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Place On Calendar

HOUSE FILE 2387
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 553)

(P.559)
Passed House, Date 3/6/96 Passed Senate, Date _____
Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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HF 2387

1 Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

2 Only those public measures which are specifically
3 authorized or required by state law to be put before the
4 voters as a public measure shall be submitted to the voters at
5 an official election. Only those offices which are
6 specifically authorized or required by state law to be filled
7 by the voters at an election shall be placed on the ballot at
8 an official election.

9 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
10 is amended to read as follows:

11 Each candidate nominated pursuant to section ~~43.66~~ 43.52 or
12 43.65 is entitled to have the candidate's name printed on the
13 official ballot to be voted at the general election without
14 other certificate unless the candidate was nominated by write-
15 in votes. Immediately after the completion of the canvass
16 held under section 43.49, the county auditor shall notify each
17 person who was nominated by write-in votes for a county or
18 township office that the person is required to file an
19 affidavit of candidacy if the person wishes to be a candidate
20 for that office at the general election. Immediately after
21 the completion of the canvass held under section 43.63, the
22 secretary of state shall notify each person who was nominated
23 by write-in votes for a state or federal office that the
24 person is required to file an affidavit of candidacy if the
25 person wishes to be a candidate for that office at the general
26 election. If the affidavit is not filed by five p.m. on the
27 seventh day after the completion of the canvass, that person's
28 name shall not be placed upon the official general election
29 ballot. The affidavit shall be signed by the candidate,
30 notarized, and filed with the county auditor or the secretary
31 of state, whichever is applicable.

32 Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1995,
33 is amended to read as follows:

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

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

10 Sec. 4. Section 43.88, unnumbered paragraph 2, Code
11 Supplement 1995, is amended to read as follows:

12 Nominations made to fill vacancies at a special election
13 shall be certified to the proper official not less than twenty
14 twenty-five days prior to the date set for the special
15 election. In the event the special election is to fill a
16 vacancy in the general assembly while it is in session or
17 within forty-five days of the convening of any session, the
18 nomination shall be certified not less than fourteen days
19 before the date of the special election.

20 Sec. 5. Section 43.116, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 3. If a special election is held to fill
23 a vacancy in an elective city office, nominations by political
24 parties shall be made following the provisions of subsection
25 2.

26 Sec. 6. Section 44.4, unnumbered paragraph 1, Code
27 Supplement 1995, is amended to read as follows:

28 Nominations made pursuant to this chapter and chapter 45
29 which are required to be filed in the office of the state
30 commissioner shall be filed in that office not more than
31 ninety-nine days nor later than five p.m. on the eighty-first
32 day before the date of the general election to be held in
33 November. Nominations made for a special election called
34 pursuant to section 69.14 shall be filed by five p.m. not less
35 than twenty twenty-five days before the date of an election

1 called upon at least forty days' notice and not less than
2 fourteen days before the date of an election called upon at
3 least eighteen days' notice. Nominations made for a special
4 election called pursuant to section 69.14A shall be filed by
5 five p.m. not less than twenty days before the date of the
6 election. Nominations made pursuant to this chapter and
7 chapter 45 which are required to be filed in the office of the
8 commissioner shall be filed in that office not more than
9 ninety-two days nor later than five p.m. on the sixty-ninth
10 day before the date of the general election. Nominations made
11 pursuant to this chapter or chapter 45 for city office shall
12 be filed not more than seventy-two days nor later than five
13 p.m. on the forty-seventh day before the city election with
14 the city clerk, who shall process them as provided by law.

15 Sec. 7. Section 44.11, Code 1995, is amended to read as
16 follows:

17 44.11 VACANCIES FILLED.

18 If a candidate named under this chapter withdraws before
19 the deadline established in section 44.9, declines a
20 nomination, or dies before election day, or if a certificate
21 of nomination is held insufficient or inoperative by the
22 officer with whom it is required to be filed, or in case any
23 objection made to a certificate of nomination, or to the
24 eligibility of any candidate named in the certificate, is
25 sustained by the board appointed to determine such questions,
26 the vacancy or vacancies may be filled by the convention, or
27 caucus, or in such manner as such convention or caucus has
28 previously provided. The vacancy or vacancies shall be filled
29 not less than seventy-four days before the election in the
30 case of nominations required to be filed with the state
31 commissioner, not less than sixty-four days before the
32 election in the case of nominations required to be filed with
33 the commissioner, not less than thirty-five days before the
34 election in the case of nominations required to be filed in
35 the office of the school board secretary, and not less than

1 forty-two days before the election in the case of nominations
2 required to be filed with the city clerk.

3 Sec. 8. NEW SECTION. 44.17 NONPARTY POLITICAL
4 ORGANIZATIONS -- NOMINATIONS BY PETITION.

5 In lieu of holding a caucus or convention, a nonparty
6 political organization may nominate by petition pursuant to
7 chapter 45 not more than one candidate for any partisan office
8 to be filled at the general election.

9 The nonparty political organization may also file with the
10 appropriate commissioner a list of the names and addresses of
11 the organization's central committee members, and the
12 chairperson and secretary of the organization. The
13 organization may also place on file a description of the
14 method that the organization will follow to fill any vacancies
15 resulting from the death, withdrawal, or disqualification of
16 any of its candidates that were nominated by petition. If
17 this information is filed before the close of the filing
18 period for the general election, substitutions may be made
19 pursuant to section 44.11.

20 Sec. 9. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

21 If the deadline for a filing pertaining to an election
22 falls on a day that the state or county commissioner's office
23 is closed for business, the deadline shall be extended to the
24 next day that the office of state commissioner or county
25 commissioner is open for business to receive the filing.

26 Sec. 10. Section 47.5, subsection 1, Code Supplement 1995,
27 is amended to read as follows:

28 1. The Except for legal services and printing of ballots,
29 the commissioner shall take bids for goods and services which
30 are needed in connection with registration of voters or
31 preparation for or administration of elections and which will
32 be performed or provided by persons who are not employees of
33 the commissioner under the following circumstances:

34 a. In any case where it is proposed to purchase data
35 processing services. The commissioner shall give the

1 registrar written notice in advance on each occasion when it
2 is proposed to have data processing services, necessary in
3 connection with the administration of elections, performed by
4 any person other than the registrar or an employee of the
5 county. Such notice shall be made at least thirty days prior
6 to publication of the specifications.

7 b. In all other cases, where the cost of the goods or
8 services to be purchased will exceed one thousand dollars.

9 ~~c. Bids shall not be required for legal services or the~~
10 ~~printing of ballots.~~

11 Sec. 11. Section 47.5, subsection 2, Code Supplement 1995,
12 is amended to read as follows:

13 2. When it is proposed to purchase any goods or services,
14 other than data processing services, in connection with
15 administration of elections, the commissioner shall publish
16 notice to bidders, including specifications regarding the
17 goods or services to be purchased or a description of the
18 nature and object of the services to be retained, in a
19 newspaper of general circulation in the county not less than
20 fifteen days before the final date for submission of bids.

21 ~~The commissioner shall also file a copy of the bid~~
22 ~~specifications in the office of the state commissioner for a~~
23 ~~period of not less than twenty days prior to such final date.~~

24 When competitive bidding procedures are used, the purchase of
25 goods or services shall be made from the lowest responsible
26 bidder which meets the specifications or description of the
27 services needed or the commissioner may reject all bids and
28 readvertise. In determining the lowest responsible bidder,
29 various factors may be considered, including but not limited
30 to the past performance of the bidder relative to quality of
31 product or service, the past experience of the purchaser in
32 relation to the product or service, the relative quality of
33 products or services, the proposed terms of delivery and the
34 best interest of the county.

35 Sec. 12. Section 47.6, subsection 1, unnumbered paragraph

1 2, Code Supplement 1995, is amended to read as follows:

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

15 Sec. 13. Section 48A.22, Code 1995, is amended to read as
16 follows:

17 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

18 The secretary of state shall encourage volunteer
19 organizations to undertake voter registration drives by
20 providing ~~mail~~ registration forms ~~at-the-cost-of-production~~.

21 Sec. 14. Section 48A.26, subsection 1, Code 1995, is
22 amended to read as follows:

23 1. Within seven working days of receipt of a voter
24 registration form or change of information in a voter
25 registration record the commissioner shall send an
26 acknowledgment to the registrant at the mailing address shown
27 on the registration form. The acknowledgment shall be sent by
28 ~~first-class~~ nonforwardable mail.

29 Sec. 15. Section 48A.27, subsection 4, paragraph b, Code
30 1995, is amended to read as follows:

31 b. If the information provided by the vendor indicates
32 that a registered voter has moved to another address within
33 the county, the commissioner shall change the registration
34 records to show the new residence address, and shall also mail
35 a notice of that action to both the former and new addresses.

1 The notice shall be sent by forwardable ~~first-class~~ mail, and
2 shall include a postage prepaid preaddressed return form by
3 which the registered voter may verify or correct the address
4 information.

5 Sec. 16. Section 48A.27, subsection 4, paragraph c,
6 unnumbered paragraph 2, Code 1995, is amended to read as
7 follows:

8 The notice shall be sent by forwardable ~~first-class~~ mail,
9 and shall include a postage paid preaddressed return card on
10 which the registered voter may state the registered voter's
11 current address. The notice shall contain a statement in
12 substantially the following form: "Information received from
13 the United States postal service indicates that you are no
14 longer a resident of, and therefore not eligible to vote in
15 (name of county) County, Iowa. If this information is not
16 correct, and you still live in (name of county) County, please
17 complete and mail the attached postage paid card at least ten
18 days before the primary or general election and at least
19 eleven days before any other election at which you wish to
20 vote. If the information is correct and you have moved,
21 please contact a local official in your new area for
22 assistance in registering there. If you do not mail in the
23 card, you may be required to show identification proving your
24 residence in (name of county) County before being allowed to
25 vote in (name of county) County. If you do not return the
26 card, and you do not vote in an election in (name of county)
27 County, Iowa, on or before (date of second general election
28 following the date of the notice) your name will be removed
29 from the list of voters in that county. To ensure you receive
30 this notice, it is being sent to both your most recent
31 registration address and to your new address as reported by
32 the postal service."

33 Sec. 17. Section 48A.27, subsection 4, paragraph d, Code
34 1995, is amended to read as follows:

35 d. If the information provided by the vendor indicates the

1 registered voter has moved to another county within the state,
2 the notice required by paragraph "c" shall include a statement
3 that registration in the county of the person's current
4 residence is required, ~~and shall provide a mail registration~~
5 ~~form for the person to use.~~

6 Sec. 18. Section 48A.28, subsection 2, unnumbered
7 paragraph 2, Code 1995, is amended to read as follows:

8 A commissioner participating in the national change of
9 address program, in the first quarter of each calendar year,
10 shall send a notice and preaddressed, postage paid return card
11 by ~~first-class~~ forwardable mail to each registered voter whose
12 name was not reported by the national change of address
13 program and who has not voted, registered again, or reported a
14 change to an existing registration during the preceding four
15 calendar years. The form and language of the notice and
16 return card shall be specified by the state voter registration
17 commission by rule. A registered voter shall not be sent a
18 notice and return card under this subsection more frequently
19 than once in a four-year period.

20 Sec. 19. Section 48A.28, subsection 3, unnumbered
21 paragraph 1, Code 1995, is amended to read as follows:

22 For a commissioner who is not participating in the national
23 change of address program, in February of each year the
24 commissioner shall mail a confirmation notice to each
25 registered voter in the county. The notice shall be sent by
26 ~~first-class~~ forwardable mail. The notice shall include a
27 preaddressed, postage paid return card for the use of the
28 registered voter or the recipient of the notice. The card
29 shall contain boxes for the recipient to check to indicate one
30 of the following:

31 Sec. 20. Section 48A.29, subsection 1, unnumbered
32 paragraph 2, Code 1995, is amended to read as follows:

33 The notice shall be sent by forwardable ~~first-class~~ mail,
34 and shall include a postage paid preaddressed return card on
35 which the registered voter may state the registered voter's

1 current address. The notice shall contain a statement in
2 substantially the following form: "Information received from
3 the United States postal service indicates that you are no
4 longer a resident of (residence address) in (name of county)
5 County, Iowa. If this information is not correct, and you
6 still live in (name of county) County, please complete and
7 mail the attached postage paid card at least ten days before
8 the primary or general election and at least eleven days
9 before any other election at which you wish to vote. If the
10 information is correct, and you have moved, please contact a
11 local official in your new area for assistance in registering
12 there. If you do not mail in the card, you may be required to
13 show identification proving your residence in (name of county)
14 County before being allowed to vote in (name of county)
15 County. If you do not return the card, and you do not vote in
16 some election in (name of county) County, Iowa, on or before
17 (date of second general election following the date of the
18 notice) your name will be removed from the list of voters in
19 that county."

20 Sec. 21. Section 48A.29, subsection 3, unnumbered
21 paragraph 2, Code 1995, is amended to read as follows:

22 The notice shall be sent by forwardable ~~first-class~~ mail,
23 and shall include a postage paid preaddressed return card on
24 which the registered voter may state the registered voter's
25 current address. The notice shall contain a statement in
26 substantially the following form: "Information received by
27 this office indicates that you are no longer a resident of
28 (residence address) in (name of county) County, Iowa. If the
29 information is not correct, and you still live at that
30 address, please complete and mail the attached postage paid
31 card at least ten days before the primary or general election
32 and at least eleven days before any other election at which
33 you wish to vote. If the information is correct, and you have
34 moved within the county, you may update your registration by
35 listing your new address on the card and mailing it back. If

1 you have moved outside the county, please contact a local
2 official in your new area for assistance in registering there.
3 If you do not mail in the card, you may be required to show
4 identification proving your residence in (name of county)
5 County before being allowed to vote in (name of county)
6 County. If you do not return the card, and you do not vote in
7 some election in (name of county) County, Iowa, on or before
8 (date of second general election following the date of the
9 notice) your name will be removed from the list of registered
10 voters in that county."

11 Sec. 22. Section 49.13, subsection 4, Code Supplement
12 1995, is amended to read as follows:

13 4. The commissioner shall designate one member of each
14 precinct election board as chairperson of that board, ~~and also~~
15 ~~of the.~~ If a counting board authorized by chapter 51 if one
16 is appointed, with the chairperson shall have authority over
17 the mechanics of the work of both boards. At the discretion
18 of the commissioner, two people who are members of different
19 political parties may be appointed as co-chairpersons. The
20 co-chairpersons shall have joint authority over the work of
21 the precinct election board.

22 Sec. 23. Section 49.16, Code 1995, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 5. A person shall not serve on the
25 precinct election board as a representative of a political
26 party if the person has changed political party affiliation
27 from that of the political party which selected the person to
28 serve as a precinct election official. If a precinct election
29 official records a change of political party, the official's
30 name shall be removed from the list of precinct election
31 officials for that political party. The chairperson of the
32 political party shall be notified of the vacancy and may
33 designate a replacement. If the chairperson of another
34 political party later designates the person as a precinct
35 election official, the person may serve, if qualified.

1 Sec. 24. Section 49.20, Code 1995, is amended to read as
2 follows:

3 49.20 COMPENSATION OF MEMBERS.

4 The members of election boards shall be deemed temporary
5 state employees who are compensated by the county in which
6 they serve, and shall receive compensation at a rate
7 established by the board of supervisors, which shall be not
8 less than three dollars and fifty cents per hour, while
9 engaged in the discharge of their duties and shall be
10 reimbursed for actual and necessary travel expense at a rate
11 determined by the board of supervisors, except that persons
12 who have advised the commissioner prior to their appointment
13 to the election board that they are willing to serve without
14 pay at elections conducted for any school district or a city
15 of three thousand five hundred or less population, shall
16 receive no compensation for service at those elections.
17 Compensation shall be paid to members of election boards only
18 after the vote has been canvassed and it has been determined
19 in the course of the canvass that the election record
20 certificate has been properly executed by the election board.

21 Sec. 25. Section 49.25, subsection 3, Code 1995, is
22 amended to read as follows:

23 3. The commissioner shall furnish to each precinct where
24 voting is to be by paper ballot, special paper ballot, or
25 ballot card, rather than by voting machine, the necessary
26 ballot boxes, suitably equipped with seals or locks and keys,
27 and voting booths. The voting booths shall be approved by the
28 board of examiners for voting machines and electronic voting
29 systems and shall provide for voting in secrecy. At least one
30 voting booth in each precinct shall be accessible to the
31 handicapped. If the lighting in the polling place is
32 inadequate, the voting booths used in that precinct shall
33 include lights. Ballot boxes shall be locked or sealed before
34 the polls open and shall remain locked or sealed until the
35 polls are closed, except as provided in sections 51.7 and

1 52.40, or to provide necessary service to a malfunctioning
2 portable vote tallying device. If a ballot box is opened
3 prior to the closing of the polls, two precinct election
4 officials not of the same party shall be present and observe
5 the ballot box being opened.

6 Sec. 26. Section 49.25, Code 1995, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 4. Secrecy folders or sleeves shall be
9 provided for use at any precinct where ballots are used which
10 cannot be folded to obscure the marks made by the voters.

11 Sec. 27. Section 49.26, Code 1995, is amended to read as
12 follows:

13 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

14 1. In all elections regulated by this chapter, the voting
15 shall be by ballots printed and distributed as provided by
16 law, or by voting machines meeting the requirements of chapter
17 52.

18 2. When voting machines are available for an election
19 precinct, the commissioner shall determine in advance of each
20 election conducted for a city of three thousand five hundred
21 or less population or any school district in which voting
22 occurs in that precinct whether voting there shall be by
23 machine or paper ballot. If the commissioner concludes, on
24 the basis of voter turnout for recent similar elections and
25 factors considered likely to affect voter turnout for the
26 forthcoming election, that voting will probably be so light as
27 to make preparation and use of paper ballots less expensive
28 than preparation and use of a voting machine, paper ballots
29 shall be used.

30 3. In counties in which automatic tabulating equipment is
31 available, the commissioner shall determine in advance of each
32 election whether the ballots will be counted by the automatic
33 tabulating equipment or by the precinct election officials.
34 The commissioner may use ballots and instructions similar to
35 those used when the ballots are counted by automatic

1 tabulating equipment.

2 Sec. 28. Section 49.30, Code 1995, is amended to read as
3 follows:

4 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

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

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

12 1. Where special paper ballots are used, if it is not
13 possible to include all offices and public measures on a
14 single ballot, separate ballots may be provided for
15 nonpartisan offices, judges, or public measures.

16 2. At an election where voting machines are used, ~~and-it~~
17 the following exceptions apply:

18 a. If it is impossible to place the names of all
19 candidates on the machine ballot, the commissioner may provide
20 a separate paper ballot for the candidates for judge of the
21 district court, and the township offices, or-either,-one and
22 the nonpartisan offices listed in section 39.21. One of the
23 paper ballots shall be furnished to each registered voter.

24 b. When a precinct has one or more offices or questions on
25 the ballot in any election that may not be legally voted upon
26 by all registered voters of the precinct, the commissioner
27 shall use lockout devices operated by the precinct election
28 officials to restrict each voter to the appropriate parts of
29 the ballot. However, if the voting machine does not have a
30 lockout device, the commissioner may use one or more separate
31 voting machines for each group of voters in the precinct. If
32 neither of the foregoing procedures is feasible, the
33 commissioner shall prepare separate ballots for the candidates
34 or questions which may not be legally voted upon by all
35 registered voters of the precinct, and shall furnish a

1 separate ballot box into which only those ballots shall be
2 deposited.

3 3. Separate Where paper ballots are used, separate paper
4 ballots may be used for:

5 a. For the election of township officers in precincts
6 including both incorporated and unincorporated areas or more
7 than one township.

8 b. For public measures.

9 c. For judges.

10 Sec. 29. Section 49.31, subsection 1, Code 1995, is
11 amended by striking the subsection and inserting in lieu
12 thereof the following:

13 1. All ballots shall be arranged with the names of
14 candidates for each office listed below the office title. For
15 partisan elections the name of the political party or
16 organization which nominated each candidate shall be listed
17 after or below each candidate's name.

18 The commissioner shall determine the order of political
19 parties and nonparty political organizations on the ballot.
20 The sequence shall be the same for each office on the ballot
21 and for each precinct in the county voting in the election.

22 Sec. 30. Section 49.31, subsection 4, Code 1995, is
23 amended to read as follows:

24 ~~4. If electors in any precinct are entitled to vote for~~
25 ~~more than one nominee or candidate for a particular office,~~
26 ~~the~~ The heading for that each office on the precinct ballot
27 shall be immediately followed by a notation of stating, "Vote
28 for no more than _____", and indicating the maximum number of
29 nominees or candidates for that office for whom each elector
30 may vote. ~~Provision shall be made on the ballot to allow the~~
31 ~~elector to write in the name of any person for whom the~~
32 ~~elector desires to vote for any office or nomination on the~~
33 ~~ballot.~~

34 Sec. 31. Section 49.31, Code 1995, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4A. At the end of the list of candidates
2 for each office listed on the ballot one or more blank lines
3 and voting targets shall be printed to allow the elector to
4 write in the name of any person for whom the elector desires
5 to vote for any office or nomination on the ballot. The
6 number of write-in lines shall equal the number of votes that
7 can be cast for that office.

8 Sec. 32. Section 49.33, Code 1995, is amended to read as
9 follows:

10 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED
11 OFFICES.

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

26 Sec. 33. Section 49.35, Code 1995, is amended to read as
27 follows:

28 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE
29 BALLOT.

30 Each list of candidates nominated by a political party or a
31 group of petitioners shall be termed a ticket. Each Where
32 lever voting machines are used, each ticket shall be placed in
33 a separate vertical column or horizontal row on the ballot, in
34 the order determined pursuant to section 49.37 by the
35 authorities charged with the printing of the ballots.

1 However, if a total of more than seven tickets are to be
2 placed on the ballot the state commissioner may authorize a
3 method of placement in which the groups of petitioners are not
4 all placed in separate individual columns or rows.

5 Sec. 34. Section 49.37, subsection 1, Code 1995, is
6 amended by striking the subsection and inserting in lieu
7 thereof the following:

8 1. For general elections, and for other elections in which
9 more than one partisan office will be filled, the first
10 section of the ballot shall be for straight party voting.
11 Each political party or organization which has nominated
12 candidates for more than one office shall be listed.
13 Instructions to the voter for straight party or organization
14 voting shall be in substantially the following form: "To vote
15 for all candidates from a single party or organization, mark
16 the voting target next to the party or organization name. Not
17 all parties or organizations have nominated candidates for all
18 offices. Marking a straight party or organization vote does
19 not include votes for nonpartisan offices, judges, or
20 questions." Political parties and nonparty political
21 organizations which have nominated candidates for only one
22 office shall be listed below the other political organizations
23 under the heading "Other Political Organizations. The
24 following organizations have nominated candidates for only one
25 office:".

26 Offices shall be arranged in groups. Partisan offices,
27 nonpartisan offices, judges, and public measures shall be
28 separated by a distinct line appearing on the ballot.

29 Sec. 35. Section 49.37, subsections 2 and 3, Code 1995,
30 are amended to read as follows:

31 2. The commissioner shall arrange the ballot in conformity
32 with the certificate issued by the state commissioner under
33 section 43.73, in that the names of the respective candidates
34 on for each political party ~~ticket~~ shall appear in the order
35 they appeared on the certificate, above or to the left of the

1 nonparty political organization tickets candidates.

2 3. The commissioner shall arrange the partisan county
3 offices on the ballot with the board of supervisors first,
4 followed by the other county offices and township offices in
5 the same sequence in which they appear in sections 39.17 and
6 39.22. Nonpartisan offices shall be listed below after or to
7 the right of partisan offices.

8 Sec. 36. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

9 The ballot for the general election shall be arranged in
10 substantially the following form:

11 PARTISAN OFFICES

12 STRAIGHT PARTY VOTING

13 To vote for all candidates from a single party mark the
14 voting target next to the party name. Not all parties have
15 nominated candidates for all offices. Marking a straight
16 party vote does not include votes for nonpartisan offices,
17 judges, or questions.

18 POLITICAL PARTY NAME

19 POLITICAL PARTY NAME

20 POLITICAL ORGANIZATION NAME

21 POLITICAL ORGANIZATION NAME

22 OTHER POLITICAL ORGANIZATIONS

23 The following political organizations have nominated
24 candidates for only one office.

25 POLITICAL ORGANIZATION NAME

26 POLITICAL ORGANIZATION NAME

27 FEDERAL OFFICES

28 For President and Vice President Vote for no more than one
29 team.

30 CANDIDATE NAME, of State

31 CANDIDATE NAME, of State

32 Political Party

33 CANDIDATE NAME, of State

34 CANDIDATE NAME, of State

35 Political Party

1 CANDIDATE NAME, of State
2 CANDIDATE NAME, of State
3 Political Organization Name
4 CANDIDATE NAME, of State
5 CANDIDATE NAME, of State
6 Political Organization Name
7 CANDIDATE NAME, of State
8 CANDIDATE NAME, of State
9 Nominated by Petition
10 _____
11 Write-in for President, if any.
12 _____
13 Write-in for Vice-President, if any.
14 For U.S. Senator
15 Vote for no more than one.
16 CANDIDATE NAME
17 Political Party
18 CANDIDATE NAME
19 Political Party
20 CANDIDATE NAME
21 Political Organization
22 CANDIDATE NAME
23 Political Organization
24 CANDIDATE NAME
25 Nominated by Petition
26 _____
27 Write-in vote, if any.
28 For U.S. Representative
29 First District
30 Vote for no more than one.
31 CANDIDATE NAME
32 Political Party
33 CANDIDATE NAME
34 Political Party
35 CANDIDATE NAME

1 Political Organization

2 CANDIDATE NAME

3 Political Organization

4 CANDIDATE NAME

5 Nominated by Petition

6

7 Write-in vote, if any.

8

STATE OFFICES

9

For State Senator, District 2

10

Vote for no more than one.

11

CANDIDATE NAME

12

Political Party

13

CANDIDATE NAME

14

Political Party

15

CANDIDATE NAME

16

Political Organization

17

CANDIDATE NAME

18

Political Organization

19

CANDIDATE NAME

20

Nominated by Petition

21

22 Write-in vote, if any.

23 Sec. 37. Section 49.43, Code 1995, is amended by adding
24 the following new unnumbered paragraph before unnumbered para-
25 graph 1:

26 NEW UNNUMBERED PARAGRAPH. If possible, all public measures
27 and constitutional amendments to be voted upon by an elector
28 shall be included on a single special paper ballot which shall
29 also include all offices to be voted upon. However, if it is
30 necessary, a separate ballot may be used as provided in
31 section 49.30, subsection 1.

32 Sec. 38. Section 49.43, unnumbered paragraph 2, Code 1995,
33 is amended to read as follows:

34 Constitutional amendments and other public measures may be
35 summarized by the commissioner as provided in section sections

1 49.44 and 52.25.

2 Sec. 39. Section 49.44, unnumbered paragraph 1, Code 1995,
3 is amended to read as follows:

4 When a proposed constitutional amendment or other public
5 measure to be decided by the voters of the entire state is to
6 be voted upon, the state commissioner shall prepare a written
7 summary of the amendment or measure including the number of
8 the amendment or statewide public measure assigned by the
9 state commissioner. The summary shall be printed immediately
10 preceding the text of the proposed amendment or measure on the
11 paper ballot or special paper ballot referred to in section
12 49.43 and, in. If the complete text of the public measure
13 will not fit on the special paper ballot it shall be posted
14 inside the voting booth. A copy of the full text shall be
15 included with any absentee ballots.

16 PARAGRAPH DIVIDED. In precincts where the amendment or
17 measure will be voted on by machine, the summary shall be
18 placed in the voting machine inserts as required by section
19 52.25.

20 Sec. 40. Section 49.45, Code 1995, is amended to read as
21 follows:

22 49.45 GENERAL FORM OF BALLOT.

