CONTENTS, REQUIREMENTS, LIMITATIONS.

10 1. A petition for recall must contain the
11 following:

12 a. The signatures of eligible electors of the
13 political subdivision or election district affected by
14 the recall equal to at least twenty percent of the
15 total votes cast in the last preceding election for
16 the office affected by the recall, but in no case
17 shall a petition for recall contain less than fifty
18 signatures. The county commissioner shall determine
19 and certify to any interested person the number of
20 signatures required on a petition for recall for that
21 office.

22 b. The residence address of each person signing
23 the petition and the date the petition was signed by
24 that person.

25 c. A statement, in two hundred words or less,
26 detailing the reason for recall of the officer.

27 2. a. A petition for recall shall be eight and
28 one-half by fourteen inches in size and shall be in
29 substantially the following form:

30 WARNING

31 A person signing a name other than the person's own
32 name to a petition or who knowingly signs the person's
33 name to this petition more than once or who is not an
34 eligible elector at the time the signature is affixed
35 to this petition is guilty of a serious misdemeanor.

36 RECALL PETITION

37 We, the undersigned eligible electors of (name of
38 applicable political subdivision or election district)
39 respectfully petition that an election be held as
40 provided by law on the question of whether (officer's
41 name), holding the office of _____, should be
42 recalled for the following reasons: (Setting out the
43 statement of the reason for recall in not more than
44 two hundred words). By affixing the signature, each
45 signer certifies the following: I have personally
46 signed this petition; I am an eligible elector of the
47 state of Iowa and (appropriate political subdivision
48 or election district); and my residence address is
49 correctly written after my name to the best of my
50 knowledge and belief.

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1 b. Numbered lines shall follow the heading. Each
2 numbered line shall contain spaces for the signature,
3 signer's residence address, and the date of the
4 signature.

5 c. Each separate page of a petition for recall
6 shall contain the warning in paragraph "a".

7 d. When a petition contains more than one page,
8 the pages shall be neatly arranged and securely
9 fastened together before filing.

10 3. Before a petition for recall may be circulated
11 for signatures, a sample petition form, including the
12 statement of the reason for recall, must be submitted
13 to the county commissioner. Within five days of
14 receipt of the sample petition, the commissioner shall
15 review the sample petition and determine whether it
16 meets the requirements of this section. If the
17 petition meets the requirements of this section, the
18 commissioner shall certify the petition and return it
19 immediately to the person who submitted the petition.
20 If the petition does not meet the requirements of this
21 section, the commissioner shall inform the person who
22 submitted the sample petition that the petition does
23 not meet the requirements imposed by law and the
24 reasons therefore.

25 4. a. A petition for recall shall not name more
26 than one officer to be recalled.

27 b. A person shall not be recalled within the first
28 one hundred eighty days after the person takes the
29 oath of office nor within one hundred eighty days from
30 the date on which the office is to be filled by the
31 qualified electors in the general, regular city, or
32 school district election, whichever is applicable.

33 c. A petition for recall shall not be filed
34 against an officer for whom a recall election has been
35 held within a period of two years during a term of
36 office.

37 Sec. ____ . NEW SECTION. 66A.4 FILING OF PETITION
38 FOR RECALL.

39 1. A petition for recall must be filed within
40 ninety days of the date the form of the petition is
41 certified pursuant to section 66A.3. The petition for
42 recall shall be filed with the county commissioner.

43 2. When filing a petition for recall, an affidavit
44 in substantially the following form shall be attached
45 to the petition:

46 I, (name of person filing petition), being duly
47 sworn, say that I circulated or assisted in
48 circulating the petition to which this affidavit is
49 attached, and I believe the signatures affixed to the
50 petition are genuine, and are the signatures of the

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1 persons whose names they purport to be, and that the
2 signers were aware of the contents of the petition
3 before signing the petition.

4 _____
5 (Signed)

6 Subscribed and sworn to before me by _____, on the
7 _____ day of _____, 19__

8 _____
9 (Name)

10 _____
11 (Official title)

12 3. After a petition for recall has been filed, it
13 shall not be returned to the person who filed the
14 petition, nor shall any signature or other information
15 be added to the petition for recall. If a signature
16 on a petition sheet is crossed out by the petitioner
17 before the sheet is offered for filing, the
18 elimination of the signature does not affect the
19 validity of other signatures on the petition sheet.

20 Sec. ____ . NEW SECTION. 66A.5 VERIFICATION OF
21 PETITION.

22 Upon the filing of a petition for recall, the
23 county commissioner shall verify that the petition has
24 been signed by the required number of eligible
25 electors as specified in section 66A.3. If the
26 petition for recall does not contain the required
27 number of signatures, the county commissioner shall
28 notify the person filing the petition that the
29 petition is not valid.

30 Sec. ____ . NEW SECTION. 66A.6 NOTIFICATION TO
31 OFFICER -- STATEMENT OF JUSTIFICATION.

32 Upon the filing of the petition for recall, the
33 county commissioner shall immediately send written
34 notice to the officer named in the petition. The
35 notice shall state that a petition for recall of the
36 officer has been filed, shall include a copy of the
37 statement of the reason for recall as printed on the
38 petition, and shall inform the officer that the
39 officer may have printed on the special election
40 ballot a statement of justification in not more than
41 two hundred words stating why the officer should not
42 be recalled. To be printed on the ballot, the
43 statement of justification must be submitted to the
44 county commissioner within ten days of the date the
45 notice is sent to the officer named in the petition
46 for recall.

47 Sec. ____ . NEW SECTION. 66A.7 OBJECTION TO THE
48 PETITION -- NOTICE AND HEARING.

49 Objections to the legal sufficiency of a petition
50 for recall may be filed in writing by any person who

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1 would have the right to vote for a candidate for the
2 office in question. The objections must be filed with
3 the county commissioner not more than fourteen days
4 after the petition for recall is filed.

5 When objections have been filed, notice shall be
6 mailed within seventy-two hours by certified mail to
7 the person who filed the petition. A hearing on the
8 objections shall be held in the manner provided for
9 objections to nomination petitions or certificates of
10 nomination filed pursuant to chapter 43 or chapter
11 277, whichever is applicable.

12 Sec. ____ . NEW SECTION. 66A.8 PRESUMPTION OF
13 VALIDITY.

14 A petition for recall filed under this chapter, and
15 being apparently in conformity with law, shall be
16 regarded as valid, unless objection is made in
17 writing, and the petition shall be open to public
18 inspection and preserved by the county commissioner
19 for not less than six months after the special recall
20 election is held.

21 Sec. ____ . NEW SECTION. 66A.9 RECALL ELECTION.

22 If the officer named in the petition for recall
23 submits a resignation in writing, it shall be accepted
24 and become effective the day it is offered. The
25 vacancy created by the resignation shall be filled as
26 provided by law, except that the officer named in the
27 petition for recall shall not be appointed to fill the
28 vacancy. If the officer named in the petition does
29 not resign within five days after the petition for
30 recall is filed, a special election on the recall of
31 the officer shall be called. The recall election
32 shall be held the first Tuesday following sixty days
33 after the date the petition is filed. However, the
34 special election shall not be held on the same day as
35 a regularly scheduled election. If the first Tuesday
36 following sixty days after the date the petition is
37 filed is the same day as a regularly scheduled
38 election, the special election shall be held the first
39 Tuesday following the regularly scheduled election.

40 Sec. ____ . NEW SECTION. 66A.10 CONDUCT OF RECALL
41 ELECTION.

42 A special election for recall of an officer shall
43 be conducted, and the results canvassed and certified,
44 in the same manner that a regularly scheduled election
45 to fill that office is conducted.

46 The ballot submitted at a recall election shall set
47 forth the statement contained in the petition for
48 recall stating the reason for demanding the recall of
49 the officer and the statement of justification
50 submitted by the officer, if submitted in a timely

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1 manner. The question of whether the officer should be
2 recalled shall be placed on the ballot in
3 substantially the following form:

4 _____. FOR recalling _____ who holds the office of

5 _____.
6 _____. AGAINST recalling _____ who holds the office
7 of _____.

8 Expenses of a recall election shall be paid in the
9 same manner as the expenses of a regularly scheduled
10 election to fill that office.

11 Sec. _____. NEW SECTION. 66A.11 ELECTION RESULTS -
12 - FILLING OF VACANCY.

13 1. The officer named in the petition for recall
14 shall continue in office until the officer resigns or
15 the results of the recall election are officially
16 declared.

17 2. If a majority of those voting on the question
18 vote to remove the officer, the office becomes vacant
19 and the vacancy shall be filled as provided by chapter
20 69. However, in no event shall the officer recalled
21 be appointed to fill the vacancy."

22 6. By renumbering as necessary.

By MERLIN E. BARTZ

S-3546 FILED APRIL 20, 1993

Just 4/23/93 (p. 1324)

HOUSE FILE 652

S-3583

1 Amend House File 652, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 20, line 21, by striking the words
4 "ordinance shall be summarized" and inserting the
5 following: "proposal shall be stated".

6 2. Page 20, line 22, by inserting after the words
7 "the voters" the following: "pursuant to section
8 52.25".

Adopted 4/23/93 (p. 1324) BY MICHAEL E. GRONSTAL

S-3583 FILED APRIL 21, 1993

S-3483

1 Amend House File 652, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 9, the
4 following:

5 "Sec. ____ . Section 49.53, unnumbered paragraph 1,
6 Code 1993, is amended to read as follows:

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

34 2. Page 11, by inserting after line 33, the
35 following:

36 "Sec. ____ . NEW SECTION. 52.40 EARLY PICK-UP
37 SITES ESTABLISHED -- PROCEDURE.

38 1. In counties where counting centers have been
39 established under section 52.34, the commissioner may,
40 for general elections only, designate certain polling
41 places as early ballot pick-up sites. At these sites,
42 between the hours of one p.m. and four p.m. on the day
43 of the election, early pick-up officers shall receive
44 the sealed ballot container containing the ballots
45 which have been voted throughout the day along with a
46 signed statement of the precinct attesting to the
47 number of declarations of eligibility signed up to
48 that time, excluding those declarations signed by
49 voters who have not yet placed their ballots in the
50 ballot container. The officers shall replace the

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1 ballot container containing the voted ballots with an
 2 empty ballot container, to be sealed in the presence
 3 of a precinct election official.
 4 2. Two early pick-up officers shall be appointed
 5 for each polling place designated as an early pick-up
 6 site, one from each of the political parties referred
 7 to in section 49.13, who shall be appointed by the
 8 commissioner from the election board panel drawn up as
 9 provided by section 49.15. The early pick-up officers
 10 shall be sworn in the manner provided by section 49.75
 11 for election board members, and shall receive
 12 compensation as provided in section 49.20.