23 Ballots referred to in section 49.43 shall be substantially
24 in the following form:

25 Shall the following amendment Yes
26 to the Constitution (or public meas- No
27 ure) be adopted?

28 [] Yes

29 [] No

30 (Here insert the summary, if it be for a constitutional
31 amendment or statewide public measure, and in full the
32 proposed constitutional amendment or public measure. The
33 number assigned by the state commissioner or the letter
34 assigned by the county commissioner shall be included on the
35 ballot centered above the question, "Shall the following

1 amendment to the Constitution [or public measure] be
2 adopted?".)

3 Sec. 41. Section 49.46, Code 1995, is amended to read as
4 follows:

5 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

6 The elector shall designate a vote by ~~a cross~~ making the
7 appropriate mark, thus, in the voting target. On paper
8 ballots an "X", or a check mark, thus, "/", may be placed in
9 the proper square target.

10 Sec. 42. Section 49.47, Code 1995, is amended to read as
11 follows:

12 49.47 NOTICE ON BALLOTS.

13 At the top of paper ballots ~~on-such~~ for public measures
14 shall be printed the following:

15 [Notice to voters. ~~For-an-affirmative-vote-upon~~ To vote to
16 approve any question ~~submitted-upon~~ on this ballot, make a
17 cross (X) mark or check (✓) in the square target after the
18 word "Yes". ~~For-a-negative~~ To vote against a question make a
19 similar mark in the square target following the word "No".]
20 This notice shall be adapted to describe the proper mark where
21 it is appropriate.

22 Sec. 43. Section 49.57, Code 1995, is amended to read as
23 follows:

24 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

25 Ballots shall be prepared as follows:

26 1. They shall be on ~~plain-white~~ paper uniform in color,
27 through which the printing or writing cannot be read.

28 2. ~~The~~ In the area of the general election ballot for
29 straight-party voting, the party name names shall be printed
30 in capital letters of uniform size, in not less than ~~one-~~
31 ~~fourth-of-an-inch-in-height~~ twelve point type. After the name
32 of each candidate for a partisan office the name of the
33 candidate's political party shall be printed in at least six
34 point type.

35 3. The names of candidates shall be printed in capital

1 letters, of uniform size throughout the ballot, in not less
2 than one-eighth, nor more than one-fourth of an inch in height
3 ten point type.

4 4. A On ballots that will be counted by electronic
5 tabulating equipment, ballots shall include a voting target
6 next to the name of each candidate. The position, shape, and
7 size of the targets shall be appropriate for the equipment to
8 be used in counting the votes. Where paper ballots are used,
9 a square, the sides of which shall not be less than one-fourth
10 of an inch in length, shall may be printed at the beginning of
11 each line in which the name of a candidate is printed, except
12 as otherwise provided.

13 5. ~~On the outside~~ A portion of the ballot, so as to appear
14 when folded which can be shown to the precinct officials
15 without revealing any of the marks made by the voter, shall be
16 printed include the words "Official ballot", a designation of
17 the ballot rotation, if any, the date of the election, and a
18 facsimile of the signature of the commissioner who has caused
19 the ballot to be printed pursuant to section 49.51.

20 6. The office title of any office which appears on the
21 ballot to fill a vacancy before the end of the usual term of
22 the office shall include the words "To Fill Vacancy".

23 Sec. 44. Section 49.73, subsection 1, paragraphs b and c,
24 Code 1995, are amended to read as follows:

25 b. Any election conducted for a city of ~~three thousand~~
26 ~~five hundred~~ ten thousand or less population.

27 c. Any election conducted for a city of more than ~~three~~
28 ~~thousand five hundred~~ ten thousand population if there is no
29 contest for any office on the ballot and no public question is
30 being submitted to the voters at that election.

31 Sec. 45. Section 49.92, Code 1995, is amended to read as
32 follows:

33 49.92 VOTING MARK.

34 The instructions appearing on the ballot shall describe the
35 appropriate mark to be used by the voter. The mark shall be

1 consistent with the requirements of the voting system in use
2 in the precinct. The voting mark ~~shall~~ used on paper ballots
3 may be a cross or check which shall be placed in-the-circle-at
4 the-head-of-a-ticket, or in the squares voting targets
5 opposite the names of candidates. The fact that the voting
6 mark is made by an instrument other than a black lead pencil
7 shall not affect the validity of the ballot unless it appears
8 that the color or nature of the mark is intended to identify
9 the ballot contrary to the intent of section 49.107,
10 subsection 7.

11 Sec. 46. Section 49.93, Code 1995, is amended by striking
12 the section and inserting in lieu thereof the following:

13 49.93 NUMBER OF VOTES FOR EACH OFFICE.

14 For an office to which one person is to be elected, a voter
15 shall not vote for more than one candidate. If two or more
16 persons are to be elected to an office, the voter shall vote
17 for no more than the number of persons to be elected. If a
18 voter votes for more than the permitted number of candidates,
19 the vote for that office shall not count. Valid votes cast on
20 the rest of the ballot shall be counted.

21 Sec. 47. Section 49.94, Code 1995, is amended to read as
22 follows:

23 49.94 HOW TO MARK A STRAIGHT TICKET.

24 If the names of all the candidates for whom a voter desires
25 to vote in any election other than the primary election ~~appear~~
26 upon-the-same-ticket were nominated by the same political
27 party or nonparty political organization, and the voter
28 desires to vote for all candidates ~~whose names appear upon~~
29 such-ticket nominated by that political party or organization
30 the voter may do so in any one of the following ways:

31 1. The voter may ~~place-a-cross-or-check-in-the-circle-at~~
32 the-top-of-such-ticket mark the voting target next to the name
33 of the political party or nonparty political organization in
34 the straight party or organization section of the ballot
35 without ~~making-a-cross-or-check-in~~ marking any square-beneath

1 ~~said-circle~~ voting target next to the name of a candidate
2 nominated by the party or organization.

3 ~~2.--The-voter-may-place-a-cross-or-check-in-the-square~~
4 ~~opposite-the-name-of-each-such-candidate-without-making-any~~
5 ~~cross-or-check-in-the-circle-at-the-top-of-such-ticket.~~

6 3. 2. The voter may ~~place-a-cross-or-check-in-the-circle~~
7 ~~at-the-top-of-such-ticket~~ mark the voting target next to the
8 name of the political party or nonparty political organization
9 in the straight party or organization section of the ballot
10 and also ~~a-cross-or-check-in~~ mark any or all of the squares
11 ~~beneath-said-circle~~ voting targets next to the names of
12 candidates nominated by that party or organization.

13 Sec. 48. Section 49.95, Code 1995, is amended to read as
14 follows:

15 49.95 VOTING PART OF TICKET ONLY.

16 If the names of all the candidates for whom the voter
17 desires to vote ~~appear-upon-a-single-ticket~~ were nominated by
18 the same political party or nonparty political organization
19 but the voter does not desire to vote for all of the
20 candidates ~~whose-names-appear-thereon~~ nominated by the party
21 or nonparty political organization, the voter shall ~~place-a~~
22 ~~cross-or-check-in-the-square-opposite~~ mark the voting target
23 next to the name of each such candidate for whom the voter
24 desires to vote without making-any-cross-or-check-in-the
25 ~~circle-at-the-top-of-such-ticket~~ marking the target next to
26 the name of the party or nonparty political organization in
27 the straight party or organization section of the ballot.

28 Sec. 49. Section 49.96, Code 1995, is amended to read as
29 follows:

30 49.96 GROUP-CANDIDATES-FOR-OFFICES-OF-SAME-CLASS OFFICES
31 WITH MORE THAN ONE PERSON TO BE ELECTED.

32 Where ~~two-or-more-offices-of-the-same-class-are-to-be~~
33 ~~filled~~ more than one person is to be elected to the same
34 office at the same election, and all of the candidates for
35 such-offices, that office for whom the voter desires to vote,

1 ~~appear-upon-the-voter's-party-ticket-at-the-top-of-which-the~~
2 ~~voter-has-marked-a-cross-or-check-in-the-circle~~ were nominated
3 by the political party or nonparty political organization for
4 which the voter has marked a straight party or organization
5 vote, the voter need not otherwise indicate the vote for such
6 ~~candidate;-but-if-the-name-of-any-candidate-for-whom-the-voter~~
7 ~~desires-to-vote-for-such-office-appears-upon-a-different~~
8 ~~ticket;-then-as-to-such-group-of-candidates-the-cross-or-check~~
9 ~~in-the-circle-does-not-apply-and-to-indicate-the-voter's~~
10 ~~choice-the-voter-must-place-a-cross-or-check-in-the-square~~
11 ~~opposite-the-name-of-each-such-candidate-for-whom-the-voter~~
12 ~~desires-to-vote-whether-the-same-appears-under-such-marked~~
13 ~~circle-or-not~~ that office. If the voter wishes to vote for
14 candidates who were nominated by different political parties
15 or nonparty political organizations, the voter must mark the
16 voting target for each candidate the voter has chosen, whether
17 or not the voter has also marked a straight party or
18 organization vote.

19 Sec. 50. Section 49.97, Code 1995, is amended to read as
20 follows:

21 49.97 HOW TO MARK A MIXED TICKET.

22 If the names of all candidates for whom a voter desires to
23 vote do were not appear-upon nominated by the same ticket
24 political party or nonparty political organization, the voter
25 may indicate the candidates of the voter's choice by marking
26 the ballot in any one of the following ways:

27 1. The voter may ~~place-a-cross-or-check-in-the-circle-at~~
28 ~~the-top-of-a-ticket-on~~ mark a straight party or organization
29 vote for the party or nonparty political organization which
30 the-names-of nominated some of the candidates for whom the
31 voter desires to vote ~~appear-and-also-a-cross-or-check-in-the~~
32 ~~square-opposite-the-name-of-each-other-candidate-of-the~~
33 ~~voter's-choice;-whose-name-appears-upon-some-ticket-other-than~~
34 ~~the-one-in-which-the-voter-has-marked-the-circle-at-the-top~~
35 and vote for candidates of other parties or nonparty political

1 organizations by marking the voting targets next to their
2 names.

3 2. The voter may ~~place-a-cross-or-check-in-the-square~~
4 ~~opposite-the-name-of-each-candidate-for-whom-the-voter-desires~~
5 to vote for each candidate separately without ~~placing-any~~
6 ~~cross-or-check-in-any-circle~~ marking any straight party or
7 organization vote.

8 Sec. 51. Section 49.98, Code 1995, is amended to read as
9 follows:

10 49.98 COUNTING BALLOTS.

11 The ballots shall be counted according to the markings
12 ~~thereon, respectively,~~ voters' marks on them as provided in
13 sections 49.92 to 49.97, and not otherwise. If, for any
14 reason, it is impossible to determine from a ballot, as
15 marked, the choice of the voter for any office, ~~such ballot~~
16 the vote for that office shall not be counted ~~for such office.~~
17 When there is a conflict between ~~the-cross-or-check-in-the~~
18 ~~circle-on~~ a straight party or organization vote for one ticket
19 political party or nonparty political organization and the
20 ~~cross-or-check-in-the-square-on~~ vote cast by marking the
21 voting target next to the name of a candidate for another
22 ticket political party or nonparty political organization on
23 the ballot, the ~~cross-or-check-in-the-square~~ mark next to the
24 name of the candidate shall be held to control, and the ~~cross~~
25 ~~or-check-in-the-circle-in-such~~ straight party or organization
26 vote in that case shall not apply as to that office. Any
27 ballot shall be rejected if it is marked in any other manner
28 than as authorized in sections 49.92 to 49.97, ~~and in such~~
29 ~~manner-as-to-show-that.~~ A ballot shall be rejected if the
30 voter employed-such used a mark for-the-purpose-of-identifying
31 to identify the voter's ballot, ~~shall-be-rejected.~~

32 Sec. 52. Section 49.99, unnumbered paragraph 1, Code 1995,
33 is amended to read as follows:

34 The voter may also ~~insert-in-writing-in-the-proper-place~~
35 write on the line provided for write-in votes the name of any

1 person for whom the voter desires to vote and ~~place-a-cross-or~~
2 ~~check-in-the-square~~ mark the voting target opposite the name.
3 If the voter is using a voting system other than an electronic
4 voting system, as defined in section 52.1, the writing of the
5 name shall constitute a valid vote for the person whose name
6 has been written on the ballot without regard to whether the
7 voter has made a ~~cross-or-check~~ mark opposite the name.
8 However, when a write-in vote is cast using an electronic
9 voting system, the ballot must also be marked in the
10 corresponding space in order to be counted. ~~The-making-of-a~~
11 ~~cross-or-check-in-a-square~~ Marking the voting target opposite
12 a ~~blank~~ write-in line without writing a name ~~in on~~ the ~~blank~~
13 line shall not affect the validity of the remainder of the
14 ballot.

15 Sec. 53. Section 49.100, Code 1995, is amended to read as
16 follows:

17 49.100 SPOILED BALLOTS.

18 Any A voter who ~~shall-spoil~~ spoils a ballot may~~-on~~
19 ~~returning-the-same~~ return the spoiled ballot to the precinct
20 election officials~~;~~ and receive another ~~in-place-thereof~~~~-but~~
21 ballot. However, no a voter shall not receive more than three
22 ballots, including the one first delivered. ~~None-but~~ Only
23 ballots provided in accordance with the provisions of this
24 chapter shall be counted.

25 Sec. 54. Section 49.125, Code 1995, is amended to read as
26 follows:

27 49.125 COMPENSATION OF TRAINEES.

28 All election personnel attending such training course shall
29 be paid for attending such course for a period not to exceed
30 two hours, and shall be reimbursed for travel to and from the
31 place where the training is given at the rate ~~specified-in~~
32 ~~section-70A-9~~ determined by the board of supervisors if the
33 distance involved is more than five miles. The wages shall be
34 computed at the hourly rate established pursuant to section
35 49.20 and payment of wages and mileage for attendance shall be

1 made at the time that payment is made for duties performed on
2 election day.

3 Sec. 55. Section 50.13, Code 1995, is amended to read as
4 follows:

5 50.13 DESTRUCTION OF BALLOTS.

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

12 If the ballots are to be shredded, the package may be
13 opened, if necessary, but the ballots shall not be examined
14 before shredding. Shredded ballots may be recycled. The
15 commissioner shall invite the chairperson of each of the
16 political parties to designate a person to witness the
17 destruction of the ballots.

18 Sec. 56. Section 50.48, subsection 4, unnumbered paragraph
19 1, Code 1995, is amended to read as follows:

20 When all members of the recount board have been selected,
21 the board shall undertake and complete the required recount as
22 expeditiously as reasonably possible. The commissioner or the
23 commissioner's designee shall supervise the handling of
24 ballots or voting machine documents to ensure that the ballots
25 and other documents are protected from alteration or damage.
26 The board shall open only the sealed ballot containers from
27 the precincts specified to be recounted in the request or by
28 the recount board. The board shall recount only the ballots
29 which were voted and counted for the office in question,
30 including any disputed ballots returned as required in section
31 50.5. If an electronic tabulating system was used to count
32 the ballots, the recount board may request the commissioner to
33 retabulate the ballots using the electronic tabulating system.
34 The same program used for tabulating the votes on election day
35 shall be used at the recount.

1 PARAGRAPH DIVIDED. Any member of the recount board may at
2 any time during the recount proceedings extend the recount of
3 votes cast for the office or nomination in question to any
4 other precinct or precincts in the same county, or from which
5 the returns were reported to the commissioner responsible for
6 conducting the election, without the necessity of posting
7 additional bond.

8 Sec. 57. Section 52.10, Code 1995, is amended to read as
9 follows:

10 52.10 BALLOTS -- FORM.

11 All ballots shall be printed in black ink on clear, white
12 material, of such size as will fit the ballot frame, and in as
13 plain, clear type as the space will reasonably permit. The
14 party name for each political party represented on the machine
15 shall be prefixed to the list of candidates of such party.
16 The order of the list of candidates of the several parties or
17 organizations shall be arranged as provided in sections 49.30
18 to ~~49.42~~ 49.41, except that the lists may be arranged in
19 horizontal rows or vertical columns to meet the physical
20 requirements of the voting machine used.

21 Sec. 58. Section 52.12, Code 1995, is amended by striking
22 the section and inserting in lieu thereof the following:

23 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

24 Voting machines shall have a single lever or switch which
25 casts a vote for each candidate of a political party or non-
26 party political organization which has nominated candidates
27 for more than one partisan office on the ballot.

28 Sec. 59. Section 52.33, Code 1995, is amended by adding
29 the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. The absentee and special
31 precinct board shall follow the process prescribed in section
32 52.37, subsection 2, in handling damaged or defective ballots
33 and in counting write-in votes on special paper ballots.

34 Sec. 60. Section 52.35, subsection 2, Code 1995, is
35 amended to read as follows:

1 2. The test shall be conducted by processing a preaudited
2 group of ballots punched or marked so as to record a
3 predetermined number of valid votes for each candidate, and on
4 each public question, on the ballot. The test group shall
5 include for each office and each question one or more ballots
6 having votes in excess of the number allowed by law for that
7 office or question, in order to test the ability of the
8 automatic tabulating equipment to reject such votes. The
9 county chairperson of a political party may submit an
10 additional test group of ballots which, if so submitted, shall
11 also be tested. If any error is detected, its cause shall be
12 ascertained and corrected and an errorless count obtained
13 before the automatic tabulating equipment is approved. When
14 so approved, a statement attesting to the fact shall be signed
15 by the commissioner and ~~sent-immediately-to-the-state~~
16 commissioner kept with the records of the election.

17 Sec. 61. Section 52.36, unnumbered paragraph 2, Code 1995,
18 is amended to read as follows:

19 The commissioner shall appoint from the lists provided by
20 the county political party chairpersons a resolution board to
21 tabulate write-in votes and to decide questions regarding
22 damaged, defective, or other ballots which cannot be tabulated
23 by machine. The commissioner shall appoint as many people to
24 the resolution board as the commissioner believes are
25 necessary. The resolution board shall be divided into ~~three-~~
26 person two-person teams. Each team shall consist of ~~no-more~~
27 than-two people who are not members of the same political
28 party. If a team is unable to decide how to count one or more
29 ballots, a third person shall be available to consult with the
30 team and to resolve disputes. Ballots which were objected to
31 shall be endorsed and separated as required by section 50.4.

32 Sec. 62. Section 52.37, subsection 2, unnumbered paragraph
33 2, Code 1995, is amended to read as follows:

34 The resolution board shall also tabulate any write-in votes
35 which were cast. Write-in votes cast for a candidate whose

1 name appears on the ballot for the same office shall be
2 counted as a vote for the candidate indicated, if the vote is
3 otherwise properly cast.

4 PARAGRAPH DIVIDED. Ballots which are rejected by the
5 tabulating equipment as blank because they have been marked
6 with an unreadable marker shall be duplicated or tabulated as
7 required by this subsection for damaged or defective ballots.
8 The commissioner may instruct the resolution board to mark
9 over voters' unreadable marks using a marker compatible with
10 the tabulating equipment. The resolution board shall take
11 care to leave part of the original mark made by the voter. If
12 it is impossible to mark over the original marks made by the
13 voter without completely obliterating them, the ballot shall
14 be duplicated.

15 Sec. 63. Section 52.38, unnumbered paragraph 1, Code 1995,
16 is amended to read as follows:

17 All portable tabulating devices shall be tested before any
18 election in which they are to be used following the procedure
19 in section 52.35, subsection 2. Testing shall be completed
20 not later than twelve hours before the opening of the polls on
21 the morning of the election. ~~The portable tabulating devices~~
22 ~~shall be tested at the polling place where they are to be~~
23 ~~used.~~ The chairperson of each political party shall be
24 notified in writing of the time the devices will be tested so
25 that the chairperson or a representative may be present.
26 Those present for the test shall sign a certificate which
27 shall read substantially as follows:

28 Sec. 64. Section 52.40, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. In counties where counting centers have been
31 established under section 52.34, the commissioner may
32 designate certain polling places as early ballot pick-up
33 sites. At these sites, between the hours of one p.m. and four
34 p.m. on the day of the election, two precinct election
35 officials of different political parties shall seal the ballot

1 container to prevent the addition or removal of ballots and
2 replace it with an empty, locked ballot container. The sealed
3 ballot container shall be kept in a safe place in view of the
4 precinct election officials. The early pick-up officers shall
5 receive the sealed ballot container containing the ballots
6 which have been voted throughout-the-day along with a signed
7 statement of the precinct officials attesting to the number of
8 declarations of eligibility signed up to that time, excluding
9 those declarations signed by voters who have had not yet
10 placed their ballots in the ballot container when it was
11 sealed. The-officers-shall-replace-the-ballot-container
12 containing-the-voted-ballots-with-an-empty-ballot-container,
13 to-be-sealed-in-the-presence-of-a-precinct-election-official.

14 Sec. 65. Section 53.2, unnumbered paragraph 1, Code
15 Supplement 1995, is amended to read as follows:

16 Any registered voter, under the circumstances specified in
17 section 53.1, may on any day, except election day, and not
18 more than seventy days prior to the date of the election,
19 apply in person for an absentee ballot at the commissioner's
20 office or at any location designated by the commissioner, or
21 make written application to the commissioner for an absentee
22 ballot. The state commissioner shall prescribe a form for
23 absentee ballot applications. However, if a registered voter
24 submits an application that includes all of the information
25 required in this section, the prescribed form is not required.
26 Absentee ballot applications may include instructions to send
27 the application directly to the county commissioner of
28 elections. However, no absentee ballot application shall be
29 preaddressed or printed with instructions to send the
30 applications to anyone other than the appropriate
31 commissioner.

32 Sec. 66. Section 53.19, unnumbered paragraph 3, Code 1995,
33 is amended to read as follows:

34 However, any registered voter who has received an absentee
35 ballot and not voted returned it, may surrender the unmarked

1 absentee ballot to the precinct officials and vote in person
2 at the polls. The precinct officials shall mark the uncast
3 absentee ballot "void" and return it to the commissioner. Any
4 registered voter who has been sent an absentee ballot by mail
5 but for any reason has not received it may appear at the
6 voter's precinct polling place on election day and sign an
7 affidavit to that effect, after which the voter shall be
8 permitted to vote in person. The form of the affidavit for
9 use in such cases shall be prescribed by the state
10 commissioner.

11 Sec. 67. Section 54.5, Code 1995, is amended by adding the
12 following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. If a candidate for the office of
14 president or vice president of the United States withdraws,
15 dies, or is otherwise removed from the ballot before the
16 general election, another candidate may be substituted. The
17 substitution shall be made by the state central committee of
18 the political party or by the governing committee of the
19 national party. If there are differences, the substitution
20 made by the state central committee shall prevail. A nonparty
21 political organization which has filed the names of party
22 officers and central committee members with the secretary of
23 state before the close of the filing period for the general
24 election pursuant to section 44.17 may also make
25 substitutions. A substitution must be filed no later than
26 seventy-four days before the election.

27 Sec. 68. Section 59.1, Code 1995, is amended by adding the
28 following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. A special election for a seat in
30 either house of the general assembly may be contested. The
31 contestant shall serve notice on the incumbent in the manner
32 described in this section not later than twenty days after the
33 state canvass of votes for the election. A copy of the notice
34 shall also be filed with the presiding officer of the house in
35 which the contest is to be tried, if the general assembly is

1 in session. If the general assembly is not in session, a copy
2 of the notice shall be filed with the secretary of state. The
3 secretary of state shall notify the presiding officer of the
4 house in which the contest will be tried.

5 Sec. 69. Section 62.1, Code 1995, is amended to read as
6 follows:

7 62.1 CONTEST COURT.

8 The court for the trial of contested county elections shall
9 ~~be thus constituted:--The chairperson of the board of~~
10 ~~supervisors shall be the presiding officer, and~~ consist of one
11 person named by the contestant and one person named by the
12 incumbent may each name a person who shall be associated with
13 the chairperson. If the incumbent fails to name a judge, the
14 chief judge of the judicial district shall be notified of the
15 failure to appoint. The chief judge shall designate the
16 second judge within one week after the chief judge is
17 notified. These two judges shall meet within three days and
18 select a third person to serve as the presiding officer of the
19 court. If they cannot agree on the third member of the court
20 within three days after their initial meeting, the chief judge
21 of the judicial district shall be notified of the failure to
22 agree. The chief judge shall designate the presiding judge
23 within one week after the chief judge is notified.

24 Sec. 70. Section 62.2, Code 1995, is amended to read as
25 follows:

26 62.2 JUDGES.

27 ~~The contestant and incumbent shall each file in the~~
28 ~~auditor's office, on or before the day of trial, a written~~
29 ~~nomination of one associate judge of the contested election,~~
30 ~~who~~ Judges shall be sworn in the same manner and form as trial
31 jurors are sworn in trials of civil actions, ~~if either the~~
32 ~~contestant or the incumbent fails to nominate, the presiding~~
33 ~~judge shall appoint for that person.~~ When ~~either of the~~
34 ~~nominated judges~~ a judge fails to appear on the day of trial,
35 that judge's place may be filled by another appointment under

1 the same rule.

2 Sec. 71. Section 62.9, Code 1995, is amended to read as
3 follows:

4 62.9 TRIAL -- NOTICE.

5 The ~~chairperson-of-the-board-of-supervisors~~ presiding judge
6 shall ~~thereupon~~ fix a day for the trial, not more than thirty
7 ~~nor-less-than-twenty~~ days thereafter, and shall cause a notice
8 of such trial to be served on the incumbent, with a copy of
9 the contestant's statement, at least ten days before the day
10 set for trial. If the trial date is set for less than twenty
11 days from the day notice is given and either party is not
12 ready, the presiding judge shall delay the trial.

13 Sec. 72. Section 69.14A, subsection 1, paragraph a,
14 unnumbered paragraph 2, Code 1995, is amended to read as
15 follows:

16 However, if within fourteen days after publication of the
17 notice or within fourteen days after the appointment is made,
18 ~~whichever-is-later~~, a petition is filed with the county
19 auditor requesting a special election to fill the vacancy, the
20 appointment is temporary and a special election shall be
21 called as provided in paragraph "b". The petition shall meet
22 the requirements of section 331.306, except that in counties
23 where supervisors are elected under plan "three", the number
24 of signatures calculated according to the formula in section
25 331.306 shall be divided by the number of supervisor districts
26 in the county.

27 Sec. 73. Section 69.14A, subsection 1, paragraph b,
28 unnumbered paragraph 1, Code 1995, is amended to read as
29 follows:

30 By special election held to fill the office for the
31 remaining balance of the unexpired term. The committee of
32 county officers designated to fill the vacancy in section 69.8
33 may, on its own motion, or shall, upon receipt of a petition
34 as provided in paragraph "a", call for a special election to
35 fill the vacancy in lieu of appointment. The committee shall

1 order the special election at the earliest practicable date,
2 but giving at least ~~thirty~~ thirty-two days' notice of the
3 election. A special election called under this section shall
4 be held on a Tuesday and shall not be held on the same day as
5 a school election within the county.

6 Sec. 74. Section 69.14A, subsection 2, paragraph a,
7 unnumbered paragraph 2, Code 1995, is amended to read as
8 follows:

9 However, if within fourteen days after publication of the
10 notice or within fourteen days after the appointment is made,
11 ~~whichever-is-later~~, a petition is filed with the county
12 auditor requesting a special election to fill the vacancy, the
13 appointment is temporary and a special election shall be
14 called as provided in paragraph "b". The petition shall meet
15 the requirements of section 331.306.

16 Sec. 75. Section 69.14A, subsection 2, paragraph b,
17 unnumbered paragraph 1, Code 1995, is amended to read as
18 follows:

19 By special election held to fill the office for the
20 remaining balance of the unexpired term. The board of
21 supervisors may, on its own motion, or shall, upon receipt of
22 a petition as provided in paragraph "a", call for a special
23 election to fill the vacancy in lieu of appointment. The
24 ~~committee~~ supervisors shall order the special election at the
25 earliest practicable date, but giving at least ~~thirty~~ thirty-
26 two days' notice of the election. A special election called
27 under this section shall be held on a Tuesday and shall not be
28 held on the same day as a school election within the county.

29 Sec. 76. Section 277.4, unnumbered paragraph 2, Code
30 Supplement 1995, is amended to read as follows:

31 Each candidate shall be nominated by petition. If the
32 candidate is running for ~~an-at-large~~ a seat in the district
33 which is voted for at-large, the petition must be signed by at
34 least ten eligible electors, or a number of eligible electors
35 equal in number to not less than one percent of the registered

1 voters of the school district, whichever is more. If the
2 candidate is running for a seat which is voted for only by the
3 voters of a director district, the petition must be signed by
4 at least ten eligible electors of the director district or a
5 number of eligible electors equal in number to not less than
6 one percent of the registered voters in the director district,
7 whichever is more. A petition filed under this section shall
8 not be required to have more than one hundred signatures.

9 PARAGRAPH DIVIDED. Signers of nomination petitions shall
10 include their addresses and the date of signing, and must
11 reside in the same director district as the candidate if
12 directors are elected by the voters of a director district,
13 rather than at large. A person may sign nomination petitions
14 for more than one candidate for the same office, and the
15 signature is not invalid solely because the person signed
16 nomination petitions for one or more other candidates for the
17 office. The petition shall be filed with the affidavit of the
18 candidate being nominated, stating the candidate's name, place
19 of residence, that such person is a candidate and is eligible
20 for the office the candidate seeks, and that if elected the
21 candidate will qualify for the office. The affidavit shall
22 also state that the candidate is aware that the candidate is
23 disqualified from holding office if the candidate has been
24 convicted, and never pardoned, of a felony or other infamous
25 crime.

26 Sec. 77. Section 278.1, subsection 8, Code 1995, is
27 amended to read as follows:

28 8. ~~Authorize the establishment or abandonment of director~~
29 ~~districts or a change of boundaries of director districts a~~
30 change in the method of conducting elections or in the number
31 of directors as provided in sections 275.35 and 275.36. If a
32 proposition submitted to the voters under this subsection or
33 subsection 7 ~~of this section~~ is rejected, it may not be
34 resubmitted to the voters of the district in substantially the
35 same form within the next three years; if it is approved, no

1 other proposal may be submitted to the voters of the district
2 under this subsection or subsection 7 ~~of this section~~ within
3 the next six years.

4 Sec. 78. Section 372.2, subsection 2, Code 1995, is
5 amended to read as follows:

6 2. Within fifteen days after receiving a valid petition,
7 the council shall ~~proclaim~~ publish notice of the date that a
8 special city election to will be held within sixty days to
9 determine whether the city shall change to a different form of
10 government. The election date shall be not more than sixty
11 days after the publication. The notice shall include a
12 statement that the filing of a petition for appointment of a
13 home rule charter commission will delay the election until
14 after the home rule charter commission has filed a proposed
15 charter. Petition requirements and filing deadlines shall
16 also be included in the notice.

17 PARAGRAPH DIVIDED. The council shall notify the county
18 commissioner of elections to publish notice of the election
19 and conduct the election pursuant to chapters 39 to 53. The
20 county commissioner of elections shall certify the results of
21 the election to the council.

22 Sec. 79. Section 372.3, Code 1995, is amended by striking
23 the section and inserting in lieu thereof the following:

24 372.3 HOME RULE CHARTER.

25 If a petition for appointment of a home rule charter com-
26 mission is filed with the city clerk not more than ten days
27 after the council has published notice announcing the date of
28 the special election on adoption of another form of
29 government, the special election shall not be held until the
30 charter proposed by the home rule charter commission is filed.
31 Both forms must be published as provided in section 372.9 and
32 submitted to the voters at the special election.

33 Sec. 80. Section 372.13, subsection 2, paragraph a,
34 unnumbered paragraph 1, Code 1995, is amended to read as
35 follows:

1 By appointment by the remaining members of the council,
2 except that if the remaining members do not constitute a
3 quorum of the full membership, paragraph "b" shall be
4 followed. The appointment shall be for the period until the
5 next pending election as defined in section 69.12, and shall
6 be made within forty days after the vacancy occurs. If the
7 council chooses to proceed under this paragraph, it shall
8 publish notice in the manner prescribed by section 362.3,
9 stating that the council intends to fill the vacancy by
10 appointment but that the electors of the city or ward, as the
11 case may be, have the right to file a petition requiring that
12 the vacancy be filled by a special election. The council may
13 publish notice in advance if an elected official submits a
14 resignation to take effect at a future date. The council may
15 make an appointment to fill the vacancy after the notice is
16 published or after the vacancy occurs, whichever is later.
17 However, if within fourteen days after publication of the
18 notice or within fourteen days after the appointment is made,
19 ~~whichever-is-later~~, there is filed with the city clerk a
20 petition which requests a special election to fill the
21 vacancy, an appointment to fill the vacancy is temporary and
22 the council shall call a special election to fill the vacancy
23 permanently, under paragraph "b". The number of signatures of
24 eligible electors of a city for a valid petition shall be
25 determined as follows:

26 Sec. 81. Section 376.4, unnumbered paragraph 1, Code 1995,
27 is amended to read as follows:

28 An eligible elector of a city may become a candidate for an
29 elective city office by filing with the city clerk a valid
30 petition requesting that the elector's name be placed on the
31 ballot for that office. The petition must be filed not more
32 than seventy-one days ~~nor~~ and not less than forty-seven days
33 before the date of the election, and must be signed by
34 eligible electors equal in number to at least two percent of
35 those who voted to fill the same office at the last regular

1 city election, but not less than ten persons. However, for
2 those cities which may be required to hold a primary election,
3 the petition must be filed not more than eighty-five days and
4 not less than sixty-eight days before the date of the regular
5 city election. A person may sign nomination petitions for
6 more than one candidate for the same office, and the signature
7 is not invalid solely because the person signed nomination
8 petitions for one or more other candidates for the office.
9 Nomination petitions shall be filed not later than five
10 o'clock p.m. on the last day for filing.

11 Sec. 82. Section 376.10, Code 1995, is amended to read as
12 follows:

13 376.10 CONTEST.

14 A nomination or election to a city office may be contested
15 in the manner provided in chapter 62 for contesting elections
16 to county offices, except that a statement of intent to
17 contest must be filed with the city clerk within ten days
18 after the nomination or election. ~~The mayor is presiding~~
19 ~~officer of the court for the trial of a nomination or election~~
20 ~~contest, except that if the mayor's nomination or election is~~
21 ~~contested, the council shall elect one of its members other~~
22 ~~than the mayor to serve as presiding officer.~~

23 Sec. 83. Sections 49.27, 49.29, and 49.42, Code 1995, are
24 repealed.

25 Sec. 84. IMMEDIATE EFFECTIVE DATE. New Iowa Code section
26 39.1A and amendments to Iowa Code sections 48A.22, 48A.26
27 through 48A.29, 49.13, 49.16, 49.25, 50.48, 52.33, 52.35
28 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A,
29 277.4, and 372.13, being deemed of immediate importance, take
30 effect upon enactment.

31 EXPLANATION

32 This bill makes a number of changes to the election laws of
33 Iowa.

34 New Iowa Code section 39.1A prohibits county auditors from
35 conducting elections which are not specifically authorized or

1 required by state law.

2 An indirect internal reference contained in Iowa Code
3 section 43.67, which provides for the right to a place on the
4 ballot of nominees for federal, state, and county office, is
5 stricken and the direct references to the relevant sections
6 are inserted.

7 Iowa Code section 43.73 is amended to strike language which
8 authorizes the secretary of state to prescribe party order on
9 the ballot. Code section 49.31 gives that authority to the
10 county auditors.

11 Iowa Code sections 43.88 and 44.4 are amended to change the
12 candidate filing deadline for special elections held to fill
13 vacancies in county offices from 20 to 25 days before the
14 election to allow more time to print ballots.

15 Iowa Code section 43.116 is amended to add a provision to
16 specify a method for partisan nominations for special city
17 elections to fill vacancies in offices in special charter
18 cities. The recommended change, nomination by convention,
19 parallels similar provisions for other partisan special
20 elections.

21 Iowa Code section 44.11 is amended to provide that a
22 substitution for a nonparty political organization candidate
23 who withdraws from a partisan election may be made if the
24 candidate withdraws before the statutory withdrawal deadlines
25 for such candidates.

26 New section 44.17 is enacted to provide that a nonparty
27 political organization may nominate a candidate for partisan
28 office by petition in lieu of nomination by caucus or
29 convention and allows a nonparty political organization to
30 provide for the substitution of a candidate in an election if
31 procedures for such substitution are filed with the county
32 commissioner of elections before the close of the nomination
33 petition filing deadline.

34 New Iowa Code section 47.4 provides that filings pertaining
35 to an election, the deadline for which falls on a day the

1 county or state commissioner of elections office is closed for
2 business, shall be filed on the next day that the office of
3 county or state commissioner is open for business to receive
4 the filing.

5 Iowa Code section 47.5 is amended to strike the requirement
6 that county commissioner of elections' bid specifications be
7 filed with the state commissioner of elections.

8 Iowa Code section 47.6 is amended to require that notice of
9 a special election that will be held in conjunction with a
10 previously scheduled special election be given not later than
11 the last day to file nomination papers for the previously
12 scheduled special election.

13 Iowa Code section 48A.22 is amended to strike the
14 requirement that the secretary of state sell voter
15 registration forms and that they be sold at the cost of
16 production. The amended language requires the secretary of
17 state to provide registration forms, without specifying the
18 kind.

19 The National Voter Registration Act (NVRA) is a federal law
20 which became effective January 1, 1995. NVRA requires mailing
21 of some specific documents, but does not specifically require
22 that they be sent by first class mail. Iowa Code sections
23 48A.26 through 48A.29 are amended to strike the first class
24 mailing requirement.

25 Iowa Code section 48A.27 is also amended to eliminate the
26 requirement that a mail registration form be provided to
27 people who have moved from one county to another within Iowa.

28 Iowa Code section 49.13 is amended to permit the auditor to
29 appoint two people of different political parties to serve as
30 co-chairpersons of the precinct election board. The amendment
31 also makes editorial changes.

32 Iowa Code section 49.16 is amended to prohibit a precinct
33 election official who has changed party affiliation from the
34 party which designated the official from working at the polls
35 as a designee of the party with which the official was

1 formerly registered.

2 Iowa Code sections 49.20 and 49.125 are amended to provide
3 that the board of supervisors shall set the mileage rate for
4 election workers. Currently, they are paid at the rate set
5 for state employees.

6 Iowa Code section 49.25 is amended to require that ballot
7 boxes be locked during the receiving of ballots, except during
8 early ballot pickup activities and when opened by the counting
9 board charged with tabulating votes in paper ballot precincts
10 during the hours when the polls are open. This amendment also
11 adds secrecy sleeves to the equipment needed at the polls.
12 Secrecy sleeves are needed for use with machine-read ballots
13 that cannot be folded to conceal the voter's marks.

14 Iowa Code section 49.29 is incorporated into section 49.26,
15 and section 49.26, which relates to ballot marking
16 instructions, is reworded to permit the use of machine-read
17 ballots, even if they will be counted by hand.

18 Iowa Code section 49.27 has been incorporated into section
19 49.30. All information about what can be placed upon a
20 separate ballot is now in a single Code section. It is
21 organized according to the three general types of voting
22 equipment used in Iowa and specifies the circumstances under
23 which separate ballots may be used for each type of voting
24 equipment. Iowa Code section 49.30 is amended to add to the
25 list of offices that may be printed on a separate paper ballot
26 in voting machine precincts, all nonpartisan offices listed in
27 Iowa Code section 39.21 (regional library trustees, county
28 public hospital trustees, soil and water district conservation
29 commissioners, and county agricultural extension councils).
30 The amendment also allows separate paper ballots in precincts
31 that incorporate more than one township if any of the
32 townships elects its township officers.

33 Iowa Code section 49.31, relating to the arrangement of
34 names on the ballot, is amended to provide that the names of
35 candidates shall be listed below the title of the office, and,

1 for partisan offices, above the name of the political party or
2 nonparty political organization which nominated the candidate.
3 The amendment makes clear that the county commissioner shall
4 determine the order of political parties and nonparty
5 political organizations on the ballot and that each ballot
6 used in the county shall be identical.

7 Iowa Code section 49.33 is amended to revise the
8 description of the space where the voter indicates a choice
9 for paired offices and provides that write-in votes will no
10 longer be tabulated separately for the offices of president
11 and vice president, and governor and lieutenant governor.

12 Iowa Code section 49.35, relating to the order of arranging
13 tickets on the ballot, is amended to pertain to lever voting
14 machine ballots only.

15 Iowa Code section 49.37 is amended to eliminate the
16 requirement that ballots be arranged in columns or rows by
17 political party or nonparty political organization. It also
18 requires that the first section of partisan ballots be
19 reserved for straight party voting, then political parties or
20 nonparty political organizations which have nominated
21 candidates for more than one office, then political parties or
22 organizations which have nominated candidates for only one
23 office. The amendment also requires that the ballot shall
24 contain instructions for straight party voting.

25 New section 49.42A is enacted to prescribe the form for
26 general election ballots.

27 Iowa Code section 49.43 is amended to provide that, if
28 possible, all public measures and constitutional amendments
29 shall be placed on a single special paper ballot. The special
30 ballot shall also include all offices to be voted upon.

31 Iowa Code section 49.44 is amended to require that a
32 summary of a proposed constitutional amendment or other public
33 measure be placed on the ballot immediately before the full
34 text of the amendment or measure on special paper ballots. If
35 the full text of the amendment or measure will not fit on the

1 ballot, it shall be posted inside the voting booth and
2 included with absentee ballots.

3 Iowa Code section 49.45 is amended to more specifically
4 prescribe the general form of ballots containing
5 constitutional amendments or other public measures.

6 Iowa Code section 49.46, relating to marking ballots on
7 public measures, is amended to provide for making the
8 appropriate mark on special paper ballots.

9 Iowa Code section 49.47, relating to the notice, or voting
10 instructions, for ballots containing a constitutional
11 amendment or public measure is amended to apply to all types
12 of ballots, including special paper ballots, and allows the
13 notice to be adapted, where appropriate.

14 Iowa Code section 49.57 is amended to do the following:
15 (1) provide for the inclusion of party names with the names of
16 candidates in the new office block ballot plan; (2) add to the
17 ballot preparation instructions a requirement that office
18 title indicate if an office appears on the ballot to fill a
19 vacancy; (3) change the type specifications from fractions of
20 inches to point size; (4) strikes the requirement that ballot
21 paper be white because some voting systems use off-white card
22 stock.

23 Iowa Code section 49.73 is amended to increase from 3,500
24 to 10,000 the maximum population of cities in which the polls
25 may open at 12:00 noon, instead of 7:00 a.m. for city
26 elections. This will affect 66 cities.

27 Iowa Code section 49.92 updates the voting mark
28 descriptions and targets to account for the use of a voting
29 system other than the paper ballot system.

30 Iowa Code section 49.93, relating to the number of votes
31 allowed for each office, is reworded.

32 Iowa Code sections 49.94 and 49.95 are amended to change
33 voting target description and voting mark description to
34 include variations allowed by optical scan voting systems.
35 Portions of sections 49.94 and 49.95, relating to straight

1 ticket marking and voting only part of a ticket, respectively,
2 are reworded.

3 Iowa Code sections 49.96 and 49.97, relating to voting for
4 offices with more than one person to be elected and marking a
5 mixed ticket, respectively, are reworded.

6 Iowa Code section 49.98, relating to the instructions for
7 counting ballots; section 49.99, relating to write-in votes;
8 and section 49.100, relating to replacing spoiled ballots, are
9 reworded.

10 Iowa Code section 50.13 is amended to remove the
11 requirement that representatives of the political parties
12 attend the destruction of ballots.

13 Iowa Code section 50.48 is amended to allow the envelope
14 containing ballots counted without the unanimous agreement of
15 the precinct election officials to be delivered to the recount
16 board. The function of recounts is to reexamine the
17 tabulation of votes at an election. Currently these ballots
18 are returned to the auditor as "disputed ballots". The
19 proposed amendment also requires that the tabulating program
20 used on election day be used in the recount.

21 Iowa Code section 52.10 is amended to provide that lists of
22 candidates of a political party or nonparty political
23 organization may be arranged in horizontal rows or vertical
24 columns if necessary to meet the physical requirements of the
25 voting machine used.

26 Iowa Code section 52.12 is amended to require that voting
27 machines have a single lever or switch to make a straight
28 party vote.

29 Iowa Code section 52.33 is amended to require the absentee
30 and special precinct board to follow the same procedure as the
31 central count resolution board when tabulating optical scan
32 ballots. This permits the board to make a duplicate of a
33 damaged or unreadable ballot and include the duplicate ballot
34 in the machine count.

35 Iowa Code section 52.35, and by reference section 52.38,

1 are amended to eliminate the requirement that voting equipment
2 test results be certified to the secretary of state.

3 Iowa Code section 52.36 is amended to require resolution
4 boards to divide into two-person bipartisan teams. Resolution
5 boards tabulate write-in votes and decide questions regarding
6 ballots which cannot be tabulated by the machine. Resolution
7 boards are currently required to divide into teams of three
8 people.

9 Section 52.37, relating to tabulation of electronic voting
10 system ballots, allows the commissioner of elections to
11 instruct the resolution board to mark over voters' marks
12 unreadable by the machine, if possible, or to duplicate the
13 ballot.

14 Iowa Code section 52.38 is amended to eliminate the
15 requirement that portable tabulating devices be tested at the
16 polling place where they are to be used.

17 Iowa Code section 52.40 is amended to allow precinct
18 election officials to seal the ballot box at early ballot
19 pick-up sites at a convenient time and to open a second ballot
20 box when it is convenient. The early pick-up officers would
21 no longer be required to do these tasks.

22 Iowa Code section 53.2 is amended to prohibit mailing an
23 application for an absentee ballot to an address other than
24 the county auditor or to an address designated by the auditor.

25 Iowa Code section 53.19 is amended to allow voters to
26 surrender marked or unmarked absentee ballots on election day
27 and vote unchallenged at the polls.

28 Iowa Code section 54.5 is amended to provide for
29 substitution of candidates in a presidential election. A
30 substitution is to be made by the state central committee of
31 the party or by the governing committee of the national party.
32 However, if there are differences, the state central committee
33 substitution prevails. Nonparty political organizations may
34 also substitute candidates in a presidential election.

35 Currently no statutory provision exists for contesting a

1 special election to fill a vacancy in the general assembly.
2 The proposed amendment to Iowa Code section 59.1 adds a method
3 for contesting the outcome of a special election while the
4 general assembly is in session. The contestant would file a
5 notice of contest with the speaker of the house of
6 representatives or with the president of the senate, as
7 appropriate, not more than 20 days after the canvass of votes.

8 Iowa Code sections 62.1 and 62.2 are amended to change the
9 contest court chairperson from the chairperson of the county
10 board of supervisors to a third person mutually agreed to by
11 the judges selected by the incumbent and the contestant.

12 Iowa Code section 62.9 is amended to strike the limitation
13 that the contest court may not begin for at least 20 days
14 after the election.

15 Iowa Code sections 69.14A and 372.13 are amended to strike
16 the words "whichever is later" from the description of the
17 filing period for a petition requesting a special election to
18 fill a vacancy on the county board of supervisors. The
19 appointment will always be later than the publication of the
20 notice of intent to appoint.

21 Section 69.14A is also amended to change the notice of
22 election to fill a vacancy from 30 to 32 days, to be
23 consistent with other special election notice requirements.
24 Thirty days before a Tuesday election always falls on a
25 Sunday. This amendment moves the deadline back to the
26 preceding Friday.

27 Iowa Code section 277.4 is amended to specify the minimum
28 signature requirements for school board candidates.

29 Iowa Code section 278.1 prescribes the procedure for
30 changing the method of school elections which is similar to
31 sections 275.35 and 275.36, except for petition filing
32 deadlines and the thoroughness of the procedures. The more
33 thorough language of sections 275.35 and 275.36 has been
34 retained. The provision in section 278.1, subsection 8,
35 allowing voters to redraw the director district boundaries at

1 an election is stricken. Director district boundaries are
2 drawn after the census on the basis of population.

3 Iowa Code section 372.2 is amended to specify the timing of
4 a city special election date. The amendment requires
5 publication of intent to hold a special election on adoption
6 of another form of government and notice that citizens may
7 petition for appointment of a home rule charter commission,
8 thereby delaying the election on adoption of another form of
9 government.

10 Iowa Code section 372.3 is amended to establish a deadline
11 for filing a petition for appointment of a home rule charter
12 commission. Filing this petition will stay a special election
13 on adoption of another form of government. Currently no
14 deadline for filing the petition is prescribed.

15 Iowa Code section 376.4 is amended to extend from 47 days
16 to 68 days the candidate filing deadline for candidates in
17 city elections where the city is required to hold a primary
18 election. A city may provide by ordinance to hold runoff
19 elections or to allow nominations of candidates in the same
20 manner as nonpolitical party organizations. In the absence of
21 either ordinance, a city is required to hold a primary
22 election if the number of candidates filing valid nomination
23 petitions for an office is at least twice the number of
24 positions to be filled.

25 Iowa Code section 376.10 is amended to change the contest
26 court chairperson for city elections from the mayor to a third
27 person mutually agreed to by the judges selected by the
28 incumbent and the contestant.

29 New Iowa Code section 39.1A and amendments to Iowa Code
30 sections 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25,
31 50.48, 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1,
32 62.2, 62.9, 69.14A, 277.4, and 372.13 take effect upon
33 enactment.

34

35

HOUSE FILE 2387

H-5149

- 1 Amend House File 2387 as follows:
 2 1. Page 1, line 16, by inserting after the word
 3 "notify" the following: "by forwardable mail".
 4 2. Page 1, line 22, by inserting after the word
 5 "notify" the following: "by forwardable mail".
 6 3. Page 1, line 27, by inserting after the word
 7 "seventh" the following: "working".
 8 4. Page 21, line 17, by striking the words
 9 "target after" and inserting the following: "after
 10 target before".
 11 5. Page 21, line 19, by striking the words
 12 "target following" and inserting the following:
 13 "following target before".

By KREMER of Buchanan

H-5149 FILED MARCH 4, 1996

*Adopted
3/6/96**(p. 558)*

HOUSE FILE 2387

H-5136

- 1 Amend House File 2387 as follows:
 2 1. By striking page 7, line 33, through page 8,
 3 line 5.
 4 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-5136 FILED MARCH 1, 1996

*Lost 3/6/96
(p. 559)*

HOUSE FILE 2387

H-5203

- 1 Amend House File 2387 as follows:
 2 1. Page 40, line 29, by inserting after the
 3 figure "277.4," the following: "278.1,".

By JACOBS of Polk

H-5203 FILED MARCH 5, 1996

(p. 559) Lost 3/6/96

S 3/6/96 State Gov
S. 3/25/96 Do Pass

HOUSE FILE 2387
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 553)

(As Amended and Passed by the House, March 6, 1996)

Passed House, Date ^(P. 1894) 4/24/96 Passed Senate, Date ^(P. 1485) 4/23/96
Vote: Ayes 95 Nays 0 Vote: Ayes 48 Nays 1
Approved _____

A BILL FOR

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

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

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House Amendments _____

House Conf. Comm.
(P. 1932) 4-29-96

Jacobs
Martin
Drake
Witt
Jochum

Senate Conf. Comm.
4-29-96 (P. 1532)

Gronstal
Sorensen
Dearden
Fittmer
Drake

1 Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

2 Only those public measures which are specifically
3 authorized or required by state law to be put before the
4 voters as a public measure shall be submitted to the voters at
5 an official election. Only those offices which are
6 specifically authorized or required by state law to be filled
7 by the voters at an election shall be placed on the ballot at
8 an official election.

9 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
10 is amended to read as follows:

11 Each candidate nominated pursuant to section ~~43-66~~ 43.52 or
12 43.65 is entitled to have the candidate's name printed on the
13 official ballot to be voted at the general election without
14 other certificate unless the candidate was nominated by write-
15 in votes. Immediately after the completion of the canvass
16 held under section 43.49, the county auditor shall notify by
17 forwardable mail each person who was nominated by write-in
18 votes for a county or township office that the person is
19 required to file an affidavit of candidacy if the person
20 wishes to be a candidate for that office at the general
21 election. Immediately after the completion of the canvass
22 held under section 43.63, the secretary of state shall notify
23 by forwardable mail each person who was nominated by write-in
24 votes for a state or federal office that the person is
25 required to file an affidavit of candidacy if the person
26 wishes to be a candidate for that office at the general
27 election. If the affidavit is not filed by five p.m. on the
28 seventh working day after the completion of the canvass, that
29 person's name shall not be placed upon the official general
30 election ballot. The affidavit shall be signed by the
31 candidate, notarized, and filed with the county auditor or the
32 secretary of state, whichever is applicable.

33 Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 Not less than sixty-nine days before the general election

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

11 Sec. 4. Section 43.88, unnumbered paragraph 2, Code
12 Supplement 1995, is amended to read as follows:

13 Nominations made to fill vacancies at a special election
14 shall be certified to the proper official not less than twenty
15 twenty-five days prior to the date set for the special
16 election. In the event the special election is to fill a
17 vacancy in the general assembly while it is in session or
18 within forty-five days of the convening of any session, the
19 nomination shall be certified not less than fourteen days
20 before the date of the special election.

21 Sec. 5. Section 43.116, Code 1995, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 3. If a special election is held to fill
24 a vacancy in an elective city office, nominations by political
25 parties shall be made following the provisions of subsection
26 2.

27 Sec. 6. Section 44.4, unnumbered paragraph 1, Code
28 Supplement 1995, is amended to read as follows:

29 Nominations made pursuant to this chapter and chapter 45
30 which are required to be filed in the office of the state
31 commissioner shall be filed in that office not more than
32 ninety-nine days nor later than five p.m. on the eighty-first
33 day before the date of the general election to be held in
34 November. Nominations made for a special election called
35 pursuant to section 69.14 shall be filed by five p.m. not less

1 than twenty twenty-five days before the date of an election
2 called upon at least forty days' notice and not less than
3 fourteen days before the date of an election called upon at
4 least eighteen days' notice. Nominations made for a special
5 election called pursuant to section 69.14A shall be filed by
6 five p.m. not less than twenty days before the date of the
7 election. Nominations made pursuant to this chapter and
8 chapter 45 which are required to be filed in the office of the
9 commissioner shall be filed in that office not more than
10 ninety-two days nor later than five p.m. on the sixty-ninth
11 day before the date of the general election. Nominations made
12 pursuant to this chapter or chapter 45 for city office shall
13 be filed not more than seventy-two days nor later than five
14 p.m. on the forty-seventh day before the city election with
15 the city clerk, who shall process them as provided by law.

16 Sec. 7. Section 44.11, Code 1995, is amended to read as
17 follows:

18 44.11 VACANCIES FILLED.

19 If a candidate named under this chapter withdraws before
20 the deadline established in section 44.9, declines a
21 nomination, or dies before election day, or if a certificate
22 of nomination is held insufficient or inoperative by the
23 officer with whom it is required to be filed, or in case any
24 objection made to a certificate of nomination, or to the
25 eligibility of any candidate named in the certificate, is
26 sustained by the board appointed to determine such questions,
27 the vacancy or vacancies may be filled by the convention, or
28 caucus, or in such manner as such convention or caucus has
29 previously provided. The vacancy or vacancies shall be filled
30 not less than seventy-four days before the election in the
31 case of nominations required to be filed with the state
32 commissioner, not less than sixty-four days before the
33 election in the case of nominations required to be filed with
34 the commissioner, not less than thirty-five days before the
35 election in the case of nominations required to be filed in

1 the office of the school board secretary, and not less than
2 forty-two days before the election in the case of nominations
3 required to be filed with the city clerk.