13 3. The early pick-up officers shall travel
 14 together in the same vehicle and shall have the
 15 container under their immediate joint control until
 16 they surrender it to the commissioner or the
 17 commissioner's designee. If either or both of the
 18 early pick-up officers fail to appear at the time the
 19 duties set forth in this section are to be performed,
 20 the commissioner shall at once appoint some other
 21 person, giving preference to persons designated by the
 22 respective county chairpersons of the political
 23 parties described in section 49.13, to carry out the
 24 requirements of this section.

25 4. The tabulation of ballots received from early
 26 pick-up sites shall be conducted at the counting
 27 center during the hours the polls are open, in the
 28 manner provided in sections 52.36 and 52.37, except
 29 that the room in which the ballots are being counted
 30 shall not be open to the public during the hours in
 31 which the polls are open and the room shall be policed
 32 so as to prevent any person other than those whose
 33 presence is authorized by this section and sections
 34 52.36 and 52.37 from obtaining information about the
 35 progress of the count. The only persons who may be
 36 admitted to that room, as long as admission does not
 37 impede the progress of the count, are the members of
 38 the board, one challenger representing each political
 39 party, one observer representing any nonparty
 40 political organization or any candidate nominated by
 41 petition pursuant to chapter 45, and the commissioner
 42 or the commissioner's designee. It shall be unlawful
 43 for any of these persons to communicate or attempt to
 44 communicate, directly or indirectly, information
 45 regarding the progress of the count at any time before
 46 the polls are closed."

47 3. By renumbering as necessary.
 By ALBERT SORENSEN
 EUGENE FRAISE

*Adopted
4/23/93*

(P. 1324)

*Adopted as
amended 5/1/93
(P. 1520)*

*Motion to R/c 4/30 (P. 1514)
Motion to R/c. adopted 5/1/93*

SENATE AMENDMENT TO HOUSE FILE 652

H-4379

1 Amend House File 652, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 5 through 10 and
4 inserting the following: "the secretary of state ~~not~~
5 ~~to-exceed-ten-cents-per-page~~ by rule adopted pursuant
6 ~~to chapter 17A.~~"

7 2. Page 5, by striking lines 9 through 14 and
8 inserting the following:

9 "NEW UNNUMBERED PARAGRAPH. Any".

10 3. Page 7, by inserting after line 9, the
11 following:

12 "Sec. ____ . Section 49.53, unnumbered paragraph 1,
13 Code 1993, is amended to read as follows:

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

41 4. Page 11, by inserting after line 33, the
42 following:

43 "Sec. ____ . NEW SECTION. 52.40 EARLY PICK-UP
44 SITES ESTABLISHED -- PROCEDURE.

45 1. In counties where counting centers have been
46 established under section 52.34, the commissioner may,
47 for general elections only, designate certain polling
48 places as early ballot pick-up sites. At these sites,
49 between the hours of one p.m. and four p.m. on the day
50 of the election, early pick-up officers shall receive

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1 the sealed ballot container containing the ballots
2 which have been voted throughout the day along with a
3 signed statement of the precinct attesting to the
4 number of declarations of eligibility signed up to
5 that time, excluding those declarations signed by
6 voters who have not yet placed their ballots in the
7 ballot container. The officers shall replace the
8 ballot container containing the voted ballots with an
9 empty ballot container, to be sealed in the presence
10 of a precinct election official.

11 2. Early pick-up officers shall be appointed in
12 two-person teams, one from each of the political
13 parties referred to in section 49.13, who shall be
14 appointed by the commissioner from the election board
15 panel drawn up as provided by section 49.15. The
16 early pick-up officers shall be sworn in the manner
17 provided by section 49.75 for election board members,
18 and shall receive compensation as provided in section
19 49.20.

20 3. Each two-person team of early pick-up officers
21 shall travel together in the same vehicle and shall
22 have the container under their immediate joint control
23 until they surrender it to the commissioner or the
24 commissioner's designee. If persons designated as
25 early pick-up officers fail to appear at the time the
26 duties set forth in this section are to be performed,
27 the commissioner shall at once appoint some other
28 person or persons, giving preference to persons
29 designated by the respective county chairpersons of
30 the political parties described in section 49.13, to
31 carry out the requirements of this section.

32 4. The tabulation of ballots received from early
33 pick-up sites shall be conducted at the counting
34 center during the hours the polls are open, in the
35 manner provided in sections 52.36 and 52.37, except
36 that the room in which the ballots are being counted
37 shall not be open to the public during the hours in
38 which the polls are open and the room shall be policed
39 so as to prevent any person other than those whose
40 presence is authorized by this section and sections
41 52.36 and 52.37 from obtaining information about the
42 progress of the count. The only persons who may be
43 admitted to that room, as long as admission does not
44 impede the progress of the count, are the members of
45 the board, one challenger representing each political
46 party, one observer representing any nonparty
47 political organization or any candidate nominated by
48 petition pursuant to chapter 45, and the commissioner
49 or the commissioner's designee. No compilation of
50 vote subtotals shall be made while the polls are open.

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- 1 Any person who makes a compilation of vote subtotals
2 before the polls are closed commits a simple
3 misdemeanor. It shall be unlawful for any person to
4 communicate or attempt to communicate, directly or
5 indirectly, information regarding the progress of the
6 count at any time before the polls are closed."
7 5. Page 12, by striking lines 5 through 21.
8 6. By striking page 14, line 34, through page 15,
9 line 4, and inserting the following:
10 "Any person designated by the commissioner, or by
11 the".
12 7. Page 18, line 23, by inserting after the word
13 "by" the following: "eligible electors equal in
14 number to".
15 8. Page 18, line 27, by inserting after the word
16 "by" the following: "eligible electors equal in
17 number to".
18 9. Page 18, line 28, by striking the word
19 "eligible" and inserting the following: "qualified".
20 10. Page 20, line 21, by striking the words
21 "ordinance shall be summarized" and inserting the
22 following: "proposal shall be stated".
23 11. Page 20, line 22, by inserting after the
24 words "the voters" the following: "pursuant to
25 section 52.25".
26 12. By renumbering, relettering, or redesignating
27 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4379 FILED MAY 1, 1993

House Concurred 5/11/93
(p. 1962)

Hanson Ch
Haluosson
Johnson
Lundby
Martin

SENATE/HOUSE FILE 652
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 the office of secretary of state, the conduct
2 of elections in the state, and relating to corrective and
3 technical changes to Iowa's election laws.

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

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1 Section 1. Section 9.4, subsection 2, Code 1993, is
2 amended to read as follows:

3 2. For a copy of any law or record, upon the request of
4 any private person or corporation, a fee to be determined by
5 the secretary of state not to exceed ten twenty-five cents per
6 page if the copies are made by the requestor. The fee for
7 copies made by a state employee shall not exceed one dollar
8 per page.

9 Sec. 2. Section 39.2, subsection 3, Code 1993, is amended
10 by adding the following new unnumbered paragraph after
11 unnumbered paragraph 1:

12 NEW UNNUMBERED PARAGRAPH. If a special election to fill a
13 vacancy is held in conjunction with a regularly scheduled
14 election, the filing deadlines for the special election shall
15 coincide with the filing deadlines for the regularly scheduled
16 election. An election to fill a vacancy in a city office
17 cannot be held in conjunction with a general election if the
18 city election procedures provide for a primary election.

19 Sec. 3. Section 39.3, Code 1993, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 8A. "Public measure" means any question
22 authorized or required by law to be submitted to the voters at
23 an election.

24 Sec. 4. NEW SECTION. 39.11 MORE THAN ONE OFFICE
25 PROHIBITED.

26 A person shall not hold more than one elective office at a
27 time. This section does not apply to the following offices:
28 county agricultural extension council, soil and water
29 conservation district commission, or regional library board of
30 trustees.

31 Sec. 5. NEW SECTION. 39.12 FAILURE TO VACATE.

32 An elected official who has been elected to another
33 elective office to which section 39.11 applies shall choose
34 only one office in which to serve. The official shall resign
35 from all but one of the offices before the beginning of the

1 term of the office to which the person was most recently
2 elected. Failure to submit the required resignation will
3 result in a vacancy in all elective offices to which the
4 person was elected.

5 Sec. 6. NEW SECTION. 43.59 NUMBER OF VOTERS CERTIFIED.

6 The commissioner shall certify to the state commissioner
7 the total number of people who voted in the primary election
8 in each political party.

9 Sec. 7. Section 44.16, Code 1993, is amended by striking
10 the section and inserting in lieu thereof the following:

11 44.16 RETURN OF PAPERS -- ADDITIONS NOT ALLOWED.

12 After a nomination petition or certificate has been filed,
13 it shall not be returned to the candidate or person who has
14 filed the document, and no signature or other information
15 shall be added to the nomination petition or certificate.

16 Sec. 8. Section 45.1, subsections 1 through 3, Code 1993,
17 are amended by striking the subsections and inserting in lieu
18 thereof the following:

19 1. Nominations for candidates for president and vice
20 president, governor and lieutenant governor, and for other
21 statewide elected offices may be made by nomination petitions
22 signed by not less than one thousand five hundred eligible
23 electors of the state.

24 2. Nominations for candidates for a representative in the
25 United States house of representatives may be made by
26 nomination petitions signed by not less than three hundred
27 eligible electors of the congressional district.

28 3. Nominations for candidates for the state senate may be
29 made by nomination petitions signed by not less than one
30 hundred fifty eligible electors of the senate district.

31 3A. Nominations for candidates for the state house of
32 representatives may be made by nomination petitions signed by
33 not less than seventy-five eligible electors of the
34 representative district.

35 3B. Nominations for candidates for offices filled by the

1 voters of a whole county may be made by nomination petitions
2 signed by eligible electors of the county equal in number to
3 at least one percent of the number of registered voters in the
4 county on July 1 in the year preceding the year in which the
5 office will appear on the ballot, or by at least two hundred
6 fifty eligible electors of the county, whichever is less.

7 3C. Nominations for candidates for the office of county
8 supervisor elected by the voters of a supervisor district may
9 be made by nomination petitions signed by eligible electors of
10 the supervisor district equal in number to at least one
11 percent of the number of registered voters in the supervisor
12 district on July 1 in the year preceding the year in which the
13 office will appear on the ballot, or by at least one hundred
14 fifty eligible electors of the supervisor district, whichever
15 is less.

16 3D. Nomination papers for the offices of president and
17 vice president shall include the names of the candidates for
18 both offices on each page of the petition. A certificate
19 listing the names of the candidates for presidential electors,
20 one from each congressional district and two from the state at
21 large, shall be filed in the state commissioner's office at
22 the same time the nomination papers are filed.