4 Sec. 8. NEW SECTION. 44.17 NONPARTY POLITICAL
5 ORGANIZATIONS -- NOMINATIONS BY PETITION.

6 In lieu of holding a caucus or convention, a nonparty
7 political organization may nominate by petition pursuant to
8 chapter 45 not more than one candidate for any partisan office
9 to be filled at the general election.

10 The nonparty political organization may also file with the
11 appropriate commissioner a list of the names and addresses of
12 the organization's central committee members, and the
13 chairperson and secretary of the organization. The
14 organization may also place on file a description of the
15 method that the organization will follow to fill any vacancies
16 resulting from the death, withdrawal, or disqualification of
17 any of its candidates that were nominated by petition. If
18 this information is filed before the close of the filing
19 period for the general election, substitutions may be made
20 pursuant to section 44.11.

21 Sec. 9. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

22 If the deadline for a filing pertaining to an election
23 falls on a day that the state or county commissioner's office
24 is closed for business, the deadline shall be extended to the
25 next day that the office of state commissioner or county
26 commissioner is open for business to receive the filing.

27 Sec. 10. Section 47.5, subsection 1, Code Supplement 1995,
28 is amended to read as follows:

29 1. The Except for legal services and printing of ballots,
30 the commissioner shall take bids for goods and services which
31 are needed in connection with registration of voters or
32 preparation for or administration of elections and which will
33 be performed or provided by persons who are not employees of
34 the commissioner under the following circumstances:

35 a. In any case where it is proposed to purchase data

1 processing services. The commissioner shall give the
2 registrar written notice in advance on each occasion when it
3 is proposed to have data processing services, necessary in
4 connection with the administration of elections, performed by
5 any person other than the registrar or an employee of the
6 county. Such notice shall be made at least thirty days prior
7 to publication of the specifications.

8 b. In all other cases, where the cost of the goods or
9 services to be purchased will exceed one thousand dollars.

10 ~~c.--Bids-shall-not-be-required-for-legal-services-or-the~~
11 ~~printing-of-ballets.~~

12 Sec. 11. Section 47.5, subsection 2, Code Supplement 1995,
13 is amended to read as follows:

14 2. When it is proposed to purchase any goods or services,
15 other than data processing services, in connection with
16 administration of elections, the commissioner shall publish
17 notice to bidders, including specifications regarding the
18 goods or services to be purchased or a description of the
19 nature and object of the services to be retained, in a
20 newspaper of general circulation in the county not less than
21 fifteen days before the final date for submission of bids.

22 ~~The-commissioner-shall-also-file-a-copy-of-the-bid~~
23 ~~specifications-in-the-office-of-the-state-commissioner-for-a~~
24 ~~period-of-not-less-than-twenty-days-prior-to-such-final-date.~~

25 When competitive bidding procedures are used, the purchase of
26 goods or services shall be made from the lowest responsible
27 bidder which meets the specifications or description of the
28 services needed or the commissioner may reject all bids and
29 readvertise. In determining the lowest responsible bidder,
30 various factors may be considered, including but not limited
31 to the past performance of the bidder relative to quality of
32 product or service, the past experience of the purchaser in
33 relation to the product or service, the relative quality of
34 products or services, the proposed terms of delivery and the
35 best interest of the county.

1 Sec. 12. Section 47.6, subsection 1, unnumbered paragraph
2 2, Code Supplement 1995, is amended to read as follows:

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

16 Sec. 13. Section 48A.22, Code 1995, is amended to read as
17 follows:

18 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

19 The secretary of state shall encourage volunteer
20 organizations to undertake voter registration drives by
21 providing ~~mail~~ registration forms ~~at-the-cost-of-production~~.

22 Sec. 14. Section 48A.26, subsection 1, Code 1995, is
23 amended to read as follows:

24 1. Within seven working days of receipt of a voter
25 registration form or change of information in a voter
26 registration record the commissioner shall send an
27 acknowledgment to the registrant at the mailing address shown
28 on the registration form. The acknowledgment shall be sent by
29 ~~first-class~~ nonforwardable mail.

30 Sec. 15. Section 48A.27, subsection 4, paragraph b, Code
31 1995, is amended to read as follows:

32 b. If the information provided by the vendor indicates
33 that a registered voter has moved to another address within
34 the county, the commissioner shall change the registration
35 records to show the new residence address, and shall also mail

1 a notice of that action to both the former and new addresses.
2 The notice shall be sent by forwardable **first-class** mail, and
3 shall include a postage prepaid preaddressed return form by
4 which the registered voter may verify or correct the address
5 information.

6 Sec. 16. Section 48A.27, subsection 4, paragraph c,
7 unnumbered paragraph 2, Code 1995, is amended to read as
8 follows:

9 The notice shall be sent by forwardable **first-class** mail,
10 and shall include a postage paid preaddressed return card on
11 which the registered voter may state the registered voter's
12 current address. The notice shall contain a statement in
13 substantially the following form: "Information received from
14 the United States postal service indicates that you are no
15 longer a resident of, and therefore not eligible to vote in
16 (name of county) County, Iowa. If this information is not
17 correct, and you still live in (name of county) County, please
18 complete and mail the attached postage paid card at least ten
19 days before the primary or general election and at least
20 eleven days before any other election at which you wish to
21 vote. If the information is correct and you have moved,
22 please contact a local official in your new area for
23 assistance in registering there. If you do not mail in the
24 card, you may be required to show identification proving your
25 residence in (name of county) County before being allowed to
26 vote in (name of county) County. If you do not return the
27 card, and you do not vote in an election in (name of county)
28 County, Iowa, on or before (date of second general election
29 following the date of the notice) your name will be removed
30 from the list of voters in that county. To ensure you receive
31 this notice, it is being sent to both your most recent
32 registration address and to your new address as reported by
33 the postal service."

34 Sec. 17. Section 48A.27, subsection 4, paragraph d, Code
35 1995, is amended to read as follows:

1 d. If the information provided by the vendor indicates the
2 registered voter has moved to another county within the state,
3 the notice required by paragraph "c" shall include a statement
4 that registration in the county of the person's current
5 residence is required, ~~and shall provide a mail registration~~
6 ~~form for the person to use.~~

7 Sec. 18. Section 48A.28, subsection 2, unnumbered
8 paragraph 2, Code 1995, is amended to read as follows:

9 A commissioner participating in the national change of
10 address program, in the first quarter of each calendar year,
11 shall send a notice and preaddressed, postage paid return card
12 by ~~first-class~~ forwardable mail to each registered voter whose
13 name was not reported by the national change of address
14 program and who has not voted, registered again, or reported a
15 change to an existing registration during the preceding four
16 calendar years. The form and language of the notice and
17 return card shall be specified by the state voter registration
18 commission by rule. A registered voter shall not be sent a
19 notice and return card under this subsection more frequently
20 than once in a four-year period.

21 Sec. 19. Section 48A.28, subsection 3, unnumbered
22 paragraph 1, Code 1995, is amended to read as follows:

23 For a commissioner who is not participating in the national
24 change of address program, in February of each year the
25 commissioner shall mail a confirmation notice to each
26 registered voter in the county. The notice shall be sent by
27 ~~first-class~~ forwardable mail. The notice shall include a
28 preaddressed, postage paid return card for the use of the
29 registered voter or the recipient of the notice. The card
30 shall contain boxes for the recipient to check to indicate one
31 of the following:

32 Sec. 20. Section 48A.29, subsection 1, unnumbered
33 paragraph 2, Code 1995, is amended to read as follows:

34 The notice shall be sent by forwardable ~~first-class~~ mail,
35 and shall include a postage paid preaddressed return card on

1 which the registered voter may state the registered voter's
2 current address. The notice shall contain a statement in
3 substantially the following form: "Information received from
4 the United States postal service indicates that you are no
5 longer a resident of (residence address) in (name of county)
6 County, Iowa. If this information is not correct, and you
7 still live in (name of county) County, please complete and
8 mail the attached postage paid card at least ten days before
9 the primary or general election and at least eleven days
10 before any other election at which you wish to vote. If the
11 information is correct, and you have moved, please contact a
12 local official in your new area for assistance in registering
13 there. If you do not mail in the card, you may be required to
14 show identification proving your residence in (name of county)
15 County before being allowed to vote in (name of county)
16 County. If you do not return the card, and you do not vote in
17 some election in (name of county) County, Iowa, on or before
18 (date of second general election following the date of the
19 notice) your name will be removed from the list of voters in
20 that county."

21 Sec. 21. Section 48A.29, subsection 3, unnumbered
22 paragraph 2, Code 1995, is amended to read as follows:

23 The notice shall be sent by forwardable ~~first-class~~ mail,
24 and shall include a postage paid preaddressed return card on
25 which the registered voter may state the registered voter's
26 current address. The notice shall contain a statement in
27 substantially the following form: "Information received by
28 this office indicates that you are no longer a resident of
29 (residence address) in (name of county) County, Iowa. If the
30 information is not correct, and you still live at that
31 address, please complete and mail the attached postage paid
32 card at least ten days before the primary or general election
33 and at least eleven days before any other election at which
34 you wish to vote. If the information is correct, and you have
35 moved within the county, you may update your registration by

1 listing your new address on the card and mailing it back. If
2 you have moved outside the county, please contact a local
3 official in your new area for assistance in registering there.
4 If you do not mail in the card, you may be required to show
5 identification proving your residence in (name of county)
6 County before being allowed to vote in (name of county)
7 County. If you do not return the card, and you do not vote in
8 some election in (name of county) County, Iowa, on or before
9 (date of second general election following the date of the
10 notice) your name will be removed from the list of registered
11 voters in that county."

12 Sec. 22. Section 49.13, subsection 4, Code Supplement
13 1995, is amended to read as follows:

14 4. The commissioner shall designate one member of each
15 precinct election board as chairperson of that board, ~~and also~~
16 ~~of the.~~ If a counting board authorized by chapter 51 if one
17 is appointed, with the chairperson shall have authority over
18 the mechanics of the work of both boards. At the discretion
19 of the commissioner, two people who are members of different
20 political parties may be appointed as co-chairpersons. The
21 co-chairpersons shall have joint authority over the work of
22 the precinct election board.

23 Sec. 23. Section 49.16, Code 1995, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 5. A person shall not serve on the
26 precinct election board as a representative of a political
27 party if the person has changed political party affiliation
28 from that of the political party which selected the person to
29 serve as a precinct election official. If a precinct election
30 official records a change of political party, the official's
31 name shall be removed from the list of precinct election
32 officials for that political party. The chairperson of the
33 political party shall be notified of the vacancy and may
34 designate a replacement. If the chairperson of another
35 political party later designates the person as a precinct

1 election official, the person may serve, if qualified.

2 Sec. 24. Section 49.20, Code 1995, is amended to read as
3 follows:

4 49.20 COMPENSATION OF MEMBERS.

5 The members of election boards shall be deemed temporary
6 state employees who are compensated by the county in which
7 they serve, and shall receive compensation at a rate
8 established by the board of supervisors, which shall be not
9 less than three dollars and fifty cents per hour, while
10 engaged in the discharge of their duties and shall be
11 reimbursed for actual and necessary travel expense at a rate
12 determined by the board of supervisors, except that persons
13 who have advised the commissioner prior to their appointment
14 to the election board that they are willing to serve without
15 pay at elections conducted for any school district or a city
16 of three thousand five hundred or less population, shall
17 receive no compensation for service at those elections.
18 Compensation shall be paid to members of election boards only
19 after the vote has been canvassed and it has been determined
20 in the course of the canvass that the election record
21 certificate has been properly executed by the election board.

22 Sec. 25. Section 49.25, subsection 3, Code 1995, is
23 amended to read as follows:

24 3. The commissioner shall furnish to each precinct where
25 voting is to be by paper ballot, special paper ballot, or
26 ballot card, rather than by voting machine, the necessary
27 ballot boxes, suitably equipped with seals or locks and keys,
28 and voting booths. The voting booths shall be approved by the
29 board of examiners for voting machines and electronic voting
30 systems and shall provide for voting in secrecy. At least one
31 voting booth in each precinct shall be accessible to the
32 handicapped. If the lighting in the polling place is
33 inadequate, the voting booths used in that precinct shall
34 include lights. Ballot boxes shall be locked or sealed before
35 the polls open and shall remain locked or sealed until the

1 polls are closed, except as provided in sections 51.7 and
2 52.40, or to provide necessary service to a malfunctioning
3 portable vote tallying device. If a ballot box is opened
4 prior to the closing of the polls, two precinct election
5 officials not of the same party shall be present and observe
6 the ballot box being opened.

7 Sec. 26. Section 49.25, Code 1995, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 4. Secrecy folders or sleeves shall be
10 provided for use at any precinct where ballots are used which
11 cannot be folded to obscure the marks made by the voters.

12 Sec. 27. Section 49.26, Code 1995, is amended to read as
13 follows:

14 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

15 1. In all elections regulated by this chapter, the voting
16 shall be by ballots printed and distributed as provided by
17 law, or by voting machines meeting the requirements of chapter
18 52.

19 2. When voting machines are available for an election
20 precinct, the commissioner shall determine in advance of each
21 election conducted for a city of three thousand five hundred
22 or less population or any school district in which voting
23 occurs in that precinct whether voting there shall be by
24 machine or paper ballot. If the commissioner concludes, on
25 the basis of voter turnout for recent similar elections and
26 factors considered likely to affect voter turnout for the
27 forthcoming election, that voting will probably be so light as
28 to make preparation and use of paper ballots less expensive
29 than preparation and use of a voting machine, paper ballots
30 shall be used.

31 3. In counties in which automatic tabulating equipment is
32 available, the commissioner shall determine in advance of each
33 election whether the ballots will be counted by the automatic
34 tabulating equipment or by the precinct election officials.
35 The commissioner may use ballots and instructions similar to

1 those used when the ballots are counted by automatic
2 tabulating equipment.

3 Sec. 28. Section 49.30, Code 1995, is amended to read as
4 follows:

5 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

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

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

13 1. Where special paper ballots are used, if it is not
14 possible to include all offices and public measures on a
15 single ballot, separate ballots may be provided for
16 nonpartisan offices, judges, or public measures.

17 2. At an election where voting machines are used, ~~and it~~
18 the following exceptions apply:

19 a. If it is impossible to place the names of all
20 candidates on the machine ballot, the commissioner may provide
21 a separate paper ballot for the candidates for judge of the
22 district court, and the township offices, or either, one and
23 the nonpartisan offices listed in section 39.21. One of the
24 paper ballots shall be furnished to each registered voter.

25 b. When a precinct has one or more offices or questions on
26 the ballot in any election that may not be legally voted upon
27 by all registered voters of the precinct, the commissioner
28 shall use lockout devices operated by the precinct election
29 officials to restrict each voter to the appropriate parts of
30 the ballot. However, if the voting machine does not have a
31 lockout device, the commissioner may use one or more separate
32 voting machines for each group of voters in the precinct. If
33 neither of the foregoing procedures is feasible, the
34 commissioner shall prepare separate ballots for the candidates
35 or questions which may not be legally voted upon by all

1 registered voters of the precinct, and shall furnish a
2 separate ballot box into which only those ballots shall be
3 deposited.

4 3. Separate Where paper ballots are used, separate paper
5 ballots may be used for:

6 a. For the election of township officers in precincts
7 including both incorporated and unincorporated areas or more
8 than one township.

9 b. For public measures.

10 c. For judges.

11 Sec. 29. Section 49.31, subsection 1, Code 1995, is
12 amended by striking the subsection and inserting in lieu
13 thereof the following:

14 1. All ballots shall be arranged with the names of
15 candidates for each office listed below the office title. For
16 partisan elections the name of the political party or
17 organization which nominated each candidate shall be listed
18 after or below each candidate's name.

19 The commissioner shall determine the order of political
20 parties and nonparty political organizations on the ballot.
21 The sequence shall be the same for each office on the ballot
22 and for each precinct in the county voting in the election.

23 Sec. 30. Section 49.31, subsection 4, Code 1995, is
24 amended to read as follows:

25 ~~4. If electors in any precinct are entitled to vote for~~
26 ~~more than one nominee or candidate for a particular office,~~
27 ~~the~~ The heading for that each office on the precinct ballot
28 shall be immediately followed by a notation of stating, "Vote
29 for no more than _____ ", and indicating the maximum number of
30 nominees or candidates for that office for whom each elector
31 may vote. ~~Provision shall be made on the ballot to allow the~~
32 ~~elector to write in the name of any person for whom the~~
33 ~~elector desires to vote for any office or nomination on the~~
34 ~~ballot.~~

35 Sec. 31. Section 49.31, Code 1995, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 4A. At the end of the list of candidates
3 for each office listed on the ballot one or more blank lines
4 and voting targets shall be printed to allow the elector to
5 write in the name of any person for whom the elector desires
6 to vote for any office or nomination on the ballot. The
7 number of write-in lines shall equal the number of votes that
8 can be cast for that office.

9 Sec. 32. Section 49.33, Code 1995, is amended to read as
10 follows:

11 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED
12 OFFICES.

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

27 Sec. 33. Section 49.35, Code 1995, is amended to read as
28 follows:

29 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE
30 BALLOT.

31 Each list of candidates nominated by a political party or a
32 group of petitioners shall be termed a ticket. Each Where
33 lever voting machines are used, each ticket shall be placed in
34 a separate vertical column or horizontal row on the ballot, in
35 the order determined pursuant to section 49.37 by the

1 authorities charged with the printing of the ballots.
2 However, if a total of more than seven tickets are to be
3 placed on the ballot the state commissioner may authorize a
4 method of placement in which the groups of petitioners are not
5 all placed in separate individual columns or rows.

6 Sec. 34. Section 49.37, subsection 1, Code 1995, is
7 amended by striking the subsection and inserting in lieu
8 thereof the following:

9 1. For general elections, and for other elections in which
10 more than one partisan office will be filled, the first
11 section of the ballot shall be for straight party voting.
12 Each political party or organization which has nominated
13 candidates for more than one office shall be listed.
14 Instructions to the voter for straight party or organization
15 voting shall be in substantially the following form: "To vote
16 for all candidates from a single party or organization, mark
17 the voting target next to the party or organization name. Not
18 all parties or organizations have nominated candidates for all
19 offices. Marking a straight party or organization vote does
20 not include votes for nonpartisan offices, judges, or
21 questions." Political parties and nonparty political
22 organizations which have nominated candidates for only one
23 office shall be listed below the other political organizations
24 under the heading "Other Political Organizations. The
25 following organizations have nominated candidates for only one
26 office:".

27 Offices shall be arranged in groups. Partisan offices,
28 nonpartisan offices, judges, and public measures shall be
29 separated by a distinct line appearing on the ballot.

30 Sec. 35. Section 49.37, subsections 2 and 3, Code 1995,
31 are amended to read as follows:

32 2. The commissioner shall arrange the ballot in conformity
33 with the certificate issued by the state commissioner under
34 section 43.73, in that the names of the respective candidates
35 on for each political party ticket shall appear in the order

1 they appeared on the certificate, above or to the left of the
2 nonparty political organization ~~tickets~~ candidates.

3 3. The commissioner shall arrange the partisan county
4 offices on the ballot with the board of supervisors first,
5 followed by the other county offices and township offices in
6 the same sequence in which they appear in sections 39.17 and
7 39.22. Nonpartisan offices shall be listed below after or to
8 the right of partisan offices.

9 Sec. 36. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

10 The ballot for the general election shall be arranged in
11 substantially the following form:

12 PARTISAN OFFICES

13 STRAIGHT PARTY VOTING

14 To vote for all candidates from a single party mark the
15 voting target next to the party name. Not all parties have
16 nominated candidates for all offices. Marking a straight
17 party vote does not include votes for nonpartisan offices,
18 judges, or questions.

19 POLITICAL PARTY NAME

20 POLITICAL PARTY NAME

21 POLITICAL ORGANIZATION NAME

22 POLITICAL ORGANIZATION NAME

23 OTHER POLITICAL ORGANIZATIONS

24 The following political organizations have nominated
25 candidates for only one office.

26 POLITICAL ORGANIZATION NAME

27 POLITICAL ORGANIZATION NAME

28 FEDERAL OFFICES

29 For President and Vice President Vote for no more than one
30 team.

31 CANDIDATE NAME, of State

32 CANDIDATE NAME, of State

33 Political Party

34 CANDIDATE NAME, of State

35 CANDIDATE NAME, of State

- 1 Political Party
- 2 CANDIDATE NAME, of State
- 3 CANDIDATE NAME, of State
- 4 Political Organization Name
- 5 CANDIDATE NAME, of State
- 6 CANDIDATE NAME, of State
- 7 Political Organization Name
- 8 CANDIDATE NAME, of State
- 9 CANDIDATE NAME, of State
- 10 Nominated by Petition
- 11
- 12 Write-in for President, if any.
- 13
- 14 Write-in for Vice-President, if any.
- 15 For U.S. Senator
- 16 Vote for no more than one.
- 17 CANDIDATE NAME
- 18 Political Party
- 19 CANDIDATE NAME
- 20 Political Party
- 21 CANDIDATE NAME
- 22 Political Organization
- 23 CANDIDATE NAME
- 24 Political Organization
- 25 CANDIDATE NAME
- 26 Nominated by Petition
- 27
- 28 Write-in vote, if any.
- 29 For U.S. Representative
- 30 First District
- 31 Vote for no more than one.
- 32 CANDIDATE NAME
- 33 Political Party
- 34 CANDIDATE NAME
- 35 Political Party

1 CANDIDATE NAME
2 Political Organization

3 CANDIDATE NAME
4 Political Organization

5 CANDIDATE NAME
6 Nominated by Petition

7
8 Write-in vote, if any.

9 STATE OFFICES
10 For State Senator, District 2
11 Vote for no more than one.

12 CANDIDATE NAME
13 Political Party

14 CANDIDATE NAME
15 Political Party

16 CANDIDATE NAME
17 Political Organization

18 CANDIDATE NAME
19 Political Organization

20 CANDIDATE NAME
21 Nominated by Petition

22
23 Write-in vote, if any.

24 Sec. 37. Section 49.43, Code 1995, is amended by adding
25 the following new unnumbered paragraph before unnumbered para-
26 graph 1:

27 NEW UNNUMBERED PARAGRAPH. If possible, all public measures
28 and constitutional amendments to be voted upon by an elector
29 shall be included on a single special paper ballot which shall
30 also include all offices to be voted upon. However, if it is
31 necessary, a separate ballot may be used as provided in
32 section 49.30, subsection 1.

33 Sec. 38. Section 49.43, unnumbered paragraph 2, Code 1995,
34 is amended to read as follows:

35 Constitutional amendments and other public measures may be

1 summarized by the commissioner as provided in section sections
2 49.44 and 52.25.

3 Sec. 39. Section 49.44, unnumbered paragraph 1, Code 1995,
4 is amended to read as follows:

5 When a proposed constitutional amendment or other public
6 measure to be decided by the voters of the entire state is to
7 be voted upon, the state commissioner shall prepare a written
8 summary of the amendment or measure including the number of
9 the amendment or statewide public measure assigned by the
10 state commissioner. The summary shall be printed immediately
11 preceding the text of the proposed amendment or measure on the
12 paper ballot or special paper ballot referred to in section
13 49.43 ~~and~~ in. If the complete text of the public measure
14 will not fit on the special paper ballot it shall be posted
15 inside the voting booth. A copy of the full text shall be
16 included with any absentee ballots.

17 PARAGRAPH DIVIDED. In precincts where the amendment or
18 measure will be voted on by machine, the summary shall be
19 placed in the voting machine inserts as required by section
20 52.25.

21 Sec. 40. Section 49.45, Code 1995, is amended to read as
22 follows:

23 49.45 GENERAL FORM OF BALLOT.

24 Ballots referred to in section 49.43 shall be substantially
25 in the following form:

26 Shall the following amendment Yes
27 to the Constitution (or public meas- No
28 ure) be adopted?

29 Yes

30 No

31 (Here insert the summary, if it be for a constitutional
32 amendment or statewide public measure, and in full the
33 proposed constitutional amendment or public measure. The
34 number assigned by the state commissioner or the letter
35 assigned by the county commissioner shall be included on the

1 ballot centered above the question, "Shall the following
2 amendment to the Constitution [or public measure] be
3 adopted?".)

4 Sec. 41. Section 49.46, Code 1995, is amended to read as
5 follows:

6 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

7 The elector shall designate a vote by ~~a-cross~~ making the
8 appropriate mark, thus, in the voting target. On paper
9 ballots an "X", or a check mark, thus, "/", may be placed in
10 the proper square target.

11 Sec. 42. Section 49.47, Code 1995, is amended to read as
12 follows:

13 49.47 NOTICE ON BALLOTS.

14 At the top of paper ballots on-such for public measures
15 shall be printed the following:

16 [Notice to voters. For-an-affirmative-vote-upon To vote to
17 approve any question submitted-upon on this ballot, make a
18 cross (X) mark or check (✓) in the square-after target before
19 the word "Yes". For-a-negative To vote against a question
20 make a similar mark in the square-following target before the
21 word "No".] This notice shall be adapted to describe the
22 proper mark where it is appropriate.

23 Sec. 43. Section 49.57, Code 1995, is amended to read as
24 follows:

25 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

26 Ballots shall be prepared as follows:

- 27 1. They shall be on ~~plain-white~~ paper uniform in color,
28 through which the printing or writing cannot be read.
- 29 2. The In the area of the general election ballot for
30 straight-party voting, the party name names shall be printed
31 in capital letters of uniform size, in not less than one-
32 fourth-of-an-inch-in-height twelve point type. After the name
33 of each candidate for a partisan office the name of the
34 candidate's political party shall be printed in at least six
35 point type.

1 3. The names of candidates shall be printed in capital
2 letters, of uniform size throughout the ballot, in not less
3 than one-eighth, nor more than one-fourth of an inch in height
4 ten point type.

5 4. A On ballots that will be counted by electronic
6 tabulating equipment, ballots shall include a voting target
7 next to the name of each candidate. The position, shape, and
8 size of the targets shall be appropriate for the equipment to
9 be used in counting the votes. Where paper ballots are used,
10 a square, the sides of which shall not be less than one-fourth
11 of an inch in length, shall may be printed at the beginning of
12 each line in which the name of a candidate is printed, except
13 as otherwise provided.

14 5. On-the-outside A portion of the ballot, so-as-to-appear
15 when-folded which can be shown to the precinct officials
16 without revealing any of the marks made by the voter, shall be
17 printed include the words "Official ballot", a designation of
18 the ballot rotation, if any, the date of the election, and a
19 facsimile of the signature of the commissioner who has caused
20 the ballot to be printed pursuant to section 49.51.

21 6. The office title of any office which appears on the
22 ballot to fill a vacancy before the end of the usual term of
23 the office shall include the words "To Fill Vacancy".

24 Sec. 44. Section 49.73, subsection 1, paragraphs b and c,
25 Code 1995, are amended to read as follows:

26 b. Any election conducted for a city of ~~three-thousand~~
27 five-hundred ten thousand or less population.

28 c. Any election conducted for a city of more than ~~three~~
29 thousand-five-hundred ten thousand population if there is no
30 contest for any office on the ballot and no public question is
31 being submitted to the voters at that election.

32 Sec. 45. Section 49.92, Code 1995, is amended to read as
33 follows:

34 49.92 VOTING MARK.

35 The instructions appearing on the ballot shall describe the

1 appropriate mark to be used by the voter. The mark shall be
2 consistent with the requirements of the voting system in use
3 in the precinct. The voting mark shall used on paper ballots
4 may be a cross or check which shall be placed in-the-circle-at
5 the-head-of-a-ticket,-or in the squares voting targets
6 opposite the names of candidates. The fact that the voting
7 mark is made by an instrument other than a black lead pencil
8 shall not affect the validity of the ballot unless it appears
9 that the color or nature of the mark is intended to identify
10 the ballot contrary to the intent of section 49.107,
11 subsection 7.

12 Sec. 46. Section 49.93, Code 1995, is amended by striking
13 the section and inserting in lieu thereof the following:

14 49.93 NUMBER OF VOTES FOR EACH OFFICE.

15 For an office to which one person is to be elected, a voter
16 shall not vote for more than one candidate. If two or more
17 persons are to be elected to an office, the voter shall vote
18 for no more than the number of persons to be elected. If a
19 voter votes for more than the permitted number of candidates,
20 the vote for that office shall not count. Valid votes cast on
21 the rest of the ballot shall be counted.

22 Sec. 47. Section 49.94, Code 1995, is amended to read as
23 follows:

24 49.94 HOW TO MARK A STRAIGHT TICKET.

25 If the names of all the candidates for whom a voter desires
26 to vote in any election other than the primary election ~~appear~~
27 upon-the-same-ticket were nominated by the same political
28 party or nonparty political organization, and the voter
29 desires to vote for all candidates ~~whose names appear upon~~
30 such-ticket nominated by that political party or organization
31 the voter may do so in any one of the following ways:

32 1. The voter may ~~place-a-cross-or-check-in-the-circle-at~~
33 the-top-of-such-ticket mark the voting target next to the name
34 of the political party or nonparty political organization in
35 the straight party or organization section of the ballot

1 without ~~making-a-cross-or-check-in~~ marking any square-beneath
2 ~~said-circle~~ voting target next to the name of a candidate
3 nominated by the party or organization.

4 ~~2.--The-voter-may-place-a-cross-or-check-in-the-square~~
5 ~~opposite-the-name-of-each-such-candidate-without-making-any~~
6 ~~cross-or-check-in-the-circle-at-the-top-of-such-ticket.~~

7 ~~3. 2.~~ The voter may ~~place-a-cross-or-check-in-the-circle~~
8 ~~at-the-top-of-such-ticket~~ mark the voting target next to the
9 name of the political party or nonparty political organization
10 in the straight party or organization section of the ballot
11 and also ~~a-cross-or-check-in~~ mark any or all of the squares
12 beneath-said-circle voting targets next to the names of
13 candidates nominated by that party or organization.

14 Sec. 48. Section 49.95, Code 1995, is amended to read as
15 follows:

16 49.95 VOTING PART OF TICKET ONLY.

17 If the names of all the candidates for whom the voter
18 desires to vote ~~appear-upon-a-single-ticket~~ were nominated by
19 the same political party or nonparty political organization
20 but the voter does not desire to vote for all of the
21 candidates ~~whose-names-appear-thereon~~ nominated by the party
22 or nonparty political organization, the voter shall place-a
23 cross-or-check-in-the-square-opposite mark the voting target
24 next to the name of each such candidate for whom the voter
25 desires to vote without ~~making-any-cross-or-check-in-the~~
26 ~~circle-at-the-top-of-such-ticket~~ marking the target next to
27 the name of the party or nonparty political organization in
28 the straight party or organization section of the ballot.

29 Sec. 49. Section 49.96, Code 1995, is amended to read as
30 follows:

31 49.96 GROUP-CANDIDATES-FOR-OFFICES-OF-SAME-CLASS OFFICES
32 WITH MORE THAN ONE PERSON TO BE ELECTED.

33 Where ~~two-or-more-offices-of-the-same-class-are-to-be~~
34 ~~filled~~ more than one person is to be elected to the same
35 office at the same election, and all of the candidates for

1 ~~such-offices, that office~~ for whom the voter desires to vote,
2 ~~appear-upon-the-voter's-party-ticket-at-the-top-of-which-the~~
3 ~~voter-has-marked-a-cross-or-check-in-the-circle~~ were nominated
4 ~~by the political party or nonparty political organization for~~
5 ~~which the voter has marked a straight party or organization~~
6 ~~vote, the voter need not otherwise indicate the vote for such~~
7 ~~candidate, but if the name of any candidate for whom the voter~~
8 ~~desires to vote for such office appears upon a different~~
9 ~~ticket, then as to such group of candidates the cross or check~~
10 ~~in the circle does not apply and to indicate the voter's~~
11 ~~choice the voter must place a cross or check in the square~~
12 ~~opposite the name of each such candidate for whom the voter~~
13 ~~desires to vote whether the same appears under such marked~~
14 ~~circle or not that office. If the voter wishes to vote for~~
15 ~~candidates who were nominated by different political parties~~
16 ~~or nonparty political organizations, the voter must mark the~~
17 ~~voting target for each candidate the voter has chosen, whether~~
18 ~~or not the voter has also marked a straight party or~~
19 ~~organization vote.~~

20 Sec. 50. Section 49.97, Code 1995, is amended to read as
21 follows:

22 49.97 HOW TO MARK A MIXED TICKET.

23 If the names of all candidates for whom a voter desires to
24 vote ~~do~~ were not appear-upon nominated by the same ticket
25 political party or nonparty political organization, the voter
26 may indicate the candidates of the voter's choice by marking
27 the ballot in any one of the following ways:

28 1. The voter may ~~place a cross or check in the circle at~~
29 ~~the top of a ticket on~~ mark a straight party or organization
30 vote for the party or nonparty political organization which
31 the names of nominated some of the candidates for whom the
32 voter desires to vote ~~appear and also a cross or check in the~~
33 ~~square opposite the name of each other candidate of the~~
34 ~~voter's choice, whose name appears upon some ticket other than~~
35 ~~the one in which the voter has marked the circle at the top~~

1 and vote for candidates of other parties or nonparty political
2 organizations by marking the voting targets next to their
3 names.

4 2. The voter may ~~place a cross or check in the square~~
5 ~~opposite the name of each candidate for whom the voter desires~~
6 to vote for each candidate separately without placing any
7 ~~cross or check in any circle~~ marking any straight party or
8 organization vote.

9 Sec. 51. Section 49.98, Code 1995, is amended to read as
10 follows:

11 49.98 COUNTING BALLOTS.

12 The ballots shall be counted according to the markings
13 ~~thereon, respectively,~~ voters' marks on them as provided in
14 sections 49.92 to 49.97, and not otherwise. If, for any
15 reason, it is impossible to determine from a ballot, as
16 marked, the choice of the voter for any office, ~~such ballot~~
17 the vote for that office shall not be counted ~~for such office.~~
18 When there is a conflict between ~~the cross or check in the~~
19 ~~circle on a~~ straight party or organization vote for one ticket
20 political party or nonparty political organization and the
21 ~~cross or check in the square on~~ vote cast by marking the
22 voting target next to the name of a candidate for another
23 ticket political party or nonparty political organization on
24 the ballot, the ~~cross or check in the square~~ mark next to the
25 name of the candidate shall be held to control, and the ~~cross~~
26 ~~or check in the circle in such~~ straight party or organization
27 vote in that case shall not apply as to that office. Any
28 ballot shall be rejected if it is marked in any other manner
29 than as authorized in sections 49.92 to 49.97, ~~and in such~~
30 ~~manner as to show that.~~ A ballot shall be rejected if the
31 voter employed such used a mark for the purpose of identifying
32 to identify the voter's ballot, ~~shall be rejected.~~

33 Sec. 52. Section 49.99, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 The voter may also ~~insert in writing in the proper place~~

1 write on the line provided for write-in votes the name of any
2 person for whom the voter desires to vote and ~~place-a-cross-or~~
3 ~~check-in-the-square~~ mark the voting target opposite the name.
4 If the voter is using a voting system other than an electronic
5 voting system, as defined in section 52.1, the writing of the
6 name shall constitute a valid vote for the person whose name
7 has been written on the ballot without regard to whether the
8 voter has made a ~~cross-or-check~~ mark opposite the name.
9 However, when a write-in vote is cast using an electronic
10 voting system, the ballot must also be marked in the
11 corresponding space in order to be counted. ~~The-making-of-a~~
12 ~~cross-or-check-in-a-square~~ Marking the voting target opposite
13 a ~~blank~~ write-in line without writing a name ~~in on~~ the ~~blank,~~
14 line shall not affect the validity of the remainder of the
15 ballot.

16 Sec. 53. Section 49.100, Code 1995, is amended to read as
17 follows:

18 49.100 SPOILED BALLOTS.

19 Any A voter who ~~shall-spoil~~ spoils a ballot may, ~~on~~
20 ~~returning-the-same~~ return the spoiled ballot to the precinct
21 election officials, and receive another ~~in-place-thereof,~~ ~~but~~
22 ballot. However, no a voter shall not receive more than three
23 ballots, including the one first delivered. ~~None-but~~ Only
24 ballots provided in accordance with the provisions of this
25 chapter shall be counted.

26 Sec. 54. Section 49.125, Code 1995, is amended to read as
27 follows:

28 49.125 COMPENSATION OF TRAINEES.

29 All election personnel attending such training course shall
30 be paid for attending such course for a period not to exceed
31 two hours, and shall be reimbursed for travel to and from the
32 place where the training is given at the rate ~~specified-in~~
33 ~~section-70A-9~~ determined by the board of supervisors if the
34 distance involved is more than five miles. The wages shall be
35 computed at the hourly rate established pursuant to section

1 49.20 and payment of wages and mileage for attendance shall be
2 made at the time that payment is made for duties performed on
3 election day.

4 Sec. 55. Section 50.13, Code 1995, is amended to read as
5 follows:

6 50.13 DESTRUCTION OF BALLOTS.

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

13 If the ballots are to be shredded, the package may be
14 opened, if necessary, but the ballots shall not be examined
15 before shredding. Shredded ballots may be recycled. The
16 commissioner shall invite the chairperson of each of the
17 political parties to designate a person to witness the
18 destruction of the ballots.

19 Sec. 56. Section 50.48, subsection 4, unnumbered paragraph
20 1, Code 1995, is amended to read as follows:

21 When all members of the recount board have been selected,
22 the board shall undertake and complete the required recount as
23 expeditiously as reasonably possible. The commissioner or the
24 commissioner's designee shall supervise the handling of
25 ballots or voting machine documents to ensure that the ballots
26 and other documents are protected from alteration or damage.
27 The board shall open only the sealed ballot containers from
28 the precincts specified to be recounted in the request or by
29 the recount board. The board shall recount only the ballots
30 which were voted and counted for the office in question,
31 including any disputed ballots returned as required in section
32 50.5. If an electronic tabulating system was used to count
33 the ballots, the recount board may request the commissioner to
34 retabulate the ballots using the electronic tabulating system.
35 The same program used for tabulating the votes on election day

1 shall be used at the recount.

2 PARAGRAPH DIVIDED. Any member of the recount board may at
3 any time during the recount proceedings extend the recount of
4 votes cast for the office or nomination in question to any
5 other precinct or precincts in the same county, or from which
6 the returns were reported to the commissioner responsible for
7 conducting the election, without the necessity of posting
8 additional bond.

9 Sec. 57. Section 52.10, Code 1995, is amended to read as
10 follows:

11 52.10 BALLOTS -- FORM.

12 All ballots shall be printed in black ink on clear, white
13 material, of such size as will fit the ballot frame, and in as
14 plain, clear type as the space will reasonably permit. The
15 party name for each political party represented on the machine
16 shall be prefixed to the list of candidates of such party.
17 The order of the list of candidates of the several parties or
18 organizations shall be arranged as provided in sections 49.30
19 to ~~49.42~~ 49.41, except that the lists may be arranged in
20 horizontal rows or vertical columns to meet the physical
21 requirements of the voting machine used.

22 Sec. 58. Section 52.12, Code 1995, is amended by striking
23 the section and inserting in lieu thereof the following:

24 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

25 Voting machines shall have a single lever or switch which
26 casts a vote for each candidate of a political party or non-
27 party political organization which has nominated candidates
28 for more than one partisan office on the ballot.

29 Sec. 59. Section 52.33, Code 1995, is amended by adding
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. The absentee and special
32 precinct board shall follow the process prescribed in section
33 52.37, subsection 2, in handling damaged or defective ballots
34 and in counting write-in votes on special paper ballots.

35 Sec. 60. Section 52.35, subsection 2, Code 1995, is

1 amended to read as follows:

2 2. The test shall be conducted by processing a preaudited
3 group of ballots punched or marked so as to record a
4 predetermined number of valid votes for each candidate, and on
5 each public question, on the ballot. The test group shall
6 include for each office and each question one or more ballots
7 having votes in excess of the number allowed by law for that
8 office or question, in order to test the ability of the
9 automatic tabulating equipment to reject such votes. The
10 county chairperson of a political party may submit an
11 additional test group of ballots which, if so submitted, shall
12 also be tested. If any error is detected, its cause shall be
13 ascertained and corrected and an errorless count obtained
14 before the automatic tabulating equipment is approved. When
15 so approved, a statement attesting to the fact shall be signed
16 by the commissioner and ~~sent-immediately-to-the-state~~
17 commissioner kept with the records of the election.

18 Sec. 61. Section 52.36, unnumbered paragraph 2, Code 1995,
19 is amended to read as follows:

20 The commissioner shall appoint from the lists provided by
21 the county political party chairpersons a resolution board to
22 tabulate write-in votes and to decide questions regarding
23 damaged, defective, or other ballots which cannot be tabulated
24 by machine. The commissioner shall appoint as many people to
25 the resolution board as the commissioner believes are
26 necessary. The resolution board shall be divided into ~~three-~~
27 person two-person teams. Each team shall consist of ~~no-more~~
28 than-two people who are not members of the same political
29 party. If a team is unable to decide how to count one or more
30 ballots, a third person shall be available to consult with the
31 team and to resolve disputes. Ballots which were objected to
32 shall be endorsed and separated as required by section 50.4.

33 Sec. 62. Section 52.37, subsection 2, unnumbered paragraph
34 2, Code 1995, is amended to read as follows:

35 The resolution board shall also tabulate any write-in votes

1 which were cast. Write-in votes cast for a candidate whose
2 name appears on the ballot for the same office shall be
3 counted as a vote for the candidate indicated, if the vote is
4 otherwise properly cast.

5 PARAGRAPH DIVIDED. Ballots which are rejected by the
6 tabulating equipment as blank because they have been marked
7 with an unreadable marker shall be duplicated or tabulated as
8 required by this subsection for damaged or defective ballots.
9 The commissioner may instruct the resolution board to mark
10 over voters' unreadable marks using a marker compatible with
11 the tabulating equipment. The resolution board shall take
12 care to leave part of the original mark made by the voter. If
13 it is impossible to mark over the original marks made by the
14 voter without completely obliterating them, the ballot shall
15 be duplicated.

16 Sec. 63. Section 52.38, unnumbered paragraph 1, Code 1995,
17 is amended to read as follows:

18 All portable tabulating devices shall be tested before any
19 election in which they are to be used following the procedure
20 in section 52.35, subsection 2. Testing shall be completed
21 not later than twelve hours before the opening of the polls on
22 the morning of the election. ~~The portable tabulating devices~~
23 ~~shall be tested at the polling place where they are to be~~
24 ~~used.~~ The chairperson of each political party shall be
25 notified in writing of the time the devices will be tested so
26 that the chairperson or a representative may be present.
27 Those present for the test shall sign a certificate which
28 shall read substantially as follows:

29 Sec. 64. Section 52.40, subsection 1, Code 1995, is
30 amended to read as follows:

31 1. In counties where counting centers have been
32 established under section 52.34, the commissioner may
33 designate certain polling places as early ballot pick-up
34 sites. At these sites, between the hours of one p.m. and four
35 p.m. on the day of the election, two precinct election

1 officials of different political parties shall seal the ballot
2 container to prevent the addition or removal of ballots and
3 replace it with an empty, locked ballot container. The sealed
4 ballot container shall be kept in a safe place in view of the
5 precinct election officials. The early pick-up officers shall
6 receive the sealed ballot container containing the ballots
7 which have been voted ~~throughout-the-day~~ along with a signed
8 statement of the precinct officials attesting to the number of
9 declarations of eligibility signed up to that time, excluding
10 those declarations signed by voters who have had not yet
11 placed their ballots in the ballot container when it was
12 sealed. The-officers-shall-replace-the-ballot-container
13 containing-the-voted-ballots-with-an-empty-ballot-container,
14 to-be-sealed-in-the-presence-of-a-precinct-election-official.

15 Sec. 65. Section 53.2, unnumbered paragraph 1, Code
16 Supplement 1995, is amended to read as follows:

17 Any registered voter, under the circumstances specified in
18 section 53.1, may on any day, except election day, and not
19 more than seventy days prior to the date of the election,
20 apply in person for an absentee ballot at the commissioner's
21 office or at any location designated by the commissioner, or
22 make written application to the commissioner for an absentee
23 ballot. The state commissioner shall prescribe a form for
24 absentee ballot applications. However, if a registered voter
25 submits an application that includes all of the information
26 required in this section, the prescribed form is not required.
27 Absentee ballot applications may include instructions to send
28 the application directly to the county commissioner of
29 elections. However, no absentee ballot application shall be
30 preaddressed or printed with instructions to send the
31 applications to anyone other than the appropriate
32 commissioner.

33 Sec. 66. Section 53.19, unnumbered paragraph 3, Code 1995,
34 is amended to read as follows:

35 However, any registered voter who has received an absentee

1 ballot and not voted returned it, may surrender the unmarked
2 absentee ballot to the precinct officials and vote in person
3 at the polls. The precinct officials shall mark the uncast
4 absentee ballot "void" and return it to the commissioner. Any
5 registered voter who has been sent an absentee ballot by mail
6 but for any reason has not received it may appear at the
7 voter's precinct polling place on election day and sign an
8 affidavit to that effect, after which the voter shall be
9 permitted to vote in person. The form of the affidavit for
10 use in such cases shall be prescribed by the state
11 commissioner.

12 Sec. 67. Section 54.5, Code 1995, is amended by adding the
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. If a candidate for the office of
15 president or vice president of the United States withdraws,
16 dies, or is otherwise removed from the ballot before the
17 general election, another candidate may be substituted. The
18 substitution shall be made by the state central committee of
19 the political party or by the governing committee of the
20 national party. If there are differences, the substitution
21 made by the state central committee shall prevail. A nonparty
22 political organization which has filed the names of party
23 officers and central committee members with the secretary of
24 state before the close of the filing period for the general
25 election pursuant to section 44.17 may also make
26 substitutions. A substitution must be filed no later than
27 seventy-four days before the election.

28 Sec. 68. Section 59.1, Code 1995, is amended by adding the
29 following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. A special election for a seat in
31 either house of the general assembly may be contested. The
32 contestant shall serve notice on the incumbent in the manner
33 described in this section not later than twenty days after the
34 state canvass of votes for the election. A copy of the notice
35 shall also be filed with the presiding officer of the house in

1 which the contest is to be tried, if the general assembly is
2 in session. If the general assembly is not in session, a copy
3 of the notice shall be filed with the secretary of state. The
4 secretary of state shall notify the presiding officer of the
5 house in which the contest will be tried.

6 Sec. 69. Section 62.1, Code 1995, is amended to read as
7 follows:

8 62.1 CONTEST COURT.

9 The court for the trial of contested county elections shall
10 ~~be thus constituted:--The chairperson of the board of~~
11 ~~supervisors shall be the presiding officer, and consist of one~~
12 person named by the contestant and one person named by the
13 ~~incumbent may each name a person who shall be associated with~~
14 ~~the chairperson. If the incumbent fails to name a judge, the~~
15 ~~chief judge of the judicial district shall be notified of the~~
16 ~~failure to appoint. The chief judge shall designate the~~
17 ~~second judge within one week after the chief judge is~~
18 ~~notified. These two judges shall meet within three days and~~
19 ~~select a third person to serve as the presiding officer of the~~
20 ~~court. If they cannot agree on the third member of the court~~
21 ~~within three days after their initial meeting, the chief judge~~
22 ~~of the judicial district shall be notified of the failure to~~
23 ~~agree. The chief judge shall designate the presiding judge~~
24 ~~within one week after the chief judge is notified.~~

25 Sec. 70. Section 62.2, Code 1995, is amended to read as
26 follows:

27 62.2 JUDGES.

28 ~~The contestant and incumbent shall each file in the~~
29 ~~auditor's office, on or before the day of trial, a written~~
30 ~~nomination of one associate judge of the contested election,~~
31 who Judges shall be sworn in the same manner and form as trial
32 jurors are sworn in trials of civil actions, if either the
33 ~~contestant or the incumbent fails to nominate, the presiding~~
34 ~~judge shall appoint for that person. When either of the~~
35 ~~nominated judges~~ a judge fails to appear on the day of trial,

1 that judge's place may be filled by another appointment under
2 the same rule.

3 Sec. 71. Section 62.9, Code 1995, is amended to read as
4 follows:

5 62.9 TRIAL -- NOTICE.

6 The ~~chairperson-of-the-board-of-supervisors~~ presiding judge
7 shall ~~thereupon~~ fix a day for the trial, not more than thirty
8 ~~nor-less-than-twenty~~ days thereafter, and shall cause a notice
9 of such trial to be served on the incumbent, with a copy of
10 the contestant's statement, at least ten days before the day
11 set for trial. If the trial date is set for less than twenty
12 days from the day notice is given and either party is not
13 ready, the presiding judge shall delay the trial.

14 Sec. 72. Section 69.14A, subsection 1, paragraph a,
15 unnumbered paragraph 2, Code 1995, is amended to read as
16 follows:

17 However, if within fourteen days after publication of the
18 notice or within fourteen days after the appointment is made,
19 ~~whichever-is-later,~~ a petition is filed with the county
20 auditor requesting a special election to fill the vacancy, the
21 appointment is temporary and a special election shall be
22 called as provided in paragraph "b". The petition shall meet
23 the requirements of section 331.306, except that in counties
24 where supervisors are elected under plan "three", the number
25 of signatures calculated according to the formula in section
26 331.306 shall be divided by the number of supervisor districts
27 in the county.

28 Sec. 73. Section 69.14A, subsection 1, paragraph b,
29 unnumbered paragraph 1, Code 1995, is amended to read as
30 follows:

31 By special election held to fill the office for the
32 remaining balance of the unexpired term. The committee of
33 county officers designated to fill the vacancy in section 69.8
34 may, on its own motion, or shall, upon receipt of a petition
35 as provided in paragraph "a", call for a special election to

1 fill the vacancy in lieu of appointment. The committee shall
2 order the special election at the earliest practicable date,
3 but giving at least ~~thirty~~ thirty-two days' notice of the
4 election. A special election called under this section shall
5 be held on a Tuesday and shall not be held on the same day as
6 a school election within the county.

7 Sec. 74. Section 69.14A, subsection 2, paragraph a,
8 unnumbered paragraph 2, Code 1995, is amended to read as
9 follows:

10 However, if within fourteen days after publication of the
11 notice or within fourteen days after the appointment is made,
12 ~~whichever-is-later,~~ a petition is filed with the county
13 auditor requesting a special election to fill the vacancy, the
14 appointment is temporary and a special election shall be
15 called as provided in paragraph "b". The petition shall meet
16 the requirements of section 331.306.

17 Sec. 75. Section 69.14A, subsection 2, paragraph b,
18 unnumbered paragraph 1, Code 1995, is amended to read as
19 follows:

20 By special election held to fill the office for the
21 remaining balance of the unexpired term. The board of
22 supervisors may, on its own motion, or shall, upon receipt of
23 a petition as provided in paragraph "a", call for a special
24 election to fill the vacancy in lieu of appointment. The
25 ~~committee~~ supervisors shall order the special election at the
26 earliest practicable date, but giving at least ~~thirty~~ thirty-
27 two days' notice of the election. A special election called
28 under this section shall be held on a Tuesday and shall not be
29 held on the same day as a school election within the county.

30 Sec. 76. Section 277.4, unnumbered paragraph 2, Code
31 Supplement 1995, is amended to read as follows:

32 Each candidate shall be nominated by petition. If the
33 candidate is running for ~~an-at-large~~ a seat in the district
34 which is voted for at-large, the petition must be signed by at
35 least ten eligible electors, or a number of eligible electors

1 equal in number to not less than one percent of the registered
2 voters of the school district, whichever is more. If the
3 candidate is running for a seat which is voted for only by the
4 voters of a director district, the petition must be signed by
5 at least ten eligible electors of the director district or a
6 number of eligible electors equal in number to not less than
7 one percent of the registered voters in the director district,
8 whichever is more. A petition filed under this section shall
9 not be required to have more than one hundred signatures.

10 PARAGRAPH DIVIDED. Signers of nomination petitions shall
11 include their addresses and the date of signing, and must
12 reside in the same director district as the candidate if
13 directors are elected by the voters of a director district,
14 rather than at large. A person may sign nomination petitions
15 for more than one candidate for the same office, and the
16 signature is not invalid solely because the person signed
17 nomination petitions for one or more other candidates for the
18 office. The petition shall be filed with the affidavit of the
19 candidate being nominated, stating the candidate's name, place
20 of residence, that such person is a candidate and is eligible
21 for the office the candidate seeks, and that if elected the
22 candidate will qualify for the office. The affidavit shall
23 also state that the candidate is aware that the candidate is
24 disqualified from holding office if the candidate has been
25 convicted, and never pardoned, of a felony or other infamous
26 crime.

27 Sec. 77. Section 278.1, subsection 8, Code 1995, is
28 amended to read as follows:

29 8. ~~Authorize the establishment or abandonment of director~~
30 ~~districts or a change of boundaries of director districts a~~
31 change in the method of conducting elections or in the number
32 of directors as provided in sections 275.35 and 275.36. If a
33 proposition submitted to the voters under this subsection or
34 subsection 7 ~~of this section~~ is rejected, it may not be
35 resubmitted to the voters of the district in substantially the

1 same form within the next three years; if it is approved, no
2 other proposal may be submitted to the voters of the district
3 under this subsection or subsection 7 ~~of this section~~ within
4 the next six years.

5 Sec. 78. Section 372.2, subsection 2, Code 1995, is
6 amended to read as follows:

7 2. Within fifteen days after receiving a valid petition,
8 the council shall ~~proclaim~~ publish notice of the date that a
9 special city election to will be held within-sixty-days to
10 determine whether the city shall change to a different form of
11 government. The election date shall be not more than sixty
12 days after the publication. The notice shall include a
13 statement that the filing of a petition for appointment of a
14 home rule charter commission will delay the election until
15 after the home rule charter commission has filed a proposed
16 charter. Petition requirements and filing deadlines shall
17 also be included in the notice.

18 PARAGRAPH DIVIDED. The council shall notify the county
19 commissioner of elections to publish notice of the election
20 and conduct the election pursuant to chapters 39 to 53. The
21 county commissioner of elections shall certify the results of
22 the election to the council.

23 Sec. 79. Section 372.3, Code 1995, is amended by striking
24 the section and inserting in lieu thereof the following:

25 372.3 HOME RULE CHARTER.

26 If a petition for appointment of a home rule charter com-
27 mission is filed with the city clerk not more than ten days
28 after the council has published notice announcing the date of
29 the special election on adoption of another form of
30 government, the special election shall not be held until the
31 charter proposed by the home rule charter commission is filed.
32 Both forms must be published as provided in section 372.9 and
33 submitted to the voters at the special election.