23 Nomination papers for the offices of governor and
24 lieutenant governor shall include the names of candidates for
25 both offices on each page of the petition. Nomination papers
26 for other statewide elected offices and all other offices
27 shall include the name of the candidate on each page of the
28 petition.

29 Sec. 9. Section 47.1, unnumbered paragraph 2, Code 1993,
30 is amended to read as follows:

31 The state commissioner of elections may exercise emergency
32 powers over any election being held in a district in which
33 either a natural or other disaster or extremely inclement
34 weather has occurred. The state commissioner of elections may
35 also exercise emergency powers during an armed conflict

1 involving United States armed forces, or mobilization of those
2 forces, or if an election contest court finds that there were
3 errors in the conduct of an election making it impossible to
4 determine the result.

5 Sec. 10. Section 47.6, subsection 1, Code 1993, is amended
6 by adding the following new unnumbered paragraph after
7 unnumbered paragraph 2:

8 NEW UNNUMBERED PARAGRAPH. A public measure shall not be
9 withdrawn from the ballot at any election if the public
10 measure was placed on the ballot by a petition, or if the
11 election is a special election called specifically for the
12 purpose of deciding one or more public measures for a single
13 political subdivision. However, a public measure which was
14 submitted to the county commissioner of elections by the
15 governing body of a political subdivision may be withdrawn by
16 the governing body which submitted the public measure if the
17 public measure was to be placed on the ballot of a regularly
18 scheduled election. The notice of withdrawal must be made by
19 resolution of the governing body and must be filed with the
20 commissioner no later than the last day upon which a candidate
21 may withdraw from the ballot.

22 Sec. 11. Section 47.8, subsection 1, Code 1993, is amended
23 to read as follows:

24 1. There is established a state voter registration
25 commission which shall meet at least ~~once-each-month~~ quarterly
26 to make and review policy, ~~promulgate~~ adopt rules and
27 establish procedures to be followed by the registrar in
28 discharging the duties of that office. The commission shall
29 consist of the state commissioner of elections or the state
30 commissioner's designee and the state chairpersons of the two
31 political parties whose candidates for president of the United
32 States or governor, as the case may be, received the greatest
33 and next greatest number of votes in the most recent general
34 election, or their respective designees, who shall serve
35 without additional salary or reimbursement.

1 Sec. 12. Section 48.31, subsection 4, Code 1993, is
2 amended to read as follows:

3 4. The clerk-of-district-court state registrar of voters
4 sends notification of an elector's conviction of a felony, as
5 defined in section 701.7. The clerk of district court shall
6 send notice of a felony conviction to the state registrar of
7 voters. The registrar shall determine in which county the
8 felon is registered to vote, if any. The registration shall
9 be cancelled where the felon is registered, even if it is not
10 in the same county where the conviction was obtained.

11 Sec. 13. Section 49.10, subsections 3 and 4, Code 1993,
12 are amended to read as follows:

13 3. In any city in which precinct lines have been changed
14 to comply with section 49.5, the commissioner may fix the
15 polling place for any precinct outside the boundaries of the
16 precinct if there is no building or facility within the
17 precinct suitable and available for use as a polling place.
18 In so doing, the commissioner shall fix the polling place at
19 the point nearest the precinct which is suitable and available
20 for use as a polling place and is reasonably accessible to
21 voters of the precinct.

22 4. No single room or area of any building or facility
23 shall be fixed as the polling place for more than one precinct
24 unless there are separate entrances thereto each clearly
25 marked on the days on which elections are held as the entrance
26 to the polling place of a particular precinct, and suitable
27 arrangements are made within such the room or area to prevent
28 direct access from the polling place of any precinct to the
29 polling place of any other precinct. When the commissioner
30 has fixed such a polling place for any precinct it shall
31 remain the polling place at all subsequent elections, except
32 elections for which the precinct is merged with another
33 precinct as permitted by section 49.11, until the boundaries
34 of the precinct are changed or the commissioner fixes a new
35 polling place, except that the polling place shall be changed

1 to a point within the boundaries of the precinct at any time
2 not less than sixty days before the next succeeding election
3 that a building or facility suitable for such use becomes
4 available within the precinct.

5 * 5. If two or more contiguous townships have been
6 combined into one election precinct by the board of
7 supervisors, the commissioner shall provide a polling place
8 which is convenient to all of the electors in the precinct.

9 Sec. 14. Section 49A.8, Code 1993, is amended by adding
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Upon completion of the canvass,
12 the secretary of state shall certify to the Iowa Code editor
13 the results of the election.

14 Sec. 15. Section 50.9, Code 1993, is amended to read as
15 follows:

16 50.9 RETURN OF BALLOTS NOT VOTED.

17 Ballots not voted, or spoiled by voters while attempting to
18 vote, shall be returned by the precinct election officials to
19 the commissioner, and a receipt taken ~~therefor~~ and they for
20 the ballots. The ballots shall be preserved for twenty-two
21 months following elections for federal offices and for six
22 months following elections for all other offices.

23 Sec. 16. Section 50.16, unnumbered paragraph 1, Code 1993,
24 is amended to read as follows:

25 The tally list shall be prepared in writing by the election
26 board, giving, in legibly printed numerals, the total number
27 of people who cast ballots in the precinct, the whole total
28 number of ballots cast for each officer, except those
29 rejected, the name of each person voted for, and the number of
30 votes given to each person for each different office; ~~which.~~
31 The tally list shall be signed by the precinct election
32 officials, and be substantially as follows:

33 Sec. 17. Section 50.24, Code 1993, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The board shall also prepare a

1 certificate showing the total number of people who cast
2 ballots in the election. For general elections and elections
3 held pursuant to section 69.14, a copy of the certificate
4 shall be forwarded to the state commissioner.

5 Sec. 18. Section 50.33, Code 1993, is amended to read as
6 follows:

7 50.33 FORWARDING OF ENVELOPES.

8 Said The envelopes, including the one addressed to the
9 speaker, after being prepared, sealed, and endorsed as
10 aforsaid required by this chapter, shall be placed in one
11 package and forwarded to the state commissioner.

12 Sec. 19. Section 50.48, subsection 1, Code 1993, is
13 amended by adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Immediately upon receipt of a
15 request for a recount, the commissioner shall send a copy of
16 the request to the apparent winner by certified mail. The
17 commissioner shall also attempt to contact the apparent winner
18 by telephone. If the apparent winner cannot be reached within
19 four days, the chairperson of the political party or
20 organization which nominated the apparent winner shall be
21 contacted and shall act on behalf of the apparent winner, if
22 necessary. For candidates for state or federal offices, the
23 chairperson of the state party shall be contacted. For
24 candidates for county offices, the county chairperson of the
25 party shall be contacted.

26 Sec. 20. Section 50.48, subsection 4, Code 1993, is
27 amended to read as follows:

28 4. When all members of the recount board have been
29 selected, the board shall undertake and complete the required
30 recount as expeditiously as reasonably possible. The
31 commissioner or the commissioner's designee shall supervise
32 the handling of ballots or voting machine documents to ensure
33 that the ballots and other documents are protected from
34 alteration or damage. The board shall open only the sealed
35 ballot containers from the precincts specified in the request

1 to be recounted. The board shall recount only the ballots
2 which were voted and counted for the office in question. If
3 an electronic tabulating system was used to count the ballots,
4 the recount board may request the commissioner to retabulate
5 the ballots using the electronic tabulating system. Any
6 member of the recount board may at any time during the recount
7 proceedings extend the recount of votes cast for the office or
8 nomination in question to any other precinct or precincts in
9 the same county, or from which the returns were reported to
10 the commissioner responsible for conducting the election,
11 without the necessity of posting additional bond.

12 The ballots or voting machine documents shall be resealed
13 by the recount board before adjournment and shall be preserved
14 as required by section 50.12. At the conclusion of the
15 recount, the recount board shall make and file with the
16 commissioner a written report of its findings, which shall be
17 signed by at least two members of the recount board. The
18 recount board shall complete the recount and file its report
19 not later than the eighteenth day following the county board's
20 canvass of the election in question.

21 Sec. 21. Section 52.23, unnumbered paragraph 2, Code 1993,
22 is amended to read as follows:

23 The inspection sheets from each machine used in the
24 election and one copy of the printed results from each machine
25 shall be signed by all precinct election officials and, with
26 any paper or papers upon which write-in votes were recorded by
27 voters, shall be securely sealed in an envelope marked with
28 the name and date of the election, the precinct, and the
29 serial numbers of the machines from which the enclosed results
30 were removed. This envelope shall be preserved, unopened, for
31 twenty-two months following elections for federal offices and
32 for six months following elections for all other offices
33 unless a recount is requested pursuant to section 50.48 or an
34 election contest is pending. The envelope shall be destroyed
35 in the same manner as ballots pursuant to section 50.13.

1 Additional copies of the results, if any, shall be delivered
2 to the commissioner with the other supplies from the election
3 pursuant to section 50.17.

4 Sec. 22. Section 52.32, subsection 2, Code 1993, is
5 amended to read as follows:

6 2. The precinct election officials shall affix a seal upon
7 the ballot container. The precinct election officials shall
8 then each affix their signatures to a statement attesting that
9 the requirements of this section have been met and the time
10 the ballot container is removed from the precinct polling
11 location for delivery to the counting center pursuant to
12 section 52.37. The statement shall be returned to the
13 commissioner at the counting center with the election-register
14 as-required-by-section-50.17 ballot container and shall
15 accompany the ballots through the counting process.

16 Sec. 23. Section 52.36, Code 1993, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. The commissioner shall appoint
19 from the lists provided by the county political party
20 chairpersons a resolution board to tabulate write-in votes and
21 to decide questions regarding damaged, defective, or other
22 ballots which cannot be tabulated by machine. The
23 commissioner shall appoint as many people to the resolution
24 board as the commissioner believes are necessary. The
25 resolution board shall be divided into three-person teams.
26 Each team shall consist of no more than two people who are
27 members of the same political party.

28 Sec. 24. Section 52.37, subsection 2, Code 1993, is
29 amended to read as follows:

30 2. After the record required by subsection 1 has been
31 made, the ballot container shall be opened. If any ballot is
32 found damaged or defective, so that it cannot be counted
33 properly by the automatic tabulating equipment, a true
34 duplicate shall be made in-the-presence-of-witnesses by the
35 resolution board team and substituted for the damaged or

1 defective ballot, or, as an alternative, the valid votes on a
2 defective ballot may be manually counted at the counting
3 center by at-least-two-employees-of-the-commissioner the
4 resolution board, whichever method is best suited to the
5 system being used. All duplicate ballots shall be clearly
6 labeled as such, and shall bear a serial number which shall
7 also be recorded on the damaged or defective ballot.

8 The resolution board shall also tabulate any write-in votes
9 which were cast. Write-in votes cast for a candidate whose
10 name appears on the ballot for the same office shall be
11 counted as a vote for the candidate indicated, if the vote is
12 otherwise properly cast. Ballots which are rejected by the
13 tabulating equipment as blank because they have been marked
14 with an unreadable marker shall be duplicated or tabulated as
15 required by this subsection for damaged or defective ballots.

16 Sec. 25. Section 53.1, Code 1993, is amended by adding the
17 following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. A person who has been designated
19 to have power of attorney by a qualified elector does not have
20 authority to request or to cast an absentee ballot on behalf
21 of the qualified elector.

22 Sec. 26. Section 53.21, Code 1993, is amended by adding
23 the following new unnumbered paragraphs:

24 NEW UNNUMBERED PARAGRAPH. A voter who spoils an absentee
25 ballot may return it to the commissioner. The outside of the
26 return envelope shall be marked "SPOILED BALLOT". The
27 commissioner shall replace the ballot in the manner provided
28 in this section for lost ballots.

29 NEW UNNUMBERED PARAGRAPH. An absentee ballot returned to
30 the commissioner without a designation that the ballot was
31 spoiled shall not be replaced.

32 Sec. 27. Section 53.22, subsection 1, paragraph a, Code
33 1993, is amended by adding the following new unnumbered
34 paragraphs:

35 NEW UNNUMBERED PARAGRAPH. If materials are prepared for

1 the two special precinct election officials, a list shall be
2 made of all electors to whom ballots are to be delivered. The
3 list shall be sent with the officials who deliver the ballots
4 and shall include spaces to indicate whether the person was
5 present at the hospital or health care facility when the
6 officials arrived, whether the person requested assistance
7 from the officials, whether the person was assisted by another
8 person of the elector's choice, the time that the ballot was
9 returned to the officials, and any other notes the officials
10 deem necessary.

11 NEW UNNUMBERED PARAGRAPH. The officials shall also be
12 issued a supply of extra ballots to replace spoiled ballots.
13 Receipts shall be issued in substantially the same form as
14 receipts issued to precinct election officials pursuant to
15 section 49.65. All ballots shall be accounted for and shall
16 be returned to the commissioner. Separate envelopes shall be
17 provided for the return of spoiled ballots and unused ballots.

18 Sec. 28. Section 53.31, Code 1993, is amended by striking
19 the section and inserting in lieu thereof the following:

20 53.31 CHALLENGES.

21 Any person qualified to vote at the election in progress
22 may challenge the qualifications of a person casting an
23 absentee ballot by submitting a written challenge to the
24 commissioner no later than five p.m. on the day before the
25 election. It is the duty of the special precinct officials to
26 challenge the absentee ballot of any person whom the official
27 knows or suspects is not duly qualified. Challenges by
28 members of the special precinct election board or observers
29 present pursuant to section 53.23 may be made at any time
30 before the close of the polls on election day. The challenge
31 shall state the reasons for which the challenge is being
32 submitted and shall be signed by the challenger. When a
33 challenge is received the absentee ballot shall be set aside
34 for consideration by the special precinct election board when
35 it meets as required by section 50.22.

1 The commissioner shall immediately send a written notice to
2 the elector whose qualifications have been challenged. The
3 notice shall be sent to the address at which the challenged
4 elector is registered to vote. If the ballot was mailed to
5 the challenged elector, the notice shall also be sent to the
6 address to which the ballot was mailed if it is different from
7 the elector's registration address. The notice shall advise
8 the elector of the reason for the challenge, the date and time
9 that the special precinct election board will reconvene to
10 determine challenges, and that the elector has the right to
11 submit written evidence of the elector's qualifications. The
12 notice shall include the telephone number of the
13 commissioner's office. If the commissioner has access to a
14 facsimile machine, the notice shall include the telephone
15 number of the facsimile machine. As far as possible, other
16 procedures for considering special ballots shall be followed.

17 Sec. 29. Section 59.1, Code 1993, is amended by adding the
18 following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A copy of the statement of
20 notice of contest shall be filed with the secretary of state
21 within five days of service of the notice upon the incumbent.
22 The secretary of state shall notify the presiding officer of
23 the house in which the contest will be tried.

24 Sec. 30. NEW SECTION. 59.7 NOTICE OF RESULT.

25 The presiding officer of the house in which the contest was
26 tried shall certify to the secretary of state the results of
27 the contest.

28 Sec. 31. Section 62.23, Code 1993, is amended to read as
29 follows:

30 62.23 COMPENSATION.

31 The judges shall be entitled to receive four one hundred
32 dollars a day for the time occupied by the trial.

33 Sec. 32. Section 62.24, Code 1993, is amended by striking
34 the section and inserting in lieu thereof the following:

35 62.24 COSTS.

1 The contestant and the incumbent are responsible for the
2 expenses of the witnesses called by them, respectively. If
3 the results of the election are upheld by the contest, if the
4 statement is dismissed, or if the prosecution fails, the costs
5 of the contest shall be paid by the contestant. If the court
6 or tribunal trying the contest determines that the contestant
7 won the election, or if the election is set aside, the costs
8 of the contest shall be paid by the county.

9 Sec. 33. Section 69.2, Code 1993, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 8. The incumbent simultaneously holding
12 more than one elective office. This subsection does not apply
13 to the following offices: county agricultural extension
14 council, soil and water conservation district commission, or
15 regional library board of trustees.

16 Sec. 34. Section 99F.7, subsection 10, paragraph a, Code
17 1993, is amended to read as follows:

18 a. A license to conduct gambling games on an excursion
19 gambling boat in a county shall be issued only if the county
20 electorate approves the conduct of the gambling games as
21 provided in this subsection. The board of supervisors, upon
22 receipt of a valid petition meeting the requirements of
23 section 331.306, shall direct the commissioner of elections to
24 submit to the qualified ~~voters~~ electors of the county a
25 proposition to approve or disapprove the conduct of gambling
26 games on an excursion gambling boat in the county. The
27 proposition shall be submitted at a general election or at a
28 special election called for that purpose. To be submitted at
29 a general election, the petition must be received by the board
30 of supervisors at least ~~sixty~~ sixty five working days before the
31 last day for candidates for county offices to file nomination
32 papers for the general election pursuant to section 44.4. If
33 a majority of the county voters voting on the proposition
34 favor the conduct of gambling games, the commission may issue
35 one or more licenses as provided in this chapter. If a

1 majority of the county voters voting on the proposition do not
2 favor the conduct of gambling games, a license to conduct
3 gambling games in the county shall not be issued. After a
4 referendum has been held, another referendum requested by
5 petition shall not be held for at least two years.

6 Sec. 35. Section 275.25, subsection 1, Code 1993, is
7 amended to read as follows:

8 1. If the proposition to establish a new school district
9 carries under the method provided in this chapter, the area
10 education agency administrator with whom the petition was
11 filed shall give written notice of a proposed date for a
12 special election for directors of the newly formed school
13 district to the commissioner of elections of the county in the
14 district involved in the reorganization which has the greatest
15 taxable base. The proposed date shall be as soon as possible
16 pursuant to sections 39.2, subsections 1 and 2, and 47.6,
17 subsections 1 and 2, but not later than the third Tuesday in
18 January of the calendar year in which the reorganization takes
19 effect. The election shall be conducted as provided in
20 section 277.3, and nomination petitions shall be filed
21 pursuant to section 277.4, except as otherwise provided in
22 this subsection. Nomination petitions shall be filed with the
23 secretary of the board of the existing school district in
24 which the candidate resides, signed by not less than ten
25 eligible electors of the newly formed district, and filed not
26 less than thirty twenty-eight days prior-to before the date
27 set for the special school election. The school secretary, or
28 the secretary's designee, shall be present in the secretary's
29 office until 5 p.m. on the final day to file the nomination
30 papers. The nomination papers shall be delivered to the
31 commissioner no later than 5 p.m. on the twenty-seventh day
32 before the election.

33 If the special election is held in conjunction with the
34 regular school election, the filing deadlines for the regular
35 school election apply.

1 Sec. 36. Section 275.36, Code 1993, is amended to read as
2 follows:

3 275.36 SUBMISSION OF CHANGE TO ELECTORS.

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

23 Sec. 37. Section 277.4, unnumbered paragraph 2, Code 1993,
24 is amended to read as follows:

25 Each candidate shall be nominated by a petition signed by
26 not less than ten eligible electors of the district. Signers
27 of nomination petitions shall include their addresses and the
28 date of signing, and must reside in the same director district
29 as the candidate if directors are elected by the voters of a
30 director district, rather than at large. A person may sign
31 nomination petitions for more than one candidate for the same
32 office, and the signature is not invalid solely because the
33 person signed nomination petitions for one or more other
34 candidates for the office. The petition shall be filed with
35 the affidavit of the candidate being nominated, stating the

1 candidate's name, place of residence, that such person is a
2 candidate and is eligible for the office the candidate seeks,
3 and that if elected the candidate will qualify for the office.

4 Sec. 38. Section 331.206, subsection 2, Code 1993, is
5 amended by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A plan selected by the board
7 shall become effective on the first day in January which is
8 not a Sunday or holiday following the next general election,
9 at which time the terms of the members expire and the terms of
10 the members elected under the requirements of the new
11 supervisor representation plan at the general election as
12 specified in section 331.208, 331.209, or 331.210 shall
13 commence.

14 Sec. 39. Section 331.323, subsection 1, unnumbered
15 paragraph 2, Code 1993, is amended to read as follows:

16 If a petition of electors equal in number to twenty-five
17 percent of the votes cast for the county office receiving the
18 greatest number of votes at the preceding general election is
19 filed with the auditor no later than five working days before
20 the filing deadline for candidates for county offices as
21 specified in section 44.4 for the next general election, the
22 board shall direct the commissioner of elections to call an
23 election for the purpose of voting on the proposal. If the
24 petition contains more than one proposal for combining duties,
25 each proposal shall be listed on the ballot as a separate
26 issue. If the majority of the votes cast is in favor of a
27 proposal, the board shall take all steps necessary to combine
28 the duties as specified in the petition.

29 Sec. 40. Section 362.3, subsection 2, Code 1993, is
30 amended to read as follows:

31 2. A publication required by the city code must be in a
32 newspaper published at least once weekly and having general
33 circulation in the city. However, if the city has a
34 population of two hundred or less, or in the case of notices
35 of elections, ordinances, and amendments to be published in a

1 city in which no newspaper is published, a publication may be
2 made by posting in three public places in the city which have
3 been permanently designated by ordinance.