34 Sec. 80. Section 372.13, subsection 2, paragraph a,
35 unnumbered paragraph 1, Code 1995, is amended to read as

1 follows:

2 By appointment by the remaining members of the council,
3 except that if the remaining members do not constitute a
4 quorum of the full membership, paragraph "b" shall be
5 followed. The appointment shall be for the period until the
6 next pending election as defined in section 69.12, and shall
7 be made within forty days after the vacancy occurs. If the
8 council chooses to proceed under this paragraph, it shall
9 publish notice in the manner prescribed by section 362.3,
10 stating that the council intends to fill the vacancy by
11 appointment but that the electors of the city or ward, as the
12 case may be, have the right to file a petition requiring that
13 the vacancy be filled by a special election. The council may
14 publish notice in advance if an elected official submits a
15 resignation to take effect at a future date. The council may
16 make an appointment to fill the vacancy after the notice is
17 published or after the vacancy occurs, whichever is later.
18 However, if within fourteen days after publication of the
19 notice or within fourteen days after the appointment is made,
20 ~~whichever-is-later~~, there is filed with the city clerk a
21 petition which requests a special election to fill the
22 vacancy, an appointment to fill the vacancy is temporary and
23 the council shall call a special election to fill the vacancy
24 permanently, under paragraph "b". The number of signatures of
25 eligible electors of a city for a valid petition shall be
26 determined as follows:

27 Sec. 81. Section 376.4, unnumbered paragraph 1, Code 1995,
28 is amended to read as follows:

29 An eligible elector of a city may become a candidate for an
30 elective city office by filing with the city clerk a valid
31 petition requesting that the elector's name be placed on the
32 ballot for that office. The petition must be filed not more
33 than seventy-one days ~~not~~ and not less than forty-seven days
34 before the date of the election, and must be signed by
35 eligible electors equal in number to at least two percent of

1 those who voted to fill the same office at the last regular
2 city election, but not less than ten persons. However, for
3 those cities which may be required to hold a primary election,
4 the petition must be filed not more than eighty-five days and
5 not less than sixty-eight days before the date of the regular
6 city election. A person may sign nomination petitions for
7 more than one candidate for the same office, and the signature
8 is not invalid solely because the person signed nomination
9 petitions for one or more other candidates for the office.
10 Nomination petitions shall be filed not later than five
11 o'clock p.m. on the last day for filing.

12 Sec. 82. Section 376.10, Code 1995, is amended to read as
13 follows:

14 376.10 CONTEST.

15 A nomination or election to a city office may be contested
16 in the manner provided in chapter 62 for contesting elections
17 to county offices, except that a statement of intent to
18 contest must be filed with the city clerk within ten days
19 after the nomination or election. ~~The-mayor-is-presiding~~
20 ~~officer-of-the-court-for-the-trial-of-a-nomination-or-election~~
21 ~~contest,-except-that-if-the-mayor's-nomination-or-election-is~~
22 ~~contested,-the-council-shall-elect-one-of-its-members-other~~
23 ~~than-the-mayor-to-serve-as-presiding-officer.~~

24 Sec. 83. Sections 49.27, 49.29, and 49.42, Code 1995, are
25 repealed.

26 Sec. 84. IMMEDIATE EFFECTIVE DATE. New Iowa Code section
27 39.1A and amendments to Iowa Code sections 48A.22, 48A.26
28 through 48A.29, 49.13, 49.16, 49.25, 50.48, 52.33, 52.35
29 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A,
30 277.4, 278.1, and 372.13, being deemed of immediate
31 importance, take effect upon enactment.

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35

HOUSE FILE 2387

S-5620

1 Amend House File 2387, as amended, passed, and
2 reprinted by the House, as follows:

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

5 "Sec. ____ . Section 335.1, Code 1995, is amended to
6 read as follows:

7 335.1 WHERE APPLICABLE.

8 1. The provisions of this chapter shall be
9 applicable to any county of the state at the option of
10 the board of supervisors of any such county or upon
11 the filing of a petition as provided in subsection 2.

12 2. The eligible electors of the unincorporated
13 area of a county may petition for a referendum on the
14 question of whether the board of supervisors shall
15 adopt regulations pursuant to this chapter. The
16 petition shall meet the requirements of section
17 331.306, except that the number of eligible electors
18 required shall be an amount equal to at least ten
19 percent of the votes cast in the unincorporated area
20 of the county for the office of president of the
21 United States or governor at the preceding general
22 election. If the question of whether to adopt
23 regulations pursuant to this chapter is approved by at
24 least a majority of those voting in the unincorporated
25 area of the county on the question at the general
26 election, or at a special election held for this
27 purpose, the board shall commence preparation of
28 regulations under this chapter."

29 2. By renumbering as necessary.

By DON E. GETTINGS

S-5620 FILED APRIL 2, 1996

Withdrawn 4/23/96 (p. 1484)

HOUSE FILE 2387

S-5560

1 Amend House File 2387, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 7, line 34, through page 8,
4 line 6.

5 2. By striking page 10, line 23, through page 11,
6 line 1.

7 3. Page 22, by striking lines 24 through 31.

8 4. Page 32, by striking lines 15 through 32.

By MICHAEL E. GRONSTAL

S-5560 FILED MARCH 27, 1996

Withdrawn 4/23/96 (p. 1484)

HOUSE FILE 2387

S-5646

1 Amend House File 2387, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 27, by inserting after line 25 the
4 following:
5 "Sec. ____ . Section 49.104, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 7. Any person authorized by the
8 commissioner, in consultation with the secretary of
9 state, for the purposes of conducting and attending
10 educational voting programs for youth."
11 2. By renumbering as necessary.

By ROBERT DVORSKY
MARY NEUHAUSER

S-5646 FILED APRIL 3, 1996

Adopted 4/23/96 (P. 1485)

HOUSE FILE 2387

S-5692

1 Amend House File 2387 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 38, by inserting after line 4 the
4 following:
5 "Sec. ____ . Section 331.302, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 16. The summary of a proposed
8 ordinance containing a zoning regulation, restriction,
9 or boundary shall be published prior to its first
10 consideration by the board of supervisors. After the
11 summary has been published and before the meeting at
12 which the ordinance is to be finally passed, the board
13 on its motion may direct the commissioner of elections
14 to conduct a referendum on the question of whether the
15 registered voters of the unincorporated area of the
16 county favor passage of the ordinance by the board of
17 supervisors. The results of the referendum are
18 binding on any further action of the board pertaining
19 to the ordinance."
20 2. By renumbering as necessary.

By DON E. GETTINGS

S-5692 FILED APRIL 9, 1996

Adopted 4/23/96 (P. 1485)

HOUSE FILE 2387

S-5822

1 Amend House File 2387, as amended, passed, and
2 reprinted by the House, as follows:

A 3 1. Page 1, by striking lines 1 through 8.

C 4 2. By striking page 7, line 34, through page 8,
5 line 6.

B 6 3. By striking page 10, line 23, through page 11,
7 line 1.

8 4. Page 22, by striking lines 24 through 31.

9 5. Page 32, by striking lines 15 through 32 and
10 inserting the following:

11 "Sec. ____ . Section 53.11, unnumbered paragraph 2,
12 Code 1995, is amended to read as follows:

13 Satellite absentee voting stations shall be
14 established throughout the cities and county at the
15 direction of the commissioner or upon receipt of a
16 petition signed by not less than one hundred eligible
17 electors requesting that a satellite absentee voting
18 station be established at a location to be described
19 on the petition. If the petition does not describe a
20 location, the commissioner shall locate the station in
21 an area chosen by the commissioner, which area shall
22 be accessible to the general public, heavily travelled
23 by pedestrians, and not already utilized for the
24 purpose of casting absentee ballots. A petition
25 requesting a satellite absentee voting station must be
26 filed no later than five p.m. on the eleventh
27 fifteenth day before the election. A satellite
28 absentee voting station established by petition must
29 be open at least one day from eight a.m. until five
30 p.m. at times chosen by the commissioner, which times
31 shall be those determined by the commissioner to be
32 most conducive to collecting a large number of
33 absentee ballots. A satellite absentee voting station
34 established at the direction of the commissioner or by
35 petition may remain open until five seven p.m. on the
36 day before the election.

37 Sec. ____ . Section 53.13, Code 1995, is amended to
38 read as follows:

39 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.

40 On the unsealed envelope shall be printed an
41 affidavit form prescribed by the state commissioner of
42 elections and a notice, in large type and bold print,
43 informing the voter that the ballot is not valid
44 unless the affidavit is signed by the voter.

45 Sec. ____ . Section 53.17, subsection 1, Code 1995,
46 is amended to read as follows:

47 1. The sealed carrier envelope may be delivered by
48 the registered voter or the voter's designee to the
49 commissioner's office no later than the time the polls
50 are closed on election day. The commissioner shall

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1 provide a secure location or secure method for receipt
2 of completed absentee ballots on a twenty-four-hour-a-
3 day basis. A ballot received in this manner is
4 considered to have been delivered to the
5 commissioner's office."

6 6. Page 33, by inserting after line 11 the
7 following:

8 "Sec. ____ . Section 53.44, unnumbered paragraph 1,
9 Code 1995, is amended to read as follows:

10 The affidavit on the envelope used in connection
11 with voting by absentee ballot under this division by
12 members of the armed forces of the United States need
13 not be notarized or witnessed, but the affidavit on
14 the ballot envelope shall be completed and signed by
15 the voter. The envelope shall also contain a notice,
16 in large type and bold print, informing the voter that
17 the ballot is not valid unless the affidavit is signed
18 by the voter."

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19 7. Page 33, by inserting after line 27 the
20 following:

21 "Sec. ____ . Section 56.40, Code 1995, is amended to
22 read as follows:

23 56.40 CAMPAIGN FUNDS.

24 1. As used in this division, "campaign funds"
25 means contributions to a candidate or candidate's
26 committee which are required by this chapter to be
27 deposited in a separate campaign account.

28 2. A candidate's committee shall not accept
29 contributions from any other candidate's committee
30 including candidate's committees from other states or
31 for federal office, ~~unless the candidate for whom each~~
32 ~~committee is established is the same person if the~~
33 contributing committee has made expenditures or
34 received contributions prohibited by the provisions of
35 this chapter. For purposes of this section,

36 "contributions" does not mean travel costs incurred by
37 a candidate in attending a campaign event of another
38 candidate.

39 3. This section shall not be construed to prohibit
40 a candidate or candidate's committee from using
41 campaign funds or accepting contributions for tickets
42 to meals if the candidate attends solely for the
43 purpose of enhancing the person's candidacy or the
44 candidacy of another person."

45 8. Page 40, by inserting after line 25 the
46 following:

47 "Sec. ____ . INTERIM STUDY COMMITTEE. The
48 legislative council is requested to appoint a
49 legislative study committee to meet during the 1996
50 legislative interim and make recommendations regarding

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1 the feasibility of expanding the state's participation
 2 in registering persons to vote and in processing
 3 changes to voter registration on a statewide basis.
 4 The committee should also study the feasibility of
 5 expanding the current statutory provision which allows
 6 voters to change their current voter registration on
 7 election day and of allowing persons to register to
 8 vote on election day.

9 Sec. ____ . APPLICABILITY. The amendments to
 10 sections 53.13 and 53.44 apply to absentee ballot
 11 envelopes used on or after the effective date of the
 12 amendments to those sections in this Act. However, a
 13 county commissioner may continue to use those absentee
 14 ballot envelopes in the county commissioner's
 15 possession on the effective date of the amendments to
 16 those sections in this Act, and until that supply is
 17 depleted, notwithstanding the notice of signature
 18 requirement in sections 53.13 and 53.44."

19 9. Page 40, line 28, by striking the figure
 20 "49.16,".

21 10. Page 40, line 29, by striking the figure
 22 "53.2,".

23 11. By renumbering as necessary.

By MICHAEL E. GRONSTAL

Dir

S-5822 FILED APRIL 22, 1996

- A. Lost 4/23/96 P. 1471
- B. Lost 4/23/96 "
- C. adopted 4/23/96 "
- D. adopted 4/23/96 (P. ~~1471~~¹⁴⁸⁴)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 2387

S-5843

1 Amend the Senate amendment, H-6042, to House File
 2 2387, as amended, passed, and reprinted by the House,
 3 as follows:

4 1. Page 2, line 5, by striking the word "shall"
 5 and inserting the following: "may".

6 2. By striking page 3, line 47, through page 4,
 7 line 22.

8 3. By renumbering, relettering, or redesignating
 9 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5843 FILED APRIL 24, 1996

Senate Refused 4-29-96 (p. 1524)
House Insists 4-29-96 (p. 1932)



HOUSE FILE 2387

S-5831

1 Amend House File 2387 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 33, by inserting after line 27 the
4 following:

5 "Sec. ____ . Section 56.6, subsection 1, paragraphs
6 c and d, Code Supplement 1995, are amended to read as
7 follows:

8 c. A candidate's committee for a candidate for the
9 general assembly at a special election for which the
10 governor is required to give not less than forty days'
11 notice under section 69.14 shall file a report by the
12 fourteenth day prior to the special election which is
13 current through the nineteenth day prior to the
14 special election. A candidate's committee for a
15 candidate for the general assembly at a special
16 election for which the governor is required to give
17 not less than eighteen days' notice under section
18 69.14 shall file a report five days prior to the
19 election, that shall be current as of five days prior
20 to the filing deadline. Any report filed pursuant to
21 this paragraph shall be timely filed, or mailed
22 bearing a United States postal service postmark dated
23 on or before the due date.

24 d. Committees The following committees shall file
25 their first reports five days prior to any election in
26 which the ballot contains the name of the candidate or
27 the local ballot issue which the committee supports or
28 opposes:

29 (1) A candidate's committee for municipal and
30 school elective offices and.

31 (2) A candidate's committee for a county elective
32 office at a special election.

33 (3) Political committees for local ballot issues
34 ~~shall file their first reports five days prior to any~~
35 ~~election in which the name of the candidate or the~~
36 ~~local ballot issue which they support or oppose~~
37 ~~appears on the printed ballot and.~~

38 These committees shall file their next report on
39 the first day of the month following the final
40 election in a calendar year in which the candidate's
41 name or the ballot issue appears on the ballot. A
42 committee supporting or opposing a candidate for a
43 municipal or school elective office or a local ballot
44 issue These committees shall also otherwise file
45 disclosure reports on the nineteenth day of January
46 and October of each year in which the candidate or
47 ballot issue does not appear on the ballot and on the
48 nineteenth day of January, May, and July of each year
49 in which the candidate or ballot issue appears on the
50 ballot, until the committee dissolves. These reports

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Page 2

1 However, a candidate's committee for a county elective
2 office at a special election shall file its regular
3 disclosure reports as provided in paragraph "a".
4 Any report filed pursuant to this lettered
5 paragraph shall be current to five days prior to the
6 filing deadline and ~~are-considered~~ shall be timely
7 filed, if or mailed bearing a United States postal
8 service postmark on or before the due date."

By MICHAEL E. GRONSTAL

S-5831 FILED APRIL 23, 1996

ADOPTED (P. 1484)

HOUSE FILE 2387

S-5834

1 Amend the amendment, S-5822, to House File 2387 as
2 amended, passed, and reprinted by the House as
3 follows:
4 1. Page 2, by striking lines 31 through 33 and
5 inserting the following: "for federal office, unless
6 the candidate for whom each committee is established
7 is the same person and the contributing committee has
8 not made expenditures or".

By MICHAEL E. GRONSTAL
RICHARD F. DRAKE

S-5834 FILED APRIL 23, 1996

ADOPTED (P. 1484)

HOUSE FILE 2387

S-5830

1 Amend House File 2387, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 33, by inserting after line 11 the
4 following:
5 "Sec. ____ . Section 53.38, Code 1995, is amended to
6 read as follows:
7 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.
8 Whenever a ballot is requested pursuant to section
9 53.39 or 53.45 on behalf of a voter in the armed
10 forces of the United States, the affidavit upon the
11 ballot envelope of such voter or a completed federal
12 postcard registration and absentee ballot request, if
13 the voter is found to be an eligible elector of the
14 county to which the ballot is submitted, shall
15 constitute a sufficient registration under the
16 provisions of chapter 48A and the commissioner shall
17 place the voter's name on the registration record as a
18 registered voter, if it does not already appear
19 there."
20 2. By renumbering as necessary.

By BILL FINK

S-5830 FILED APRIL 23, 1996

ADOPTED
(P. 1484)

SENATE AMENDMENT TO
HOUSE FILE 2387

H-6042

1 Amend House File 2387 as amended, passed, and
2 reprinted by the House as follows:

3 1. By striking page 7, line 34, through page 8,
4 line 6.

5 2. Page 22, by striking lines 24 through 31.

6 3. Page 27, by inserting after line 25 the
7 following:

8 "Sec. ____ . Section 49.104, Code 1995, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 7. Any person authorized by the
11 commissioner, in consultation with the secretary of
12 state, for the purposes of conducting and attending
13 educational voting programs for youth."

14 4. Page 32, by striking lines 15 through 32 and
15 inserting the following:

16 "Sec. ____ . Section 53.11, unnumbered paragraph 2,
17 Code 1995, is amended to read as follows:

18 Satellite absentee voting stations shall be
19 established throughout the cities and county at the
20 direction of the commissioner or upon receipt of a
21 petition signed by not less than one hundred eligible
22 electors requesting that a satellite absentee voting
23 station be established at a location to be described
24 on the petition. If the petition does not describe a
25 location, the commissioner shall locate the station in
26 an area chosen by the commissioner, which area shall
27 be accessible to the general public, heavily travelled
28 by pedestrians, and not already utilized for the
29 purpose of casting absentee ballots. A petition
30 requesting a satellite absentee voting station must be
31 filed no later than five p.m. on the eleventh
32 fifteenth day before the election. A satellite
33 absentee voting station established by petition must
34 be open at least one day from eight a.m. until five
35 p.m. at times chosen by the commissioner, which times
36 shall be those determined by the commissioner to be
37 most conducive to collecting a large number of
38 absentee ballots. A satellite absentee voting station
39 established at the direction of the commissioner or by
40 petition may remain open until five seven p.m. on the
41 day before the election.

42 Sec. ____ . Section 53.13, Code 1995, is amended to
43 read as follows:

44 53.13 VOTER'S AFFIDAVIT ON ENVELOPE.

45 On the unsealed envelope shall be printed an
46 affidavit form prescribed by the state commissioner of
47 elections and a notice, in large type and bold print,
48 informing the voter that the ballot is not valid
49 unless the affidavit is signed by the voter.

50 Sec. ____ . Section 53.17, subsection 1, Code 1995,

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1 is amended to read as follows:

2 1. The sealed carrier envelope may be delivered by
3 the registered voter or the voter's designee to the
4 commissioner's office no later than the time the polls
5 are closed on election day. The commissioner shall
6 provide a secure location or secure method for receipt
7 of completed absentee ballots on a twenty-four-hour-a-
8 day basis. A ballot received in this manner is
9 considered to have been delivered to the
10 commissioner's office."

11 5. Page 33, by inserting after line 11 the
12 following:

13 "Sec. _____. Section 53.38, Code 1995, is amended to
14 read as follows:

15 53.38 AFFIDAVIT CONSTITUTES REGISTRATION.

16 Whenever a ballot is requested pursuant to section
17 53.39 or 53.45 on behalf of a voter in the armed
18 forces of the United States, the affidavit upon the
19 ballot envelope of such voter or a completed federal
20 postcard registration and absentee ballot request, if
21 the voter is found to be an eligible elector of the
22 county to which the ballot is submitted, shall
23 constitute a sufficient registration under the
24 provisions of chapter 48A and the commissioner shall
25 place the voter's name on the registration record as a
26 registered voter, if it does not already appear
27 there."

28 6. Page 33, by inserting after line 11 the
29 following:

30 "Sec. _____. Section 53.44, unnumbered paragraph 1,
31 Code 1995, is amended to read as follows:

32 The affidavit on the envelope used in connection
33 with voting by absentee ballot under this division by
34 members of the armed forces of the United States need
35 not be notarized or witnessed, but the affidavit on
36 the ballot envelope shall be completed and signed by
37 the voter. The envelope shall also contain a notice,
38 in large type and bold print, informing the voter that
39 the ballot is not valid unless the affidavit is signed
40 by the voter."

41 7. Page 33, by inserting after line 27 the
42 following:

43 "Sec. _____. Section 56.6, subsection 1, paragraphs
44 c and d, Code Supplement 1995, are amended to read as
45 follows:

46 c. A candidate's committee for a candidate for the
47 general assembly at a special election for which the
48 governor is required to give not less than forty days'
49 notice under section 69.14 shall file a report by the
50 fourteenth day prior to the special election which is

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1 current through the nineteenth day prior to the
2 special election. A candidate's committee for a
3 candidate for the general assembly at a special
4 election for which the governor is required to give
5 not less than eighteen days' notice under section
6 69.14 shall file a report five days prior to the
7 election, that shall be current as of five days prior
8 to the filing deadline. Any report filed pursuant to
9 this paragraph shall be timely filed, or mailed
10 bearing a United States postal service postmark dated
11 on or before the due date.

12 d. Committees The following committees shall file
13 their first reports five days prior to any election in
14 which the ballot contains the name of the candidate or
15 the local ballot issue which the committee supports or
16 opposes:

17 (1) A candidate's committee for municipal and
18 school elective offices and.

19 (2) A candidate's committee for a county elective
20 office at a special election.

21 (3) ~~Political committees for local ballot issues~~
22 ~~shall file their first reports five days prior to any~~
23 ~~election in which the name of the candidate or the~~
24 ~~local ballot issue which they support or oppose~~
25 ~~appears on the printed ballot and.~~

26 These committees shall file their next report on
27 the first day of the month following the final
28 election in a calendar year in which the candidate's
29 name or the ballot issue appears on the ballot. A
30 ~~committee supporting or opposing a candidate for a~~
31 ~~municipal or school elective office or a local ballot~~
32 ~~issue~~ These committees shall also otherwise file
33 disclosure reports on the nineteenth day of January
34 and October of each year in which the candidate or
35 ballot issue does not appear on the ballot and on the
36 nineteenth day of January, May, and July of each year
37 in which the candidate or ballot issue appears on the
38 ballot, until the committee dissolves. ~~These reports~~
39 However, a candidate's committee for a county elective
40 office at a special election shall file its regular
41 disclosure reports as provided in paragraph "a".

42 Any report filed pursuant to this lettered
43 paragraph shall be current to five days prior to the
44 filing deadline and ~~are considered~~ shall be timely
45 filed, ~~if~~ or mailed bearing a United States postal
46 service postmark on or before the due date."

47 8. Page 33, by inserting after line 27 the
48 following:

49 "Sec. ____ . Section 56.40, Code 1995, is amended to
50 read as follows:

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1 56.40 CAMPAIGN FUNDS.

2 1. As used in this division, "campaign funds"
3 means contributions to a candidate or candidate's
4 committee which are required by this chapter to be
5 deposited in a separate campaign account.

6 2. A candidate's committee shall not accept
7 contributions from any other candidate's committee
8 including candidate's committees from other states or
9 for federal office, unless the candidate for whom each
10 committee is established is the same person and the
11 contributing committee has not made expenditures or
12 received contributions prohibited by the provisions of
13 this chapter. For purposes of this section,
14 "contributions" does not mean travel costs incurred by
15 a candidate in attending a campaign event of another
16 candidate.

17 3. This section shall not be construed to prohibit
18 a candidate or candidate's committee from using
19 campaign funds or accepting contributions for tickets
20 to meals if the candidate attends solely for the
21 purpose of enhancing the person's candidacy or the
22 candidacy of another person."

23 9. Page 38, by inserting after line 4 the
24 following:

25 "Sec. ____ . Section 331.302, Code 1995, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 16. The summary of a proposed
28 ordinance containing a zoning regulation, restriction,
29 or boundary shall be published prior to its first
30 consideration by the board of supervisors. After the
31 summary has been published and before the meeting at
32 which the ordinance is to be finally passed, the board
33 on its motion may direct the commissioner of elections
34 to conduct a referendum on the question of whether the
35 registered voters of the unincorporated area of the
36 county favor passage of the ordinance by the board of
37 supervisors. The results of the referendum are
38 binding on any further action of the board pertaining
39 to the ordinance."

40 10. Page 40, by inserting after line 25 the
41 following:

42 "Sec. ____ . INTERIM STUDY COMMITTEE. The
43 legislative council is requested to appoint a
44 legislative study committee to meet during the 1996
45 legislative interim and make recommendations regarding
46 the feasibility of expanding the state's participation
47 in registering persons to vote and in processing
48 changes to voter registration on a statewide basis.
49 The committee should also study the feasibility of
50 expanding the current statutory provision which allows

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1 voters to change their current voter registration on
 2 election day and of allowing persons to register to
 3 vote on election day.
 4 Sec. ____ . APPLICABILITY. The amendments to
 5 sections 53.13 and 53.44 apply to absentee ballot
 6 envelopes used on or after the effective date of the
 7 amendments to those sections in this Act. However, a
 8 county commissioner may continue to use those absentee
 9 ballot envelopes in the county commissioner's
 10 possession on the effective date of the amendments to
 11 those sections in this Act, and until that supply is
 12 depleted, notwithstanding the notice of signature
 13 requirement in sections 53.13 and 53.44."
 14 11. Page 40, line 28, by striking the figure
 15 "49.16,".
 16 12. Page 40, line 29, by striking the figure
 17 "53.2,".
 18 13. By renumbering, relettering, or redesignating
 19 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6042 FILED APRIL 24, 1996

House Concurred 4-24-96 (P. 1893)

HOUSE FILE 2387

H-6051

1 Amend the Senate amendment, H-6042, to House File
 2 2387, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. By striking page 3, line 47, through page 4,
 5 line 22.

By JACOBS of Polk

H-6051 FILED APRIL 24, 1996

adopted 4/24/96 (P. 1893)

HOUSE FILE 2387

H-6052

1 Amend the Senate amendment, H-6042, to House File
 2 2387, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 5, by striking the word "shall"
 5 and inserting the following: "may".

By JACOBS of Polk

H-6052 FILED APRIL 24, 1996

adopted 4/24/96 (P. 1893)

Jacobs, Chair

Jochum
Bipp
Connors
Drake

HSB 553

STATE GOVERNMENT, d By

SF/HF 2387

SENATE/HOUSE FILE _____
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 and the
2 conduct of elections and voter registration in the state and
3 relating to corrective and technical changes to Iowa's
4 election laws, and providing an effective date.

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

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1 Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

2 Only those public measures which are specifically
3 authorized or required by state law to be put before the
4 voters as a public measure shall be submitted to the voters at
5 an official election. Only those offices which are
6 specifically authorized or required by state law to be filled
7 by the voters at an election shall be placed on the ballot at
8 an official election.

9 Sec. 2. Section 43.67, unnumbered paragraph 1, Code 1995,
10 is amended to read as follows:

11 Each candidate nominated pursuant to section ~~43-66~~ 43.52 or
12 43.65 is entitled to have the candidate's name printed on the
13 official ballot to be voted at the general election without
14 other certificate unless the candidate was nominated by write-
15 in votes. Immediately after the completion of the canvass
16 held under section 43.49, the county auditor shall notify each
17 person who was nominated by write-in votes for a county or
18 township office that the person is required to file an
19 affidavit of candidacy if the person wishes to be a candidate
20 for that office at the general election. Immediately after
21 the completion of the canvass held under section 43.63, the
22 secretary of state shall notify each person who was nominated
23 by write-in votes for a state or federal office that the
24 person is required to file an affidavit of candidacy if the
25 person wishes to be a candidate for that office at the general
26 election. If the affidavit is not filed by five p.m. on the
27 seventh day after the completion of the canvass, that person's
28 name shall not be placed upon the official general election
29 ballot. The affidavit shall be signed by the candidate,
30 notarized, and filed with the county auditor or the secretary
31 of state, whichever is applicable.

32 Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1995,
33 is amended to read as follows:

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

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

10 Sec. 4. Section 43.88, unnumbered paragraph 2, Code
11 Supplement 1995, is amended to read as follows:

12 Nominations made to fill vacancies at a special election
13 shall be certified to the proper official not less than twenty
14 twenty-five days prior to the date set for the special
15 election. In the event the special election is to fill a
16 vacancy in the general assembly while it is in session or
17 within forty-five days of the convening of any session, the
18 nomination shall be certified not less than fourteen days
19 before the date of the special election.