4 Sec. 41. Section 364.2, subsection 4, paragraph b, Code
5 1993, is amended to read as follows:

6 b. No such ordinance shall become effective unless
7 approved at an election. The proposal may be submitted by the
8 council on its own motion to the voters at any city election.
9 Upon receipt of a valid petition as defined in section 362.4
10 requesting that a proposal be submitted to the voters, the
11 council shall submit the proposal at the next regular city
12 election or at a special election called for that purpose
13 ~~prior-to~~ before the next regular city election. If a majority
14 of those voting approves the proposal the city may proceed as
15 proposed. The complete text of the ordinance shall be
16 included on the ballot, if paper ballots are used. If an
17 electronic voting system or voting machine is used, the
18 ordinance shall be summarized on the ballot and the full text
19 of the ordinance posted for the voters. All absentee voters
20 shall receive the full text of the ordinance.

21 Sec. 42. Section 422B.1, subsection 6, Code 1993, is
22 amended by adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. Costs of local option tax
24 elections shall be apportioned among jurisdictions within the
25 county voting on the question at the same election.

26 EXPLANATION

27 Code section 9.4 is amended to raise the maximum photocopy
28 fee from 10 cents to 25 cents per page if the requestor makes
29 the copies, and to \$1 per page if office staff makes the
30 copies.

31 Code section 39.2 is amended to require uniform filing
32 deadlines for elections held in conjunction with regularly
33 scheduled elections and to forbid holding a special city
34 election to fill a vacancy in conjunction with a general
35 election if the city election procedures require a primary

1 election.

2 Code section 39.3 is amended to add a new subsection
3 defining public measure as any question authorized or required
4 by law to be submitted to the voters at an election.

5 Code sections 39.11 and 39.12 are enacted to prohibit a
6 person from holding more than one elective office at a time
7 with the exception of the following offices: county
8 agricultural extension council, soil and water conservation
9 district commission, and regional library board of trustees.
10 The person must resign all but one of the offices and failure
11 to do so will result in a vacancy in all the elective offices
12 to which the person was elected.

13 Code section 43.59 is enacted to require that the county
14 auditor certify to the secretary of state the total number of
15 people who voted in the primary election in each political
16 party.

17 Code section 44.16 is stricken and new language enacted
18 which prohibits adding signatures or other information to a
19 nomination petition or certificate nominating a candidate for
20 a nonparty political organization after it has been filed.

21 Code section 45.1 is amended to revise the signature
22 requirements for candidates nominated for federal, state, and
23 local offices. The number of signatures for statewide elected
24 office is increased from 1,000 to 1,500. The number of
25 signatures required for nominations for candidates for a
26 United States house of representatives seat or a seat in the
27 general assembly is changed from percentages of votes cast to
28 absolute numbers. For a U.S. house seat, 300 signatures are
29 required; for a seat in the state senate, 150 signatures are
30 required; and for a seat in the state house of
31 representatives, 75 signatures are required. The required
32 number of signatures for nominations to county offices is
33 changed from a percentage of the number of voters in a prior
34 election to a number equal to one percent of the number of
35 registered voters in the county on July 1 of the year

1 preceding the year in which the office will appear on the
2 ballot or 250 eligible electors, whichever is less. For
3 supervisor districts a minimum of 150 signatures are required.
4 Nomination petitions must contain the name of each candidate
5 to whom the petition applies.

6 Code section 47.1 is amended to allow the secretary of
7 state to exercise emergency powers over an election in which a
8 natural or other disaster has occurred. Current Code language
9 only contemplates natural disasters.

10 Code section 47.6 is amended to provide that a public
11 measure placed by petition on the ballot of a regularly
12 scheduled election cannot be withdrawn. The amendment does
13 allow a public measure submitted by the governing body of a
14 political subdivision for inclusion on the ballot of a
15 regularly scheduled election to be withdrawn by the governing
16 body. If the election is held specifically for the purpose of
17 submitting a public measure for a single political
18 subdivision, the public measure cannot be withdrawn.

19 Code section 47.8 is amended to require that the state
20 voter registration commission meet quarterly rather than
21 monthly as is currently required.

22 Code section 48.31 is amended to provide a method by which
23 the registration of a registered voter will be removed if the
24 registered voter has been convicted of a felony in a county
25 other than the county where the elector is registered to vote.
26 Currently, the procedure only provides for notification of the
27 auditor of the county in which the felony conviction is
28 obtained.

29 Code section 49.10 is amended to allow the use of one
30 building for more than one precinct to apply to all polling
31 places rather than only city polling places.

32 Code section 49A.8 is amended to require the secretary of
33 state to certify to the Iowa Code editor the results of a vote
34 on a constitutional amendment or other public measure.

35 Code section 50.9 is amended to require that unvoted or

1 spoiled ballots for federal elections be preserved for 22
2 months. Currently, federal law requires ballots cast in
3 federal elections to be preserved for 22 months.

4 Code sections 50.16 and 50.24 are amended to require
5 counties to report to the secretary of state the number of
6 people who voted in each precinct and the total number who
7 voted in the general election and in special elections to fill
8 vacancies.

9 Code section 50.33 is amended to remove archaic language.

10 Code section 50.48 is amended to specify the method for
11 notifying the apparent winner in the event of an election
12 recount. If the apparent winner cannot be notified, the
13 political party chairperson shall act on behalf of the
14 apparent winner, if necessary. Code section 50.48 is also
15 amended to provide more direction for the conduct of election
16 recounts.

17 Code section 52.23 is amended to require that voting
18 machine documents from federal elections be preserved for 22
19 months as are ballots and other election documents from
20 federal elections.

21 Code section 52.32 is amended to require that the statement
22 of precinct officials regarding ballot security requirements
23 accompany the ballots through the counting center.

24 Code sections 52.36 and 52.37 are amended to replace the
25 two-person team of auditor's office employees designated to
26 count write-in votes and resolve questions about unreadable
27 ballots with a three-person, bipartisan resolution team which
28 is consistent with other ballot tabulation procedures.

29 Section 52.37 is also amended to provide that ballots which
30 are rejected by tabulating equipment because they have been
31 marked with an unreadable marker shall be duplicated or
32 tabulated in the same manner as write-in votes.

33 Code section 53.1 is amended to prohibit a person who has
34 power of attorney over a qualified elector from requesting or
35 casting an absentee ballot on behalf of the qualified elector.

1 Code section 53.21 is amended to establish a procedure for
2 a voter to return a spoiled absentee ballot and request a
3 replacement.

4 Code section 53.22 is amended to establish recordkeeping
5 and delivery procedures for special precinct absentee ballot
6 teams delivering ballots to hospitals and health care
7 facilities.

8 Code section 53.31 is stricken and new language enacted in
9 lieu thereof which establishes procedures for challenging
10 absentee ballots.

11 Code section 59.1 is amended to require that the statement
12 of notice of an election contest be filed with the secretary
13 of state who shall notify the presiding officer of the house
14 in which the contest is to be tried.

15 Code section 59.7 is amended to require the appropriate
16 presiding officer to certify the results of the election
17 contest to the secretary of state.

18 Code section 62.23 is amended to raise the trial fee per
19 day paid to contest court judges from \$4 to \$100.

20 Code section 62.24 is stricken and new language inserted in
21 lieu thereof which requires the cost of an election contest to
22 be paid by the county if the contest court finds in favor of
23 the contestant. Currently, the cost is to be paid by the
24 apparent winner of the election if the court finds in favor of
25 the contestant.

26 Code section 69.2, relating to what constitutes a vacancy
27 in office, is amended to include an incumbent who is holding
28 more than one elective office.

29 Code section 99F.7 is amended to change the filing deadline
30 by which a petition calling for an election on the question of
31 authorizing excursion boat gambling in a county to correspond
32 with other filing deadlines for the general election.

33 Code section 275.25 is amended to change the candidate
34 filing deadline for special elections in newly formed school
35 districts from 30 days before the election to 28 days before

1 the election and requires the school secretary's office to be
2 open on the final filing date. It also specifies that if the
3 special election is held in conjunction with the regular
4 school election, the filing deadlines for the regular election
5 apply.

6 Code section 275.36, providing for the procedure for
7 placing the question of changing the number of school district
8 directors or the method by which the directors are elected, is
9 amended to conform the petition signature and filing
10 requirements with other propositions which may be placed on
11 the ballot of a regular school election.

12 Code section 277.4 is amended to specify the signature
13 requirements for nomination papers for school director
14 districts.

15 Code section 331.206 is amended to require that the
16 effective date of a supervisor election plan selected by the
17 board of supervisors be the first day of January following the
18 general election which is not a Sunday or holiday.

19 Code section 331.323 is amended to establish a filing
20 deadline for petitions calling for the combining of the duties
21 of certain county officers and employees.

22 Code section 362.3 is amended to allow cities with
23 populations of 200 or less or cities in which no newspaper is
24 published to post notices of election rather than publish them
25 in a newspaper.

26 Code section 364.2 is amended to specify the requirement
27 that franchise ordinances must appear on the ballot at an
28 election in which the question to grant, amend, extend, or
29 renew the franchise is on the ballot.

30 Code section 422B.1 is amended to require that the costs of
31 conducting an election on the question of the imposition of
32 one or more local option taxes be apportioned among the
33 potential taxing jurisdictions within the county in which the
34 question is being submitted.

35

BACKGROUND STATEMENT

1 SUBMITTED BY AGENCY

2 Code section 9.4 is amended to raise the maximum photocopy
3 fee from 10 cents to 25 cents per page if the requestor makes
4 the copies, and to \$1 per page if office staff makes the
5 copies. This change is necessary to recover the cost of
6 providing copies.

7 Code section 39.2 is amended to require uniform filing
8 deadlines for elections held in conjunction with regularly
9 scheduled elections. This will simplify administration of
10 jointly held elections. The amendment also forbids holding a
11 special city election to fill a vacancy in conjunction with a
12 general election if the city election procedures require a
13 primary election. It is not possible to comply with the time
14 requirements for filling the city vacancy and the ballot
15 printing deadline for the general election at the same time.

16 Code section 39.3 is amended to add a new subsection 15
17 defining public measure, which is widely used, as any question
18 authorized or required by law to be submitted to the voters at
19 an election.

20 Code sections 39.11 and 39.12 are enacted to prohibit a
21 person from holding more than one elective office at a time
22 with the exception of the following offices: county
23 agricultural extension council, soil and water conservation
24 district commission, and regional library board of trustees.
25 The person must resign all but one of the offices and failure
26 to do so will result in a vacancy in all the elective offices
27 to which the person was elected.

28 Code section 43.59 is enacted to require that the county
29 auditor certify to the secretary of state the total number of
30 people who voted in the primary election in each political
31 party. This statistic is frequently requested. The
32 information is available in the counties.

33 Code section 44.16 is repealed and new language enacted
34 which prohibits adding signatures or other information to a
35 nomination petition or certificate nominating a candidate for

1 a nonparty political organization after it has been filed.
2 This is consistent with other filing requirements that also
3 forbid adding information to a nomination document after it
4 has been filed or from returning nomination documents after
5 they have been filed.