20 Sec. 5. Section 43.116, Code 1995, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 3. If a special election is held to fill
23 a vacancy in an elective city office, nominations by political
24 parties shall be made following the provisions of subsection
25 2.

26 Sec. 6. Section 44.4, unnumbered paragraph 1, Code
27 Supplement 1995, is amended to read as follows:

28 Nominations made pursuant to this chapter and chapter 45
29 which are required to be filed in the office of the state
30 commissioner shall be filed in that office not more than
31 ninety-nine days nor later than five p.m. on the eighty-first
32 day before the date of the general election to be held in
33 November. Nominations made for a special election called
34 pursuant to section 69.14 shall be filed by five p.m. not less
35 than twenty twenty-five days before the date of an election

1 called upon at least forty days' notice and not less than
2 fourteen days before the date of an election called upon at
3 least eighteen days' notice. Nominations made for a special
4 election called pursuant to section 69.14A shall be filed by
5 five p.m. not less than twenty days before the date of the
6 election. Nominations made pursuant to this chapter and
7 chapter 45 which are required to be filed in the office of the
8 commissioner shall be filed in that office not more than
9 ninety-two days nor later than five p.m. on the sixty-ninth
10 day before the date of the general election. Nominations made
11 pursuant to this chapter or chapter 45 for city office shall
12 be filed not more than seventy-two days nor later than five
13 p.m. on the forty-seventh day before the city election with
14 the city clerk, who shall process them as provided by law.

15 Sec. 7. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

16 If the deadline for a filing pertaining to an election
17 falls on a day that the state or county commissioner's office
18 is closed for business, the deadline shall be extended to the
19 next day that the office of state commissioner or county
20 commissioner is open for business to receive the filing.

21 Sec. 8. Section 47.5, subsection 1, Code Supplement 1995,
22 is amended to read as follows:

23 1. The Except for legal services and printing of ballots,
24 the commissioner shall take bids for goods and services which
25 are needed in connection with registration of voters or
26 preparation for or administration of elections and which will
27 be performed or provided by persons who are not employees of
28 the commissioner under the following circumstances:

29 a. In any case where it is proposed to purchase data
30 processing services. The commissioner shall give the
31 registrar written notice in advance on each occasion when it
32 is proposed to have data processing services, necessary in
33 connection with the administration of elections, performed by
34 any person other than the registrar or an employee of the
35 county. Such notice shall be made at least thirty days prior

1 to publication of the specifications.

2 b. In all other cases, where the cost of the goods or
3 services to be purchased will exceed one thousand dollars.

4 ~~e.--Bids shall not be required for legal services or the~~
5 ~~printing of ballots.~~

6 Sec. 9. Section 47.5, subsection 2, Code Supplement 1995,
7 is amended to read as follows:

8 2. When it is proposed to purchase any goods or services,
9 other than data processing services, in connection with
10 administration of elections, the commissioner shall publish
11 notice to bidders, including specifications regarding the
12 goods or services to be purchased or a description of the
13 nature and object of the services to be retained, in a
14 newspaper of general circulation in the county not less than
15 fifteen days before the final date for submission of bids.

16 ~~The commissioner shall also file a copy of the bid~~
17 ~~specifications in the office of the state commissioner for a~~
18 ~~period of not less than twenty days prior to such final date.~~

19 When competitive bidding procedures are used, the purchase of
20 goods or services shall be made from the lowest responsible
21 bidder which meets the specifications or description of the
22 services needed or the commissioner may reject all bids and
23 readvertise. In determining the lowest responsible bidder,
24 various factors may be considered, including but not limited
25 to the past performance of the bidder relative to quality of
26 product or service, the past experience of the purchaser in
27 relation to the product or service, the relative quality of
28 products or services, the proposed terms of delivery and the
29 best interest of the county.

30 Sec. 10. Section 47.6, subsection 1, unnumbered paragraph
31 2, Code Supplement 1995, is amended to read as follows:

32 If the proposed date of the special election coincides with
33 the date of a regularly scheduled election or previously
34 scheduled special election, the notice shall be given no later
35 than five p.m. on the last day on which nomination papers may

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

10 Sec. 11. Section 48A.22, Code 1995, is amended to read as
11 follows:

12 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

13 The secretary of state shall encourage volunteer
14 organizations to undertake voter registration drives by
15 providing ~~mail~~ registration forms ~~at-the-cost-of-production~~.

16 Sec. 12. Section 48A.26, subsection 1, Code 1995, is
17 amended to read as follows:

18 1. Within seven working days of receipt of a voter
19 registration form or change of information in a voter
20 registration record the commissioner shall send an
21 acknowledgment to the registrant at the mailing address shown
22 on the registration form. The acknowledgment shall be sent by
23 ~~first-class~~ nonforwardable mail.

24 Sec. 13. Section 48A.27, subsection 4, paragraph b, Code
25 1995, is amended to read as follows:

26 b. If the information provided by the vendor indicates
27 that a registered voter has moved to another address within
28 the county, the commissioner shall change the registration
29 records to show the new residence address, and shall also mail
30 a notice of that action to both the former and new addresses.
31 The notice shall be sent by forwardable ~~first-class~~ mail, and
32 shall include a postage prepaid preaddressed return form by
33 which the registered voter may verify or correct the address
34 information.

35 Sec. 14. Section 48A.27, subsection 4, paragraph c,

1 unnumbered paragraph 2, Code 1995, is amended to read as
2 follows:

3 The notice shall be sent by forwardable ~~first-class~~ mail,
4 and shall include a postage paid preaddressed return card on
5 which the registered voter may state the registered voter's
6 current address. The notice shall contain a statement in
7 substantially the following form: "Information received from
8 the United States postal service indicates that you are no
9 longer a resident of, and therefore not eligible to vote in
10 (name of county) County, Iowa. If this information is not
11 correct, and you still live in (name of county) County, please
12 complete and mail the attached postage paid card at least ten
13 days before the primary or general election and at least
14 eleven days before any other election at which you wish to
15 vote. If the information is correct and you have moved,
16 please contact a local official in your new area for
17 assistance in registering there. If you do not mail in the
18 card, you may be required to show identification proving your
19 residence in (name of county) County before being allowed to
20 vote in (name of county) County. If you do not return the
21 card, and you do not vote in an election in (name of county)
22 County, Iowa, on or before (date of second general election
23 following the date of the notice) your name will be removed
24 from the list of voters in that county. To ensure you receive
25 this notice, it is being sent to both your most recent
26 registration address and to your new address as reported by
27 the postal service."

28 Sec. 15. Section 48A.27, subsection 4, paragraph d, Code
29 1995, is amended to read as follows:

30 d. If the information provided by the vendor indicates the
31 registered voter has moved to another county within the state,
32 the notice required by paragraph "c" shall include a statement
33 that registration in the county of the person's current
34 residence is required, ~~and shall provide a mail registration~~
35 ~~form for the person to use.~~

1 Sec. 16. Section 48A.28, subsection 2, unnumbered
2 paragraph 2, Code 1995, is amended to read as follows:

3 A commissioner participating in the national change of
4 address program, in the first quarter of each calendar year,
5 shall send a notice and preaddressed, postage paid return card
6 by ~~first-class~~ forwardable mail to each registered voter whose
7 name was not reported by the national change of address
8 program and who has not voted, registered again, or reported a
9 change to an existing registration during the preceding four
10 calendar years. The form and language of the notice and
11 return card shall be specified by the state voter registration
12 commission by rule. A registered voter shall not be sent a
13 notice and return card under this subsection more frequently
14 than once in a four-year period.

15 Sec. 17. Section 48A.28, subsection 3, unnumbered
16 paragraph 1, Code 1995, is amended to read as follows:

17 For a commissioner who is not participating in the national
18 change of address program, in February of each year the
19 commissioner shall mail a confirmation notice to each
20 registered voter in the county. The notice shall be sent by
21 ~~first-class~~ forwardable mail. The notice shall include a
22 preaddressed, postage paid return card for the use of the
23 registered voter or the recipient of the notice. The card
24 shall contain boxes for the recipient to check to indicate one
25 of the following:

26 Sec. 18. Section 48A.29, subsection 1, unnumbered
27 paragraph 2, Code 1995, is amended to read as follows:

28 The notice shall be sent by forwardable ~~first-class~~ mail,
29 and shall include a postage paid preaddressed return card on
30 which the registered voter may state the registered voter's
31 current address. The notice shall contain a statement in
32 substantially the following form: "Information received from
33 the United States postal service indicates that you are no
34 longer a resident of (residence address) in (name of county)
35 County, Iowa. If this information is not correct, and you

1 still live in (name of county) County, please complete and
2 mail the attached postage paid card at least ten days before
3 the primary or general election and at least eleven days
4 before any other election at which you wish to vote. If the
5 information is correct, and you have moved, please contact a
6 local official in your new area for assistance in registering
7 there. If you do not mail in the card, you may be required to
8 show identification proving your residence in (name of county)
9 County before being allowed to vote in (name of county)
10 County. If you do not return the card, and you do not vote in
11 some election in (name of county) County, Iowa, on or before
12 (date of second general election following the date of the
13 notice) your name will be removed from the list of voters in
14 that county."

15 Sec. 19. Section 48A.29, subsection 3, unnumbered
16 paragraph 2, Code 1995, is amended to read as follows:

17 The notice shall be sent by forwardable ~~first-class~~ mail,
18 and shall include a postage paid preaddressed return card on
19 which the registered voter may state the registered voter's
20 current address. The notice shall contain a statement in
21 substantially the following form: "Information received by
22 this office indicates that you are no longer a resident of
23 (residence address) in (name of county) County, Iowa. If the
24 information is not correct, and you still live at that
25 address, please complete and mail the attached postage paid
26 card at least ten days before the primary or general election
27 and at least eleven days before any other election at which
28 you wish to vote. If the information is correct, and you have
29 moved within the county, you may update your registration by
30 listing your new address on the card and mailing it back. If
31 you have moved outside the county, please contact a local
32 official in your new area for assistance in registering there.
33 If you do not mail in the card, you may be required to show
34 identification proving your residence in (name of county)
35 County before being allowed to vote in (name of county)

1 County. If you do not return the card, and you do not vote in
2 some election in (name of county) County, Iowa, on or before
3 (date of second general election following the date of the
4 notice) your name will be removed from the list of registered
5 voters in that county."

6 Sec. 20. Section 49.13, subsection 4, Code Supplement
7 1995, is amended to read as follows:

8 4. The commissioner shall designate one member of each
9 precinct election board as chairperson of that board, ~~and also~~
10 ~~of the.~~ If a counting board authorized by chapter 51 if one
11 is appointed, with the chairperson shall have authority over
12 the mechanics of the work of both boards. At the discretion
13 of the commissioner, two people who are members of different
14 political parties may be appointed as co-chairpersons. The
15 co-chairpersons shall have joint authority over the work of
16 the precinct election board.

17 Sec. 21. Section 49.16, Code 1995, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. A person shall not serve on the
20 precinct election board as a representative of a political
21 party if the person has changed political party affiliation
22 from that of the political party which selected the person to
23 serve as a precinct election official. If a precinct election
24 official records a change of political party, the official's
25 name shall be removed from the list of precinct election
26 officials for that political party. The chairperson of the
27 political party shall be notified of the vacancy and may
28 designate a replacement. If the chairperson of another
29 political party later designates the person as a precinct
30 election official, the person may serve, if qualified.

31 Sec. 22. Section 49.25, subsection 3, Code 1995, is
32 amended to read as follows:

33 3. The commissioner shall furnish to each precinct where
34 voting is to be by paper ballot, special paper ballot, or
35 ballot card, rather than by voting machine, the necessary

1 ballot boxes, suitably equipped with seals or locks and keys,
2 and voting booths. The voting booths shall be approved by the
3 board of examiners for voting machines and electronic voting
4 systems and shall provide for voting in secrecy. At least one
5 voting booth in each precinct shall be accessible to the
6 handicapped. If the lighting in the polling place is
7 inadequate, the voting booths used in that precinct shall
8 include lights. Ballot boxes shall be locked or sealed before
9 the polls open and shall remain locked or sealed until the
10 polls are closed, except as provided in sections 51.7 and
11 52.40, or to provide necessary service to a malfunctioning
12 portable vote tallying device. If a ballot box is opened
13 prior to the closing of the polls, two precinct election
14 officials not of the same party shall be present and observe
15 the ballot box being opened.

16 Sec. 23. Section 49.25, Code 1995, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. Secrecy folders or sleeves shall be
19 provided for use at any precinct where ballots are used which
20 cannot be folded to obscure the marks made by the voters.

21 Sec. 24. Section 49.26, Code 1995, is amended to read as
22 follows:

23 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

24 1. In all elections regulated by this chapter, the voting
25 shall be by ballots printed and distributed as provided by
26 law, or by voting machines meeting the requirements of chapter
27 52.

28 2. When voting machines are available for an election
29 precinct, the commissioner shall determine in advance of each
30 election conducted for a city of three thousand five hundred
31 or less population or any school district in which voting
32 occurs in that precinct whether voting there shall be by
33 machine or paper ballot. If the commissioner concludes, on
34 the basis of voter turnout for recent similar elections and
35 factors considered likely to affect voter turnout for the

1 forthcoming election, that voting will probably be so light as
2 to make preparation and use of paper ballots less expensive
3 than preparation and use of a voting machine, paper ballots
4 shall be used.

5 3. In counties in which automatic tabulating equipment is
6 available, the commissioner shall determine in advance of each
7 election whether the ballots will be counted by the automatic
8 tabulating equipment or by the precinct election officials.
9 The commissioner may use ballots and instructions similar to
10 those used when the ballots are counted by automatic
11 tabulating equipment.

12 Sec. 25. Section 49.30, Code 1995, is amended to read as
13 follows:

14 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

15 The names of all candidates, constitutional amendments, and
16 public measures to be voted for in each election precinct,
17 other than presidential electors, shall be printed on one
18 ballot, except that separate ballots are authorized under the
19 following circumstances:

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

22 1. Where special paper ballots are used, if it is not
23 possible to include all offices and public measures on a
24 single ballot, separate ballots may be provided for
25 nonpartisan offices, judges, or public measures.

26 2. At an election where voting machines are used, and it
27 the following exceptions apply:

28 a. If it is impossible to place the names of all
29 candidates on the machine ballot, the commissioner may provide
30 a separate paper ballot for the candidates for judge of the
31 district court, and the township offices, or either, one and
32 the nonpartisan offices listed in section 39.21. One of the
33 paper ballots shall be furnished to each registered voter.

34 b. When a precinct has one or more offices or questions on
35 the ballot in any election that may not be legally voted upon

1 by all registered voters of the precinct, the commissioner
2 shall use lockout devices operated by the precinct election
3 officials to restrict each voter to the appropriate parts of
4 the ballot. However, if the voting machine does not have a
5 lockout device, the commissioner may use one or more separate
6 voting machines for each group of voters in the precinct. If
7 neither of the foregoing procedures is feasible, the
8 commissioner shall prepare separate ballots for the candidates
9 or questions which may not be legally voted upon by all
10 registered voters of the precinct, and shall furnish a
11 separate ballot box into which only those ballots shall be
12 deposited.

13 3. Separate Where paper ballots are used, separate paper
14 ballots may be used for:

15 a. For the election of township officers in precincts
16 including both incorporated and unincorporated areas or more
17 than one township.

18 b. For public measures.

19 c. For judges.

20 Sec. 26. Section 49.31, subsection 1, Code 1995, is
21 amended by striking the subsection and inserting in lieu
22 thereof the following:

23 1. All ballots shall be arranged with the names of
24 candidates for each office listed below the office title. For
25 partisan elections the name of the political party or
26 organization which nominated each candidate shall be listed
27 after or below each candidate's name.

28 The commissioner shall determine the order of political
29 parties and nonparty political organizations on the ballot.
30 The sequence shall be the same for each office on the ballot
31 and for each precinct in the county voting in the election.

32 Sec. 27. Section 49.31, subsection 4, Code 1995, is
33 amended to read as follows:

34 4. ~~If electors in any precinct are entitled to vote for~~
35 ~~more than one nominee or candidate for a particular office,~~

1 ~~the~~ The heading for that each office on the precinct ballot
2 shall be immediately followed by a notation of stating, "Vote
3 for no more than _____ ", and indicating the maximum number of
4 nominees or candidates for that office for whom each elector
5 may vote. ~~Provision shall be made on the ballot to allow the~~
6 ~~elector to write in the name of any person for whom the~~
7 ~~elector desires to vote for any office or nomination on the~~
8 ~~ballot.~~

9 Sec. 28. Section 49.31, Code 1995, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 4A. At the end of the list of candidates
12 for each office listed on the ballot one or more blank lines
13 and voting targets shall be printed to allow the elector to
14 write in the name of any person for whom the elector desires
15 to vote for any office or nomination on the ballot. The
16 number of write-in lines shall equal the number of votes that
17 can be cast for that office.

18 Sec. 29. Section 49.33, Code 1995, is amended to read as
19 follows:

20 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED
21 OFFICES.

22 ~~Upon the left-hand margin of each separate column of the~~
23 ~~ballot, immediately~~ Immediately opposite the names of the each
24 pair of candidates for president and vice president, a single
25 ~~square, the sides of which shall not be less than one-fourth~~
26 ~~of an inch in length,~~ voting target shall be printed in front
27 of next to the bracket enclosing the names of the candidates
28 for president and vice president, ~~and a separate square of the~~
29 ~~same size.~~ A single voting target shall be printed in front
30 of next to the bracket enclosing the names of the candidates
31 for governor and lieutenant governor. The votes for a team of
32 candidates shall be counted and certified ~~to~~ by the election
33 board as a team. Write-in votes may shall also be tabulated
34 ~~for each office separately~~ as a single vote for a pair of
35 candidates.

1 Sec. 30. Section 49.35, Code 1995, is amended to read as
2 follows:

3 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE
4 BALLOT.

5 Each list of candidates nominated by a political party or a
6 group of petitioners shall be termed a ticket. Each Where
7 lever voting machines are used, each ticket shall be placed in
8 a separate vertical column or horizontal row on the ballot, in
9 the order determined pursuant to section 49.37 by the
10 authorities charged with the printing of the ballots.

11 However, if a total of more than seven tickets are to be
12 placed on the ballot the state commissioner may authorize a
13 method of placement in which the groups of petitioners are not
14 all placed in separate individual columns or rows.

15 Sec. 31. Section 49.37, subsection 1, Code 1995, is
16 amended by striking the subsection and inserting in lieu
17 thereof the following:

18 1. For general elections, and for other elections in which
19 more than one partisan office will be filled, the first
20 section of the ballot shall be for straight party voting.

21 Each political party or organization which has nominated
22 candidates for more than one office shall be listed.

23 Instructions to the voter for straight party or organization
24 voting shall be in substantially the following form: "To vote
25 for all candidates from a single party or organization, mark
26 the voting target next to the party or organization name. Not
27 all parties or organizations have nominated candidates for all
28 offices. Marking a straight party or organization vote does
29 not include votes for nonpartisan offices, judges, or

30 questions." Political parties and nonparty political
31 organizations which have nominated candidates for only one
32 office shall be listed below the other political organizations
33 under the heading "Other Political Organizations. The
34 following organizations have nominated candidates for only one
35 office:".

1 Offices shall be arranged in groups. Partisan offices,
2 nonpartisan offices, judges, and public measures shall be
3 separated by a distinct line appearing on the ballot.

4 Sec. 32. Section 49.37, subsections 2 and 3, Code 1995,
5 are amended to read as follows:

6 2. The commissioner shall arrange the ballot in conformity
7 with the certificate issued by the state commissioner under
8 section 43.73, in that the names of the respective candidates
9 on for each political party ~~ticket~~ shall appear in the order
10 they appeared on the certificate, above or to the left of the
11 nonparty political organization ~~tickets~~ candidates.

12 3. The commissioner shall arrange the partisan county
13 offices on the ballot with the board of supervisors first,
14 followed by the other county offices and township offices in
15 the same sequence in which they appear in sections 39.17 and
16 39.22. Nonpartisan offices shall be listed below after or to
17 the right of partisan offices.

18 Sec. 33. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

19 The ballot for the general election shall be arranged in
20 substantially the following form:

21 PARTISAN OFFICES

22 STRAIGHT PARTY VOTING

23 To vote for all candidates from a single party mark the
24 voting target next to the party name. Not all parties have
25 nominated candidates for all offices. Marking a straight
26 party vote does not include votes for nonpartisan offices,
27 judges, or questions.

28 POLITICAL PARTY NAME

29 POLITICAL PARTY NAME

30 POLITICAL ORGANIZATION NAME

31 POLITICAL ORGANIZATION NAME

32 OTHER POLITICAL ORGANIZATIONS

33 The following political organizations have nominated
34 candidates for only one office.

35 POLITICAL ORGANIZATION NAME

1 POLITICAL ORGANIZATION NAME

2 FEDERAL OFFICES

3 For President and Vice President Vote for no more than one
4 team.

5 CANDIDATE NAME, of State

6 CANDIDATE NAME, of State

7 Political Party

8 CANDIDATE NAME, of State

9 CANDIDATE NAME, of State

10 Political Party

11 CANDIDATE NAME, of State

12 CANDIDATE NAME, of State

13 Political Organization Name

14 CANDIDATE NAME, of State

15 CANDIDATE NAME, of State

16 Political Organization Name

17 CANDIDATE NAME, of State

18 CANDIDATE NAME, of State

19 Nominated by Petition

20

21

Write-in for President, if any.

22

23

Write-in for Vice-President, if any.

24 For U.S. Senator

25 Vote for no more than one.

26 CANDIDATE NAME

27 Political Party

28 CANDIDATE NAME

29 Political Party

30 CANDIDATE NAME

31 Political Organization

32 CANDIDATE NAME

33 Political Organization

34 CANDIDATE NAME

35 Nominated by Petition

S.F. _____ H.F. _____

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Write-in vote, if any.
For U.S. Representative
First District
Vote for no more than one.

CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Nominated by Petition

Write-in vote, if any.
STATE OFFICES
For State Senator, District 2
Vote for no more than one.

CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Party
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Political Organization
CANDIDATE NAME
Nominated by Petition

Write-in vote, if any.
Sec. 34. Section 49.43, Code 1995, is amended by adding
the following new unnumbered paragraph before unnumbered para-
graph 1:

1 NEW UNNUMBERED PARAGRAPH. If possible, all public measures
2 and constitutional amendments to be voted upon by an elector
3 shall be included on a single special paper ballot which shall
4 also include all offices to be voted upon. However, if it is
5 necessary, a separate ballot may be used as provided in
6 section 49.30, subsection 1.

7 Sec. 35. Section 49.43, unnumbered paragraph 2, Code 1995,
8 is amended to read as follows:

9 Constitutional amendments and other public measures may be
10 summarized by the commissioner as provided in ~~section~~ sections
11 49.44 and 52.25.

12 Sec. 36. Section 49.44, unnumbered paragraph 1, Code 1995,
13 is amended to read as follows:

14 When a proposed constitutional amendment or other public
15 measure to be decided by the voters of the entire state is to
16 be voted upon, the state commissioner shall prepare a written
17 summary of the amendment or measure including the number of
18 the amendment or statewide public measure assigned by the
19 state commissioner. The summary shall be printed immediately
20 preceding the text of the proposed amendment or measure on the
21 paper ballot or special paper ballot referred to in section
22 49.43 ~~and~~ in. If the complete text of the public measure
23 will not fit on the special paper ballot it shall be posted
24 inside the voting booth. A copy of the full text shall be
25 included with any absentee ballots.

26 PARAGRAPH DIVIDED. In precincts where the amendment or
27 measure will be voted on by machine, the summary shall be
28 placed in the voting machine inserts as required by section
29 52.25.

30 Sec. 37. Section 49.45, Code 1995, is amended to read as
31 follows:

32 49.45 GENERAL FORM OF BALLOT.

33 Ballots referred to in section 49.43 shall be substantially
34 in the following form:

35 Shall the following amendment Yes

1 to the Constitution (or public meas- No
2 ure) be adopted?

3 [] Yes

4 [] No

5 (Here insert the summary, if it be for a constitutional
6 amendment or statewide public measure, and in full the
7 proposed constitutional amendment or public measure. The
8 number assigned by the state commissioner or the letter
9 assigned by the county commissioner shall be included on the
10 ballot centered above the question, "Shall the following
11 amendment to the Constitution [or public measure] be
12 adopted?".)

13 Sec. 38. Section 49.46, Code 1995, is amended to read as
14 follows:

15 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

16 The elector shall designate a vote by ~~a-cross~~ making the
17 appropriate mark, thus, in the voting target. On paper
18 ballots an "X", or a check mark, thus, "/", may be placed in
19 the proper square target.

20 Sec. 39. Section 49.47, Code 1995, is amended to read as
21 follows:

22 49.47 NOTICE ON BALLOTS.

23 At the top of paper ballots on such for public measures
24 shall be printed the following:

25 [Notice to voters. For an affirmative vote upon To vote to
26 approve any question submitted upon on this ballot, make a
27 cross (X) mark or check (/) in the square target after the
28 word "Yes". For a negative To vote against a question make a
29 similar mark in the square target following the word "No".]
30 This notice shall be adapted to describe the proper mark where
31 it is appropriate.

32 Sec. 40. Section 49.54, Code 1995, is amended to read as
33 follows:

34 49.54 COST OF PUBLICATION.

35 The cost of the publication required by section 49.53,

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

5 Sec. 41. Section 49.57, Code 1995, is amended to read as
6 follows:

7 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

8 Ballots shall be prepared as follows:

9 1. They shall be on ~~plain-white~~ paper uniform in color,
10 through which the printing or writing cannot be read.

11 2. ~~The~~ In the area of the general election ballot for
12 straight-party voting, the party name names shall be printed
13 in capital letters of uniform size, in not less than one-
14 fourth-of-an-inch-in-height twelve point type. After the name
15 of each candidate for a partisan office the name of the
16 candidate's political party shall be printed in at least six
17 point type.

18 3. The names of candidates shall be printed in capital
19 letters, of uniform size throughout the ballot, in not less
20 than one-eighth, nor more than one-fourth-of-an-inch-in-height
21 ten point type.

22 4. ~~A~~ On ballots that will be counted by electronic
23 tabulating equipment, ballots shall include a voting target
24 next to the name of each candidate. The position, shape, and
25 size of the targets shall be appropriate for the equipment to
26 be used in counting the votes. Where paper ballots are used,
27 a square, the sides of which shall not be less than one-fourth
28 of an inch in length, shall may be printed at the beginning of
29 each line in which the name of a candidate is printed, except
30 as otherwise provided.

31 5. ~~On the outside~~ A portion of the ballot, so-as-to-appear
32 when-folded which can be shown to the precinct officials
33 without revealing any of the marks made by the voter, shall be
34 printed include the words "Official ballot", a designation of
35 the ballot rotation, if any, the date of the election, and a

1 facsimile of the signature of the commissioner who has caused
2 the ballot to be printed pursuant to section 49.51.

3 6. The office title of any office which appears on the
4 ballot to fill a vacancy before the end of the usual term of
5 the office shall include the words "To Fill Vacancy".

6 Sec. 42. Section 49.73, subsection 1, paragraphs b and c,
7 Code 1995, are amended to read as follows:

8 b. Any election conducted for a city of ~~three-thousand~~
9 ~~five-hundred~~ ten thousand or less population.

10 c. Any election conducted for a city of more than ~~three~~
11 ~~thousand-five-hundred~~ ten thousand population if there is no
12 contest for any office on the ballot and no public question is
13 being submitted to the voters at that election.