6 Code section 45.1 is amended to revise the signature
7 requirements for candidates nominated for federal, state, and
8 local offices. The secretary of state was sued in federal
9 court in 1992 by the grassroots party. The suit pointed out
10 that the number of signatures required for a candidate for a
11 congressional seat was significantly greater than the number
12 of signatures required to be placed on the ballot for the
13 office of president of the United States. The secretary of
14 state was ordered by the judge to accept nomination petitions
15 from congressional candidates that did not meet the
16 requirements of the Code if the candidates submitted at least
17 1,000 signatures, the number required for statewide office.

18 The signatures for statewide elected office is increased
19 from 1,000 to 1,500. The signatures required for nominations
20 for candidates for a federal congressional seat or a seat in
21 the general assembly are changed from percentages of votes
22 cast to absolute numbers. For a federal congressional seat,
23 300 signatures are required; for a seat in the senate of the
24 general assembly, 150 signatures are required; and for a seat
25 in the house of representatives of the general assembly, 75
26 signatures are required. The required number of signatures
27 for nominations to county offices is changed from a percentage
28 of the number of voters in a prior election to a number equal
29 to one percent of the number of registered voters in the
30 county on July 1 of the year preceding the year in which the
31 office will appear on the ballot or 250 eligible electors,
32 whichever is less. For supervisor districts a minimum of 150
33 signatures are required. Nomination petitions must contain
34 the name of each candidate to whom the petition applies.

35 Code section 47.1 is amended to allow the secretary of

1 state to exercise emergency powers over an election in which a
2 natural or other disaster has occurred. Current Code language
3 only contemplates natural disasters.

4 Code section 47.6 is amended to provide that a public
5 measure placed by petition on the ballot of a regularly
6 scheduled election cannot be withdrawn. The amendment does
7 allow a public measure submitted by the governing body of a
8 political subdivision for inclusion on the ballot of a
9 regularly scheduled election to be withdrawn by the governing
10 body. If the election is held specifically for the purpose of
11 submitting a public measure for a single political
12 subdivision, the public measure cannot be withdrawn. This
13 change is in response to many questions received over the past
14 year.

15 Code section 47.8 is amended to require that the state
16 voter registration commission meet quarterly rather than
17 monthly as is currently required.

18 Code section 48.31 is amended to provide a method by which
19 the registration of a registered voter will be removed if the
20 registered voter has been convicted of a felony in a county
21 other than the county where the elector is registered to vote.
22 Currently, the procedure only provides for notification of the
23 auditor of the county in which the felony conviction is
24 obtained. If a person is registered to vote in a county other
25 than the county where the conviction was obtained, no notice
26 of the conviction is received by the county auditor where the
27 person is registered.

28 Code section 49.10 is amended to allow the use of one
29 building for more than one precinct to apply to all polling
30 places rather than only city polling places.

31 Code section 49A.8 is amended to require the secretary of
32 state to certify to the Iowa Code editor the results of a vote
33 on a constitutional amendment or other public measure.

34 Code section 50.9 is amended to require that unvoted or
35 spoiled ballots for federal elections be preserved for 22

1 months. Currently, federal law requires ballots cast in
2 federal elections to be preserved for 22 months.

3 Code sections 50.16 and 50.24 are amended to require
4 counties to report to the secretary of state the number of
5 people who voted in each precinct and the total number who
6 voted in the general election and in special elections to fill
7 vacancies. This will provide more reliable turnout
8 statistics. Current statistics are based on the office with
9 the highest number of voters. The statistics are available in
10 the counties, but have not been required to be reported to the
11 secretary of state.

12 Code section 50.33 is amended to remove archaic language.

13 Code section 50.48 is amended to specify the method for
14 notifying the apparent winner in the event of an election
15 recount. If the apparent winner cannot be notified, the
16 political party chairperson shall act on behalf of the
17 apparent winner, if necessary. Code section 50.48 is also
18 amended to provide more direction for the conduct of election
19 recounts.

20 Code section 52.23 is amended to require that voting
21 machine documents from federal elections be preserved for 22
22 months as are ballots and other election documents from
23 federal elections.

24 Code section 52.32 is amended to require that the statement
25 of precinct officials regarding ballot security requirements
26 accompany the ballots through the counting center.

27 Code sections 52.36 and 52.37 are amended to replace the
28 two-person team of auditor's office employees designated to
29 count write-in votes and resolve questions about unreadable
30 ballots with a three-person, bipartisan resolution team which
31 is consistent with other ballot tabulation procedures.

32 Section 52.37 is also amended to provide that ballots which
33 are rejected by tabulating equipment because they have been
34 marked with an unreadable marker shall be duplicated or
35 tabulated in the same manner as write-in votes. This

1 amendment is designed to be consistent with other ballot
2 tabulation procedures and to avoid the appearance of
3 impropriety by placing too much of the ballot processing
4 responsibility with the county auditor and the auditor's
5 staff.

6 Code section 53.1 is amended to prohibit a person who has
7 power of attorney over a qualified elector from requesting or
8 casting an absentee ballot on behalf of the qualified elector.

9 Code section 53.21 is amended to establish a procedure for
10 a voter to return a spoiled absentee ballot and request a
11 replacement.

12 Code section 53.22 is amended to establish recordkeeping
13 and delivery procedures for special precinct absentee ballot
14 teams delivering ballots to hospitals and nursing homes.

15 Code section 53.31 is repealed and new language enacted in
16 lieu thereof which establishes procedures for challenging
17 absentee ballots.

18 Code section 59.1 is amended to require that the statement
19 of notice of an election contest be filed with the secretary
20 of state who shall notify the presiding officer of the house
21 in which the contest is to be tried.

22 Code section 59.7 is amended to require the appropriate
23 presiding officer to certify the results of the election
24 contest to the secretary of state.

25 Code section 62.23 is amended to raise the trial fee paid
26 per day to contest court judges from \$4.00 to \$100. The fee
27 has been \$4 since 1851.

28 Code section 62.24 is repealed and new language inserted in
29 lieu thereof which requires the cost of an election contest to
30 be paid by the county if the contest court finds in favor of
31 the contestant. Currently, the cost is to be paid by the
32 apparent winner of the election if the court finds in favor of
33 the contestant.

34 Code section 69.2, relating to what constitutes a vacancy
35 in office, is amended to include an incumbent who is holding

1 more than one elective office.

2 Code section 99F.7 is amended to change the filing deadline
3 by which a petition calling for an election on the question of
4 authorizing excursion boat gambling in a county to correspond
5 with other filing deadlines for the general election. The
6 amendment also corrects terminology.

7 Code section 275.25 is amended to change the candidate
8 filing deadline for special elections in newly formed school
9 districts from 30 days before the election (always a Sunday),
10 to 28 days before the election and requires the school
11 secretary's office to be open on the final filing date. It
12 also specifies that if the special election is held in
13 conjunction with the regular school election, the filing
14 deadlines for the regular election apply.

15 Code section 275.36, providing for the procedure for
16 placing the question of changing the number of school district
17 directors or the method by which the directors are elected, is
18 amended to conform the petition signature and filing
19 requirements with other propositions which may be placed on
20 the ballot of a regular school election.

21 Code section 277.4 is amended to clarify the signature
22 requirements for nomination papers for school director
23 districts.

24 Code section 331.206 is amended to require that the
25 effective date of a supervisor election plan selected by the
26 board of supervisors be the first day of January following the
27 general election which is not a Sunday or holiday.

28 Code section 331.323 is amended to establish a filing
29 deadline for petitions calling for the combining of the duties
30 of certain county officers and employees.

31 Code section 362.3 is amended to allow cities with
32 populations of 200 or less or cities in which no newspaper is
33 published to post notices of election rather than publish them
34 in a newspaper.

35 Code section 364.2 is amended to clarify the requirement

1 that franchise ordinances must appear on the ballot at an
2 election in which the question to grant, amend, extend, or
3 renew the franchise is on the ballot.

4 Code section 422B.1 is amended at the suggestion of the
5 attorney general to require that the costs of conducting an
6 election on the question of the imposition of one or more
7 local option taxes be apportioned among the potential taxing
8 jurisdictions within the county in which the question is being
9 submitted.

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HOUSE FILE 652

AN ACT

RELATING TO THE OFFICE OF SECRETARY OF STATE, THE CONDUCT OF ELECTIONS AND VOTER REGISTRATION IN THE STATE, AND RELATING TO CORRECTIVE AND TECHNICAL CHANGES TO IOWA'S ELECTION LAWS, PROVIDING AN EFFECTIVE DATE, AND PROVIDING PENALTIES.

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

Section 1. Section 9.4, subsection 2, Code 1993, is amended to read as follows:

2. For a copy of any law or record, upon the request of any private person or corporation, a fee to be determined by the secretary of state ~~not to exceed ten cents per page~~ by rule adopted pursuant to chapter 17A.

Sec. 2. Section 39.2, subsection 3, Code 1993, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. If a special election to fill a vacancy is held in conjunction with a regularly scheduled election, the filing deadlines for the special election shall coincide with the filing deadlines for the regularly scheduled election. An election to fill a vacancy in a city office cannot be held in conjunction with a general election if the city election procedures provide for a primary election.

Sec. 3. Section 39.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Public measure" means any question authorized or required by law to be submitted to the voters at an election.

Sec. 4. NEW SECTION. 39.11 MORE THAN ONE OFFICE PROHIBITED.

Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than

one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

Sec. 5. NEW SECTION. 39.12 FAILURE TO VACATE.

An elected official who has been elected to another elective office to which section 39.11 applies shall choose only one office in which to serve. The official shall resign from all but one of the offices to which section 39.11 applies before the beginning of the term of the office to which the person was most recently elected. Failure to submit the required resignation will result in a vacancy in all elective offices to which the person was elected.

Sec. 6. NEW SECTION. 43.59 NUMBER OF VOTERS CERTIFIED.

The commissioner shall certify to the state commissioner the total number of people who voted in the primary election in each political party.

Sec. 7. Section 44.16, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

44.16 RETURN OF PAPERS -- ADDITIONS NOT ALLOWED.

After a nomination petition or certificate has been filed, it shall not be returned to the candidate or person who has filed the document, and no signature or other information shall be added to the nomination petition or certificate.

Sec. 8. Section 45.1, subsections 1 through 3, Code 1993, are amended by striking the subsections and inserting in lieu thereof the following:

1. Nominations for candidates for president and vice president, governor and lieutenant governor, and for other statewide elected offices may be made by nomination petitions signed by not less than one thousand five hundred eligible electors residing in not less than ten counties of the state.

2. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than the number of eligible electors equal to the number of signatures required

in subsection 1 divided by the number of congressional districts.

1. Nominations for candidates for the state senate may be made by nomination petitions signed by not less than one hundred eligible electors of the senate district.

3A. Nominations for candidates for the state house of representatives may be made by nomination petitions signed by not less than fifty eligible electors of the representative district.

3B. Nominations for candidates for offices filled by the voters of a whole county may be made by nomination petitions signed by eligible electors of the county equal in number to at least one percent of the number of registered voters in the county on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least two hundred fifty eligible electors of the county, whichever is less.

3C. Nominations for candidates for the office of county supervisor elected by the voters of a supervisor district may be made by nomination petitions signed by eligible electors of the supervisor district equal in number to at least one percent of the number of registered voters in the supervisor district on July 1 in the year preceding the year in which the office will appear on the ballot, or by at least one hundred fifty eligible electors of the supervisor district, whichever is less.

3D. Nomination papers for the offices of president and vice president shall include the names of the candidates for both offices on each page of the petition. A certificate listing the names of the candidates for presidential electors, one from each congressional district and two from the state at large, shall be filed in the state commissioner's office at the same time the nomination papers are filed.

Nomination papers for the offices of governor and lieutenant governor shall include the names of candidates for both offices on each page of the petition. Nomination papers for other statewide elected offices and all other offices

shall include the name of the candidate on each page of the petition.

Sec. 9. Section 47.1, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other 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.

Sec. 10. Section 47.6, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. A public measure shall not be withdrawn from the ballot at any election if the public measure was placed on the ballot by a petition, or if the election is a special election called specifically for the purpose of deciding one or more public measures for a single political subdivision. However, a public measure which was submitted to the county commissioner of elections by the governing body of a political subdivision may be withdrawn by the governing body which submitted the public measure if the public measure was to be placed on the ballot of a regularly scheduled election. The notice of withdrawal must be made by resolution of the governing body and must be filed with the commissioner no later than the last day upon which a candidate may withdraw from the ballot.

Sec. 11. Section 47.8, subsection 1, Code 1993, is amended to read as follows:

1. There is established a state voter registration commission which shall meet at least once each month quarterly to make and review policy, promulgate adopt rules and establish procedures to be followed by the registrar in

discharging the duties of that office. The commission shall consist of the state commissioner of elections or the state commissioner's designee and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who shall serve without additional salary or reimbursement.

Sec. 12. Section 48.16, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Any person designated by the commissioner, or by the registrant, to deliver the completed registration form, who willfully fails to deliver the registration form to the commissioner or the commissioner's designee, is guilty of a serious misdemeanor.

Sec. 13. Section 48.31, subsection 4, Code 1993, is amended to read as follows:

4. The clerk-of-district-court state registrar of voters sends notification of an elector's conviction of a felony, as defined in section 701.7. The clerk of district court shall send notice of a felony conviction to the state registrar of voters. The registrar shall determine in which county the felon is registered to vote, if any. The registration shall be cancelled where the felon is registered, even if it is not in the same county where the conviction was obtained.

Sec. 14. Section 49.5, subsection 3, Code 1993, is amended to read as follows:

3. Cities using any form of city government authorized by law in which some or all members of the city council are elected from wards shall be apportioned into wards on the basis of population. The ward boundaries shall follow the boundaries of election precincts. However, a special charter city with a population of three thousand five hundred or less which is divided into council wards may, for any election, direct the county commissioner of elections to consolidate two or more precincts.

Sec. 15. Section 49.10, subsections 3 and 4, Code 1993, are amended to read as follows:

3. In any city in which precinct lines have been changed to comply with section 49.5, the commissioner may fix the polling place for any precinct outside the boundaries of the precinct if there is no building or facility within the precinct suitable and available for use as a polling place. In so doing, the commissioner shall fix the polling place at the point nearest the precinct which is suitable and available for use as a polling place and is reasonably accessible to voters of the precinct.

4. No single room or area of any building or facility shall be fixed as the polling place for more than one precinct unless there are separate entrances thereto each clearly marked on the days on which elections are held as the entrance to the polling place of a particular precinct, and suitable arrangements are made within such ~~the~~ room or area to prevent direct access from the polling place of any precinct to the polling place of any other precinct. When the commissioner has fixed such a polling place for any precinct it shall remain the polling place at all subsequent elections, except elections for which the precinct is merged with another precinct as permitted by section 49.11, until the boundaries of the precinct are changed or the commissioner fixes a new polling place, except that the polling place shall be changed to a point within the boundaries of the precinct at any time not less than sixty days before the next succeeding election that a building or facility suitable for such use becomes available within the precinct.

5. If two or more contiguous townships have been combined into one election precinct by the board of supervisors, the commissioner shall provide a polling place which is convenient to all of the electors in the precinct.

Sec. 16. Section 49.11, subsection 3, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The city council of a special charter city with a population of three thousand five hundred or less which is divided into council wards, requests the commissioner to consolidate two or more precincts for any election.

Sec. 17. Section 49.53, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing on the published sample ballot to be less than five thirty-sixths of an inch high in candidates' names or in summaries of public measures. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, the location of the polling places designated as early ballot pick-up sites, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election.

Sec. 18. Section 49.107, subsection 1, Code 1993, is amended to read as follows:

1. Loitering, congregating, electioneering, posting of signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls

are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held, ~~except this.~~ This subsection shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place, which sign is more than ninety square inches in size, is prohibited.

Sec. 19. Section 49A.8, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon completion of the canvass, the secretary of state shall certify to the Iowa Code editor the results of the election.

Sec. 20. Section 50.9, Code 1993, is amended to read as follows:

50.9 RETURN OF BALLOTS NOT VOTED.

Ballots not voted, or spoiled by voters while attempting to vote, shall be returned by the precinct election officials to the commissioner, and a receipt taken ~~therefor, and they for~~ the ballots. The ballots shall be preserved for twenty-two months following elections for federal offices and for six months following elections for all other offices.

Sec. 21. Section 50.16, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The tally list shall be prepared in writing by the election board, giving, in legibly printed numerals, the total number of people who cast ballots in the precinct, the whole total number of ballots cast for each officer, except those rejected, the name of each person voted for, and the number of votes given to each person for each different officer, ~~which.~~ The tally list shall be signed by the precinct election officials, and be substantially as follows:

Sec. 22. Section 50.24, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The board shall also prepare a certificate showing the total number of people who cast ballots in the election. For general elections and elections held pursuant to section 69.14, a copy of the certificate shall be forwarded to the state commissioner.

Sec. 23. Section 50.33, Code 1993, is amended to read as follows:

50.33 FORWARDING OF ENVELOPES.

Said envelopes, including the one addressed to the speaker, after being prepared, sealed, and endorsed as aforesaid required by this chapter, shall be placed in one package and forwarded to the state commissioner.

Sec. 24. Section 50.48, subsection 1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Immediately upon receipt of a request for a recount, the commissioner shall send a copy of the request to the apparent winner by certified mail. The commissioner shall also attempt to contact the apparent winner by telephone. If the apparent winner cannot be reached within four days, the chairperson of the political party or organization which nominated the apparent winner shall be contacted and shall act on behalf of the apparent winner, if necessary. For candidates for state or federal offices, the chairperson of the state party shall be contacted. For candidates for county offices, the county chairperson of the party shall be contacted.

Sec. 25. Section 50.48, subsection 4, Code 1993, is amended to read as follows:

4. When all members of the recount board have been selected, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots or voting machine documents to ensure that the ballots and other documents are protected from alteration or damage. The board shall open only the sealed ballot containers from the precincts specified in the request

to be recounted. The board shall recount only the ballots which were voted and counted for the office in question. If an electronic tabulating system was used to count the ballots, the recount board may request the commissioner to retabulate the ballots using the electronic tabulating system. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

The ballots or voting machine documents shall be resealed by the recount board before adjournment and shall be preserved as required by section 50.12. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the county board's canvass of the election in question.

Sec. 26. Section 52.23, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The inspection sheets from each machine used in the election and one copy of the printed results from each machine shall be signed by all precinct election officials and, with any paper or papers upon which write-in votes were recorded by voters, shall be securely sealed in an envelope marked with the name and date of the election, the precinct, and the serial numbers of the machines from which the enclosed results were removed. This envelope shall be preserved, unopened, for twenty-two months following elections for federal offices and for six months following elections for all other offices unless a recount is requested pursuant to section 50.48 or an election contest is pending. The envelope shall be destroyed in the same manner as ballots pursuant to section 50.13. Additional copies of the results, if any, shall be delivered

to the commissioner with the other supplies from the election pursuant to section 50.17.

Sec. 27. Section 52.32, subsection 2, Code 1993, is amended to read as follows:

2. The precinct election officials shall affix a seal upon the ballot container. The precinct election officials shall then each affix their signatures to a statement attesting that the requirements of this section have been met and the time the ballot container is removed from the precinct polling location for delivery to the counting center pursuant to section 52.37. The statement shall be returned to the commissioner at the counting center with the election register as required by section 50.17 ballot container and shall accompany the ballots through the counting process.

Sec. 28. Section 52.36, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner shall appoint from the lists provided by the county political party chairpersons a resolution board to tabulate write-in votes and to decide questions regarding damaged, defective, or other ballots which cannot be tabulated by machine. The commissioner shall appoint as many people to the resolution board as the commissioner believes are necessary. The resolution board shall be divided into three-person teams. Each team shall consist of no more than two people who are members of the same political party.

Sec. 29. Section 52.37, subsection 2, Code 1993, is amended to read as follows:

2. After the record required by subsection 1 has been made, the ballot container shall be opened. If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made ~~in the presence of witnesses by the resolution board team~~ and substituted for the damaged or defective ballot, or, as an alternative, the valid votes on a defective ballot may be manually counted at the counting

~~center by at least two employees of the commissioner the resolution board, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.~~

The resolution board shall also tabulate any write-in votes which were cast. Write-in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast. Ballots which are rejected by the tabulating equipment as blank because they have been marked with an unreadable marker shall be duplicated or tabulated as required by this subsection for damaged or defective ballots.

Sec. 30. NEW SECTION. 52.40 EARLY PICK-UP SITES ESTABLISHED -- PROCEDURE.

1. In counties where counting centers have been established under section 52.34, the commissioner may, for general elections only, designate certain polling places as early ballot pick-up sites. At these sites, between the hours of one p.m. and four p.m. on the day of the election, early pick-up officers shall receive the sealed ballot container containing the ballots which have been voted throughout the day along with a signed statement of the precinct attesting to the number of declarations of eligibility signed up to that time, excluding those declarations signed by voters who have not yet placed their ballots in the ballot container. The officers shall replace the ballot container containing the voted ballots with an empty ballot container, to be sealed in the presence of a precinct election official.

2. Early pick-up officers shall be appointed in two-person teams, one from each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel drawn up as provided by section 49.15. The early pick-up officers shall be sworn in the manner provided by section 49.75 for election board members, and shall receive compensation as provided in section 49.20.

3. Each two-person team of early pick-up officers shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee. If persons designated as early pick-up officers fail to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person or persons, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section.

4. The tabulation of ballots received from early pick-up sites shall be conducted at the counting center during the hours the polls are open, in the manner provided in sections 52.36 and 52.37, except that the room in which the ballots are being counted shall not be open to the public during the hours in which the polls are open and the room shall be policed so as to prevent any person other than those whose presence is authorized by this section and sections 52.36 and 52.37 from obtaining information about the progress of the count. The only persons who may be admitted to that room, as long as admission does not impede the progress of the count, are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45, and the commissioner or the commissioner's designee. No compilation of vote subtotals shall be made while the polls are open. Any person who makes a compilation of vote subtotals before the polls are closed commits a simple misdemeanor. It shall be unlawful for any person to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 31. Section 53.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who has been designated to have power of attorney by a qualified elector does not have authority to request or to cast an absentee ballot on behalf of the qualified elector.

Sec. 32. Section 53.11, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Satellite absentee voting stations shall be established throughout the cities and county at the direction of the commissioner or upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. A petition requesting a satellite absentee voting station must be filed no later than five p.m. on the eleventh day before the election. A satellite absentee voting station established by petition must be open at least one day from eight a.m. until 5 p.m. A satellite absentee voting station established at the direction of the commissioner or by petition may remain open until five p.m. on the day before the election.

Sec. 33. Section 53.21, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A voter who spoils an absentee ballot may return it to the commissioner. The outside of the return envelope shall be marked "SPOILED BALLOT". The commissioner shall replace the ballot in the manner provided in this section for lost ballots.

NEW UNNUMBERED PARAGRAPH. An absentee ballot returned to the commissioner without a designation that the ballot was spoiled shall not be replaced.

Sec. 34. Section 53.22, subsection 1, paragraph a, Code 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If materials are prepared for the two special precinct election officials, a list shall be made of all electors to whom ballots are to be delivered. The list shall be sent with the officials who deliver the ballots

and shall include spaces to indicate whether the person was present at the hospital or health care facility when the officials arrived, whether the person requested assistance from the officials, whether the person was assisted by another person of the elector's choice, the time that the ballot was returned to the officials, and any other notes the officials deem necessary.

NEW UNNUMBERED PARAGRAPH. The officials shall also be issued a supply of extra ballots to replace spoiled ballots. Receipts shall be issued in substantially the same form as receipts issued to precinct election officials pursuant to section 49.65. All ballots shall be accounted for and shall be returned to the commissioner. Separate envelopes shall be provided for the return of spoiled ballots and unused ballots.

Sec. 35. Section 53.31, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

53.31 CHALLENGES.

Any person qualified to vote at the election in progress may challenge the qualifications of a person casting an absentee ballot by submitting a written challenge to the commissioner no later than five p.m. on the day before the election. It is the duty of the special precinct officials to challenge the absentee ballot of any person whom the official knows or suspects is not duly qualified. Challenges by members of the special precinct election board or observers present pursuant to section 53.23 may be made at any time before the close of the polls on election day. The challenge shall state the reasons for which the challenge is being submitted and shall be signed by the challenger. When a challenge is received the absentee ballot shall be set aside for consideration by the special precinct election board when it meets as required by section 50.22.

The commissioner shall immediately send a written notice to the elector whose qualifications have been challenged. The notice shall be sent to the address at which the challenged elector is registered to vote. If the ballot was mailed to

the challenged elector, the notice shall also be sent to the address to which the ballot was mailed if it is different from the elector's registration address. The notice shall advise the elector of the reason for the challenge, the date and time that the special precinct election board will reconvene to determine challenges, and that the elector has the right to submit written evidence of the elector's qualifications. The notice shall include the telephone number of the commissioner's office. If the commissioner has access to a facsimile machine, the notice shall include the telephone number of the facsimile machine. As far as possible, other procedures for considering special ballots shall be followed.

Sec. 36. NEW SECTION. 53.35A FAILURE TO RETURN BALLOT -- PENALTY.

Any person designated by the commissioner, or by the elector casting the absentee ballot, to deliver the sealed envelope containing the absentee ballot, who willfully fails to return the ballot to the commissioner or the commissioner's designee is guilty of a serious misdemeanor.

Sec. 37. Section 59.1, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A copy of the statement of notice of contest shall be filed with the secretary of state within five days of service of the notice upon the incumbent. The secretary of state shall notify the presiding officer of the house in which the contest will be tried.

Sec. 38. NEW SECTION. 59.7 NOTICE OF RESULT.

The presiding officer of the house in which the contest was tried shall certify to the secretary of state the results of the contest.

Sec. 39. Section 62.23, Code 1993, is amended to read as follows:

62.23 COMPENSATION.

The judges shall be entitled to receive ~~four~~ one hundred dollars a day for the time occupied by the trial.

Sec. 40. Section 62.24, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

62.24 COSTS.

The contestant and the incumbent are responsible for the expenses of the witnesses called by them, respectively. If the results of the election are upheld by the contest, if the statement is dismissed, or if the prosecution fails, the costs of the contest shall be paid by the contestant. If the court or tribunal trying the contest determines that the contestant won the election, or if the election is set aside, the costs of the contest shall be paid by the county.

Sec. 41. Section 69.2, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The incumbent simultaneously holding more than one elective office at the same level of government. This subsection does not apply to the following offices: county agricultural extension council, soil and water conservation district commission, or regional library board of trustees.

NEW SUBSECTION. 9. An incumbent statewide elected official or member of the general assembly simultaneously holding more than one elective office.

Sec. 42. Section 99P.7, subsection 10, paragraph a, Code 1993, is amended to read as follows:

a. A license to conduct gambling games on an excursion gambling boat in a county shall be issued only if the county electorate approves the conduct of the gambling games as provided in this subsection. The board of supervisors, upon receipt of a valid petition meeting the requirements of section 331.306, shall direct the commissioner of elections to submit to the qualified voters electors of the county a proposition to approve or disapprove the conduct of gambling games on an excursion gambling boat in the county. The proposition shall be submitted at a general election or at a special election called for that purpose. To be submitted at a general election, the petition must be received by the board

of supervisors at least sixty five working days before the last day for candidates for county offices to file nomination papers for the general election pursuant to section 44.4. If a majority of the county voters voting on the proposition favor the conduct of gambling games, the commission may issue one or more licenses as provided in this chapter. If a majority of the county voters voting on the proposition do not favor the conduct of gambling games, a license to conduct gambling games in the county shall not be issued. After a referendum has been held, another referendum requested by petition shall not be held for at least two years.

Sec. 43. Section 275.25, subsection 1, Code 1993, is amended to read as follows:

1. If the proposition to establish a new school district carries under the method provided in this chapter, the area education agency administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. The proposed date shall be as soon as possible pursuant to sections 39.2, subsections 1 and 2, and 47.6, subsections 1 and 2, but not later than the third Tuesday in January of the calendar year in which the reorganization takes effect. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the secretary of the board of the existing school district in which the candidate resides, signed by not less than ten eligible electors of the newly formed district, and filed not less than thirty twenty-eight days prior to before the date set for the special school election. The school secretary, or the secretary's designee, shall be present in the secretary's office until 5 p.m. on the final day to file the nomination papers. The nomination papers shall be delivered to the

commissioner no later than 5 p.m. on the twenty-seventh day before the election.

If the special election is held in conjunction with the regular school election, the filing deadlines for the regular school election apply.

Sec. 44. Section 275.36, Code 1993, is amended to read as follows:

275.36 SUBMISSION OF CHANGE TO ELECTORS.

If a petition for a change in the number of directors or in the method of election of school directors, describing the boundaries of the proposed director districts, if any, signed by eligible electors of the school district equal in number to at least thirty percent of those who voted in the last previous annual school election in the school district, but not less than twenty-five one hundred persons, and accompanied by affidavit as required by section 275.13 be filed with the school board of a school district, not earlier than six months and not later than two-months sixty-seven days before a regular or special school election, the school board shall submit such proposition to the voters at such the election. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this section within the next six years.

Sec. 45. Section 277.4, unnumbered paragraph 2, Code 1993, is amended to read as follows:

Each candidate shall be nominated by a petition. If the candidate is running for an at large seat in the district, the petition must be signed by eligible electors equal in number to not less than ten-eligible one percent of the qualified electors of the district or one hundred eligible electors of the district, whichever is less. If the candidate is running for a seat in a director district, the petition must be signed

by eligible electors equal in number to not less than one percent of the qualified electors in the director district or one hundred eligible electors in the district, whichever is less. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office.

Sec. 46. Section 331.206, subsection 2, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

Sec. 47. Section 331.323, subsection 1, unnumbered paragraph 2, Code 1993, is amended to read as follows:

If a petition of electors equal in number to twenty-five percent of the votes cast for the county office receiving the greatest number of votes at the preceding general election is filed with the auditor no later than five working days before the filing deadline for candidates for county offices as specified in section 44.4 for the next general election, the board shall direct the commissioner of elections to call an election for the purpose of voting on the proposal. If the

petition contains more than one proposal for combining duties, each proposal shall be listed on the ballot as a separate issue. If the majority of the votes cast is in favor of a proposal, the board shall take all steps necessary to combine the duties as specified in the petition.

Sec. 48. Section 362.3, subsection 2, Code 1993, is amended to read as follows:

2. A publication required by the city code must be in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, or in the case of notices of elections, ordinances, and amendments to be published in a city in which no newspaper is published, a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.

Sec. 49. Section 364.2, subsection 4, paragraph b, Code 1993, is amended to read as follows:

b. No such ordinance shall become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a valid petition as defined in section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose prior to before the next regular city election. If a majority of those voting approves the proposal the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot, if paper ballots are used. If an electronic voting system or voting machine is used, the proposal shall be stated on the ballot and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

Sec. 50. Section 422B.1, subsection 6, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Costs of local option tax elections shall be apportioned among jurisdictions within the county voting on the question at the same election on a pro rata basis in proportion to the number of qualified electors in each taxing jurisdiction and the total number of qualified electors in all of the taxing jurisdictions.

Sec. 51. INAPPLICABILITY OF OTHER LEGISLATION. The provisions of House File 234, if enacted by the Seventy-fifth Session of the General Assembly, shall not apply to this Act.

Sec. 52. EFFECTIVE DATE. Section 44 of this Act is effective January 1, 1994.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *May 19*, 1993

TERRY E. BRANSTAD
Governor