14 Sec. 43. Section 49.92, Code 1995, is amended to read as
15 follows:

16 49.92 VOTING MARK.

17 The instructions appearing on the ballot shall describe the
18 appropriate mark to be used by the voter. The mark shall be
19 consistent with the requirements of the voting system in use
20 in the precinct. The voting mark shall be used on paper ballots
21 may be a cross or check which shall be placed in-the-circle-at
22 the-head-of-a-ticket,-or in the squares voting targets
23 opposite the names of candidates. The fact that the voting
24 mark is made by an instrument other than a black lead pencil
25 shall not affect the validity of the ballot unless it appears
26 that the color or nature of the mark is intended to identify
27 the ballot contrary to the intent of section 49.107,
28 subsection 7.

29 Sec. 44. Section 49.93, Code 1995, is amended by striking
30 the section and inserting in lieu thereof the following:

31 49.93 NUMBER OF VOTES FOR EACH OFFICE.

32 For an office to which one person is to be elected, a voter
33 shall not vote for more than one candidate. If two or more
34 persons are to be elected to an office, the voter shall vote
35 for no more than the number of persons to be elected. If a

1 voter votes for more than the permitted number of candidates,
2 the vote for that office shall not count. Valid votes cast on
3 the rest of the ballot shall be counted.

4 Sec. 45. Section 49.94, Code 1995, is amended to read as
5 follows:

6 49.94 HOW TO MARK A STRAIGHT TICKET.

7 If the names of all the candidates for whom a voter desires
8 to vote in any election other than the primary election appear
9 upon-the-same-ticket were nominated by the same political
10 party or nonparty political organization, and the voter
11 desires to vote for all candidates whose-names-appear-upon
12 such-ticket nominated by that political party or organization
13 the voter may do so in any one of the following ways:

14 1. The voter may place-a-cross-or-check-in-the-circle-at
15 the-top-of-such-ticket mark the voting target next to the name
16 of the political party or nonparty political organization in
17 the straight party or organization section of the ballot
18 without making-a-cross-or-check-in marking any square beneath
19 said-circle voting target next to the name of a candidate
20 nominated by the party or organization.

21 ~~2. The voter may place a cross or check in the square~~
22 ~~opposite the name of each such candidate without making any~~
23 ~~cross or check in the circle at the top of such ticket.~~

24 3. 2. The voter may place-a-cross-or-check-in-the-circle
25 at-the-top-of-such-ticket mark the voting target next to the
26 name of the political party or nonparty political organization
27 in the straight party or organization section of the ballot
28 and also a-cross-or-check-in mark any or all of the squares
29 beneath-said-circle voting targets next to the names of
30 candidates nominated by that party or organization.

31 Sec. 46. Section 49.95, Code 1995, is amended to read as
32 follows:

33 49.95 VOTING PART OF TICKET ONLY.

34 If the names of all the candidates for whom the voter
35 desires to vote appear-upon-a-single-ticket were nominated by

1 the same political party or nonparty political organization
2 but the voter does not desire to vote for all of the
3 candidates whose names appear thereon nominated by the party
4 or nonparty political organization, the voter shall place a
5 cross or check in the square opposite mark the voting target
6 next to the name of each such candidate for whom the voter
7 desires to vote without making any cross or check in the
8 circle at the top of such ticket marking the target next to
9 the name of the party or nonparty political organization in
10 the straight party or organization section of the ballot.

11 Sec. 47. Section 49.96, Code 1995, is amended to read as
12 follows:

13 49.96 GROUP CANDIDATES FOR OFFICES OF SAME CLASS OFFICES
14 WITH MORE THAN ONE PERSON TO BE ELECTED.

15 Where two or more offices of the same class are to be
16 filled more than one person is to be elected to the same
17 office at the same election, and all of the candidates for
18 such offices, that office for whom the voter desires to vote,
19 appear upon the voter's party ticket at the top of which the
20 voter has marked a cross or check in the circle were nominated
21 by the political party or nonparty political organization for
22 which the voter has marked a straight party or organization
23 vote, the voter need not otherwise indicate the vote for such
24 candidate, but if the name of any candidate for whom the voter
25 desires to vote for such office appears upon a different
26 ticket, then as to such group of candidates the cross or check
27 in the circle does not apply and to indicate the voter's
28 choice the voter must place a cross or check in the square
29 opposite the name of each such candidate for whom the voter
30 desires to vote whether the same appears under such marked
31 circle or not that office. If the voter wishes to vote for
32 candidates who were nominated by different political parties
33 or nonparty political organizations, the voter must mark the
34 voting target for each candidate the voter has chosen, whether
35 or not the voter has also marked a straight party or

1 organization vote.

2 Sec. 48. Section 49.97, Code 1995, is amended to read as
3 follows:

4 49.97 HOW TO MARK A MIXED TICKET.

5 If the names of all candidates for whom a voter desires to
6 vote ~~do~~ were not appear-upon nominated by the same ticket
7 political party or nonparty political organization, the voter
8 may indicate the candidates of the voter's choice by marking
9 the ballot in any one of the following ways:

10 1. The voter may ~~place-a-cross-or-check-in-the-circle-at~~
11 ~~the-top-of-a-ticket-on~~ mark a straight party or organization
12 vote for the party or nonparty political organization which
13 ~~the-names-of~~ nominated some of the candidates for whom the
14 voter desires to vote ~~appear-and-also-a-cross-or-check-in-the~~
15 ~~square-opposite-the-name-of-each-other-candidate-of-the~~
16 ~~voter's-choice,~~ whose name appears upon some ticket other than
17 the one in which the voter has marked the circle at the top
18 and vote for candidates of other parties or nonparty political
19 organizations by marking the voting targets next to their
20 names.

21 2. The voter may ~~place-a-cross-or-check-in-the-square~~
22 ~~opposite-the-name-of-each-candidate-for-whom-the-voter-desires~~
23 to vote for each candidate separately without ~~placing-any~~
24 ~~cross-or-check-in-any-circle~~ marking any straight party or
25 organization vote.

26 Sec. 49. Section 49.98, Code 1995, is amended to read as
27 follows:

28 49.98 COUNTING BALLOTS.

29 The ballots shall be counted according to the markings
30 thereon, ~~respectively,~~ voters' marks on them as provided in
31 sections 49.92 to 49.97, and not otherwise. If, for any
32 reason, it is impossible to determine from a ballot, as
33 marked, the choice of the voter for any office, ~~such ballot~~
34 the vote for that office shall not be counted ~~for such office.~~
35 When there is a conflict between ~~the-cross-or-check-in-the~~

1 ~~circle-on~~ a straight party or organization vote for one ticket
2 political party or nonparty political organization and the
3 ~~cross-or-check-in-the-square-on~~ vote cast by marking the
4 voting target next to the name of a candidate for another
5 ticket political party or nonparty political organization on
6 the ballot, the ~~cross-or-check-in-the-square~~ mark next to the
7 name of the candidate shall be held to control, and the ~~cross~~
8 ~~or-check-in-the-circle-in-such~~ straight party or organization
9 vote in that case shall not apply as to that office. Any
10 ballot shall be rejected if it is marked in any other manner
11 than as authorized in sections 49.92 to 49.97~~-and-in-such~~
12 ~~manner-as-to-show-that.~~ A ballot shall be rejected if the
13 voter ~~employed-such~~ used a mark for-the-purpose-of-identifying
14 to identify the voter's ballot~~-shall-be-rejected.~~

15 Sec. 50. Section 49.99, unnumbered paragraph 1, Code 1995,
16 is amended to read as follows:

17 The voter may also ~~insert-in-writing-in-the-proper-place~~
18 write on the line provided for write-in votes the name of any
19 person for whom the voter desires to vote and ~~place-a-cross-or~~
20 ~~check-in-the-square~~ mark the voting target opposite the name.
21 If the voter is using a voting system other than an electronic
22 voting system, as defined in section 52.1, the writing of the
23 name shall constitute a valid vote for the person whose name
24 has been written on the ballot without regard to whether the
25 voter has made a ~~cross-or-check~~ mark opposite the name.
26 However, when a write-in vote is cast using an electronic
27 voting system, the ballot must also be marked in the
28 corresponding space in order to be counted. ~~The-making-of-a~~
29 ~~cross-or-check-in-a-square~~ Marking the voting target opposite
30 a ~~blank~~ write-in line without writing a name ~~in on~~ the ~~blank~~
31 line shall not affect the validity of the remainder of the
32 ballot.

33 Sec. 51. Section 49.100, Code 1995, is amended to read as
34 follows:

35 49.100 SPOILED BALLOTS.

1 Any A voter who ~~shall spoil~~ spoils a ballot may ~~en~~
2 ~~returning-the-same~~ return the spoiled ballot to the precinct
3 election officials, and receive another ~~in-place thereof, but~~
4 ballot. However, ~~no~~ a voter shall not receive more than three
5 ballots, including the one first delivered. ~~None-but~~ Only
6 ballots provided in accordance with the provisions of this
7 chapter shall be counted.

8 Sec. 52. Section 50.13, Code 1995, is amended to read as
9 follows:

10 50.13 DESTRUCTION OF BALLOTS.

11 If, at the expiration of the length of time specified in
12 section 50.12, a contest is not pending, the commissioner,
13 without opening the package in which they have been enclosed,
14 shall destroy the ballots, ~~in-the-presence-of-two-electors,~~
15 ~~one-from-each-of-the-two-leading-political-parties, who shall~~
16 ~~be-designated-by-the-chairperson-of-the-board-of-supervisors.~~

17 If the ballots are to be shredded, the package may be
18 opened, if necessary, but the ballots shall not be examined
19 before shredding. Shredded ballots may be recycled. The
20 commissioner shall invite the chairperson of each of the
21 political parties to designate a person to witness the
22 destruction of the ballots.

23 Sec. 53. Section 50.48, subsection 4, unnumbered paragraph
24 1, Code 1995, is amended to read as follows:

25 When all members of the recount board have been selected,
26 the board shall undertake and complete the required recount as
27 expeditiously as reasonably possible. The commissioner or the
28 commissioner's designee shall supervise the handling of
29 ballots or voting machine documents to ensure that the ballots
30 and other documents are protected from alteration or damage.
31 The board shall open only the sealed ballot containers from
32 the precincts specified to be recounted in the request or by
33 the recount board. The board shall recount only the ballots
34 which were voted and counted for the office in question,
35 including any disputed ballots returned as required in section

1 50.5. If an electronic tabulating system was used to count
2 the ballots, the recount board may request the commissioner to
3 retabulate the ballots using the electronic tabulating system.
4 The same program used for tabulating the votes on election day
5 shall be used at the recount.

6 PARAGRAPH DIVIDED. Any member of the recount board may at
7 any time during the recount proceedings extend the recount of
8 votes cast for the office or nomination in question to any
9 other precinct or precincts in the same county, or from which
10 the returns were reported to the commissioner responsible for
11 conducting the election, without the necessity of posting
12 additional bond.

13 Sec. 54. Section 52.10, Code 1995, is amended to read as
14 follows:

15 52.10 BALLOTS -- FORM.

16 All ballots shall be printed in black ink on clear, white
17 material, of such size as will fit the ballot frame, and in as
18 plain, clear type as the space will reasonably permit. The
19 party name for each political party represented on the machine
20 shall be prefixed to the list of candidates of such party.
21 The order of the list of candidates of the several parties or
22 organizations shall be arranged as provided in sections 49.30
23 to ~~49.42~~ 49.41, except that the lists may be arranged in
24 horizontal rows or vertical columns to meet the physical
25 requirements of the voting machine used.

26 Sec. 55. Section 52.12, Code 1995, is amended by striking
27 the section and inserting in lieu thereof the following:

28 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

29 Voting machines shall have a single lever or switch which
30 casts a vote for each candidate of a political party or non-
31 party political organization which has nominated candidates
32 for more than one partisan office on the ballot.

33 Sec. 56. Section 52.33, Code 1995, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The absentee and special

1 precinct board shall follow the process prescribed in section
2 52.37, subsection 2, in handling damaged or defective ballots
3 and in counting write-in votes on special paper ballots.

4 Sec. 57. Section 52.35, subsection 2, Code 1995, is
5 amended to read as follows:

6 2. The test shall be conducted by processing a preaudited
7 group of ballots punched or marked so as to record a
8 predetermined number of valid votes for each candidate, and on
9 each public question, on the ballot. The test group shall
10 include for each office and each question one or more ballots
11 having votes in excess of the number allowed by law for that
12 office or question, in order to test the ability of the
13 automatic tabulating equipment to reject such votes. The
14 county chairperson of a political party may submit an
15 additional test group of ballots which, if so submitted, shall
16 also be tested. If any error is detected, its cause shall be
17 ascertained and corrected and an errorless count obtained
18 before the automatic tabulating equipment is approved. When
19 so approved, a statement attesting to the fact shall be signed
20 by the commissioner and ~~sent-immediately-to-the-state~~
21 commissioner kept with the records of the election.

22 Sec. 58. Section 52.36, unnumbered paragraph 2, Code 1995,
23 is amended to read as follows:

24 The commissioner shall appoint from the lists provided by
25 the county political party chairpersons a resolution board to
26 tabulate write-in votes and to decide questions regarding
27 damaged, defective, or other ballots which cannot be tabulated
28 by machine. The commissioner shall appoint as many people to
29 the resolution board as the commissioner believes are
30 necessary. The resolution board shall be divided into ~~three-~~
31 person two-person teams. Each team shall consist of ~~no-more~~
32 than-two people who are not members of the same political
33 party. If a team is unable to decide how to count one or more
34 ballots, a third person shall be available to consult with the
35 team and to resolve disputes. Ballots which were objected to

1 shall be endorsed and separated as required by section 50.4.

2 Sec. 59. Section 52.37, subsection 2, unnumbered paragraph
3 2, Code 1995, is amended to read as follows:

4 The resolution board shall also tabulate any write-in votes
5 which were cast. Write-in votes cast for a candidate whose
6 name appears on the ballot for the same office shall be
7 counted as a vote for the candidate indicated, if the vote is
8 otherwise properly cast.

9 PARAGRAPH DIVIDED. Ballots which are rejected by the
10 tabulating equipment as blank because they have been marked
11 with an unreadable marker shall be duplicated or tabulated as
12 required by this subsection for damaged or defective ballots.
13 The commissioner may instruct the resolution board to mark
14 over voters' unreadable marks using a marker compatible with
15 the tabulating equipment. The resolution board shall take
16 care to leave part of the original mark made by the voter. If
17 it is impossible to mark over the original marks made by the
18 voter without completely obliterating them, the ballot shall
19 be duplicated.

20 Sec. 60. Section 52.38, unnumbered paragraph 1, Code 1995,
21 is amended to read as follows:

22 All portable tabulating devices shall be tested before any
23 election in which they are to be used following the procedure
24 in section 52.35, subsection 2. Testing shall be completed
25 not later than twelve hours before the opening of the polls on
26 the morning of the election. ~~The portable tabulating devices~~
27 ~~shall be tested at the polling place where they are to be~~
28 ~~used.~~ The chairperson of each political party shall be
29 notified in writing of the time the devices will be tested so
30 that the chairperson or a representative may be present.
31 Those present for the test shall sign a certificate which
32 shall read substantially as follows:

33 Sec. 61. Section 52.40, subsection 1, Code 1995, is
34 amended to read as follows:

35 1. In counties where counting centers have been

1 established under section 52.34, the commissioner may
2 designate certain polling places as early ballot pick-up
3 sites. At these sites, between the hours of one p.m. and four
4 p.m. on the day of the election, two precinct election
5 officials of different political parties shall seal the ballot
6 container to prevent the addition or removal of ballots and
7 replace it with an empty, locked ballot container. The sealed
8 ballot container shall be kept in a safe place in view of the
9 precinct election officials. The early pick-up officers shall
10 receive the sealed ballot container containing the ballots
11 which have been voted ~~throughout-the-day~~ along with a signed
12 statement of the precinct officials attesting to the number of
13 declarations of eligibility signed up to that time, excluding
14 those declarations signed by voters who have had not yet
15 placed their ballots in the ballot container when it was
16 sealed. The-officers-shall-replace-the-ballot-container
17 containing-the-voted-ballots-with-an-empty-ballot-container,
18 to-be-sealed-in-the-presence-of-a-precinct-election-official.

19 Sec. 62. Section 53.2, unnumbered paragraph 1, Code
20 Supplement 1995, is amended to read as follows:

21 Any registered voter, under the circumstances specified in
22 section 53.1, may on any day, except election day, and not
23 more than seventy days prior to the date of the election,
24 apply in person for an absentee ballot at the commissioner's
25 office or at any location designated by the commissioner, or
26 make written application to the commissioner for an absentee
27 ballot. The state commissioner shall prescribe a form for
28 absentee ballot applications. However, if a registered voter
29 submits an application that includes all of the information
30 required in this section, the prescribed form is not required.
31 Absentee ballot applications may include instructions to send
32 the application directly to the county commissioner of
33 elections. However, no absentee ballot application shall be
34 preaddressed or printed with instructions to send the
35 applications to anyone other than the appropriate

1 commissioner.

2 Sec. 63. Section 53.19, unnumbered paragraph 3, Code 1995,
3 is amended to read as follows:

4 However, any registered voter who has received an absentee
5 ballot and not ~~voted~~ returned it, may surrender the ~~unmarked~~
6 absentee ballot to the precinct officials and vote in person
7 at the polls. The precinct officials shall mark the uncast
8 absentee ballot "void" and return it to the commissioner. Any
9 registered voter who has been sent an absentee ballot by mail
10 but for any reason has not received it may appear at the
11 voter's precinct polling place on election day and sign an
12 affidavit to that effect, after which the voter shall be
13 permitted to vote in person. The form of the affidavit for
14 use in such cases shall be prescribed by the state
15 commissioner.

16 Sec. 64. Section 59.1, Code 1995, is amended by adding the
17 following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. A special election for a seat in
19 either house of the general assembly may be contested. The
20 contestant shall serve notice on the incumbent in the manner
21 described in this section not later than twenty days after the
22 state canvass of votes for the election. A copy of the notice
23 shall also be filed with the presiding officer of the house in
24 which the contest is to be tried, if the general assembly is
25 in session. If the general assembly is not in session, a copy
26 of the notice shall be filed with the secretary of state. The
27 secretary of state shall notify the presiding officer of the
28 house in which the contest will be tried.

29 Sec. 65. Section 62.1, Code 1995, is amended to read as
30 follows:

31 62.1 CONTEST COURT.

32 The court for the trial of contested county elections shall
33 ~~be thus constituted:--The chairperson of the board of~~
34 ~~supervisors shall be the presiding officer, and~~ consist of one
35 person named by the contestant and one person named by the

1 incumbent ~~may each name a person who shall be associated with~~
2 ~~the chairperson.~~ If the incumbent fails to name a judge, the
3 chief judge of the judicial district shall be notified of the
4 failure to appoint. The chief judge shall designate the
5 second judge within one week after the chief judge is
6 notified. These two judges shall meet within three days and
7 select a third person to serve as the presiding officer of the
8 court. If they cannot agree on the third member of the court
9 within three days after their initial meeting, the chief judge
10 of the judicial district shall be notified of the failure to
11 agree. The chief judge shall designate the presiding judge
12 within one week after the chief judge is notified.

13 Sec. 66. Section 62.2, Code 1995, is amended to read as
14 follows:

15 62.2 JUDGES.

16 ~~The contestant and incumbent shall each file in the~~
17 ~~auditor's office, on or before the day of trial, a written~~
18 ~~nomination of one associate judge of the contested election,~~
19 ~~who Judges shall be sworn in the same manner and form as trial~~
20 ~~jurors are sworn in trials of civil actions, ~~if either the~~~~
21 ~~contestant or the incumbent fails to nominate, the presiding~~
22 ~~judge shall appoint for that person. When either of the~~
23 ~~nominated judges a judge fails to appear on the day of trial,~~
24 ~~that judge's place may be filled by another appointment under~~
25 ~~the same rule.~~

26 Sec. 67. Section 62.9, Code 1995, is amended to read as
27 follows:

28 62.9 TRIAL -- NOTICE.

29 ~~The chairperson of the board of supervisors~~ presiding judge
30 ~~shall thereupon~~ fix a day for the trial, not more than thirty
31 ~~nor less than twenty~~ days thereafter, and shall cause a notice
32 of such trial to be served on the incumbent, with a copy of
33 the contestant's statement, at least ten days before the day
34 set for trial. If the trial date is set for less than twenty
35 days from the day notice is given and either party is not

1 ready, the presiding judge shall delay the trial.

2 Sec. 68. Section 69.14A, subsection 1, paragraph a,
3 unnumbered paragraph 2, Code 1995, is amended to read as
4 follows:

5 However, if within fourteen days after publication of the
6 notice or within fourteen days after the appointment is made,
7 ~~whichever-is-later~~, a petition is filed with the county
8 auditor requesting a special election to fill the vacancy, the
9 appointment is temporary and a special election shall be
10 called as provided in paragraph "b". The petition shall meet
11 the requirements of section 331.306, except that in counties
12 where supervisors are elected under plan "three", the number
13 of signatures calculated according to the formula in section
14 331.306 shall be divided by the number of supervisor districts
15 in the county.

16 Sec. 69. Section 69.14A, subsection 1, paragraph b,
17 unnumbered paragraph 1, Code 1995, is amended to read as
18 follows:

19 By special election held to fill the office for the
20 remaining balance of the unexpired term. The committee of
21 county officers designated to fill the vacancy in section 69.8
22 may, on its own motion, or shall, upon receipt of a petition
23 as provided in paragraph "a", call for a special election to
24 fill the vacancy in lieu of appointment. The committee shall
25 order the special election at the earliest practicable date,
26 but giving at least ~~thirty~~ thirty-two days' notice of the
27 election. A special election called under this section shall
28 be held on a Tuesday and shall not be held on the same day as
29 a school election within the county.

30 Sec. 70. Section 69.14A, subsection 2, paragraph a,
31 unnumbered paragraph 2, Code 1995, is amended to read as
32 follows:

33 However, if within fourteen days after publication of the
34 notice or within fourteen days after the appointment is made,
35 ~~whichever-is-later~~, a petition is filed with the county

1 auditor requesting a special election to fill the vacancy, the
2 appointment is temporary and a special election shall be
3 called as provided in paragraph "b". The petition shall meet
4 the requirements of section 331.306.

5 Sec. 71. Section 69.14A, subsection 2, paragraph b,
6 unnumbered paragraph 1, Code 1995, is amended to read as
7 follows:

8 By special election held to fill the office for the
9 remaining balance of the unexpired term. The board of
10 supervisors may, on its own motion, or shall, upon receipt of
11 a petition as provided in paragraph "a", call for a special
12 election to fill the vacancy in lieu of appointment. The
13 ~~committee~~ supervisors shall order the special election at the
14 earliest practicable date, but giving at least ~~thirty~~ thirty-
15 two days' notice of the election. A special election called
16 under this section shall be held on a Tuesday and shall not be
17 held on the same day as a school election within the county.

18 Sec. 72. Section 277.4, unnumbered paragraph 2, Code
19 Supplement 1995, is amended to read as follows:

20 Each candidate shall be nominated by petition. If the
21 candidate is running for ~~an-at-large~~ a seat in the district
22 which is voted for at-large, the petition must be signed by at
23 least ten eligible electors, or a number of eligible electors
24 equal in number to not less than one percent of the registered
25 voters of the school district, whichever is more. If the
26 candidate is running for a seat which is voted for only by the
27 voters of a director district, the petition must be signed by
28 at least ten eligible electors of the director district or a
29 number of eligible electors equal in number to not less than
30 one percent of the registered voters in the director district,
31 whichever is more. A petition filed under this section shall
32 not be required to have more than one hundred signatures.

33 PARAGRAPH DIVIDED. Signers of nomination petitions shall
34 include their addresses and the date of signing, and must
35 reside in the same director district as the candidate if

1 directors are elected by the voters of a director district,
2 rather than at large. A person may sign nomination petitions
3 for more than one candidate for the same office, and the
4 signature is not invalid solely because the person signed
5 nomination petitions for one or more other candidates for the
6 office. The petition shall be filed with the affidavit of the
7 candidate being nominated, stating the candidate's name, place
8 of residence, that such person is a candidate and is eligible
9 for the office the candidate seeks, and that if elected the
10 candidate will qualify for the office. The affidavit shall
11 also state that the candidate is aware that the candidate is
12 disqualified from holding office if the candidate has been
13 convicted, and never pardoned, of a felony or other infamous
14 crime.

15 Sec. 73. Section 278.1, subsection 8, Code 1995, is
16 amended to read as follows:

17 8. ~~Authorize the establishment or abandonment of director~~
18 ~~districts or a change of boundaries of director districts a~~
19 change in the method of conducting elections or in the number
20 of directors as provided in sections 275.35 and 275.36. If a
21 proposition submitted to the voters under this subsection or
22 subsection 7 ~~of this section~~ is rejected, it may not be
23 resubmitted to the voters of the district in substantially the
24 same form within the next three years; if it is approved, no
25 other proposal may be submitted to the voters of the district
26 under this subsection or subsection 7 ~~of this section~~ within
27 the next six years.

28 Sec. 74. Section 372.2, subsection 2, Code 1995, is
29 amended to read as follows:

30 2. Within fifteen days after receiving a valid petition,
31 the council shall ~~proclaim~~ publish notice of the date that a
32 special city election to will be held within sixty days to
33 determine whether the city shall change to a different form of
34 government. The election date shall be not more than sixty
35 days after the publication. The notice shall include a

1 statement that the filing of a petition for appointment of a
2 home rule charter commission will delay the election until
3 after the home rule charter commission has filed a proposed
4 charter. Petition requirements and filing deadlines shall
5 also be included in the notice.

6 PARAGRAPH DIVIDED. The council shall notify the county
7 commissioner of elections to publish notice of the election
8 and conduct the election pursuant to chapters 39 to 53. The
9 county commissioner of elections shall certify the results of
10 the election to the council.

11 Sec. 75. Section 372.3, Code 1995, is amended by striking
12 the section and inserting in lieu thereof the following:

13 372.3 HOME RULE CHARTER.

14 If a petition for appointment of a home rule charter com-
15 mission is filed with the city clerk not more than ten days
16 after the council has published notice announcing the date of
17 the special election on adoption of another form of
18 government, the special election shall not be held until the
19 charter proposed by the home rule charter commission is filed.
20 Both forms must be published as provided in section 372.9 and
21 submitted to the voters at the special election.

22 Sec. 76. Section 372.13, subsection 2, paragraph a,
23 unnumbered paragraph 1, Code 1995, is amended to read as
24 follows:

25 By appointment by the remaining members of the council,
26 except that if the remaining members do not constitute a
27 quorum of the full membership, paragraph "b" shall be
28 followed. The appointment shall be for the period until the
29 next pending election as defined in section 69.12, and shall
30 be made within forty days after the vacancy occurs. If the
31 council chooses to proceed under this paragraph, it shall
32 publish notice in the manner prescribed by section 362.3,
33 stating that the council intends to fill the vacancy by
34 appointment but that the electors of the city or ward, as the
35 case may be, have the right to file a petition requiring that

1 the vacancy be filled by a special election. The council may
2 publish notice in advance if an elected official submits a
3 resignation to take effect at a future date. The council may
4 make an appointment to fill the vacancy after the notice is
5 published or after the vacancy occurs, whichever is later.
6 However, if within fourteen days after publication of the
7 notice or within fourteen days after the appointment is made,
8 ~~whichever-is-later,~~ there is filed with the city clerk a
9 petition which requests a special election to fill the
10 vacancy, an appointment to fill the vacancy is temporary and
11 the council shall call a special election to fill the vacancy
12 permanently, under paragraph "b". The number of signatures of
13 eligible electors of a city for a valid petition shall be
14 determined as follows:

15 Sec. 77. Section 376.10, Code 1995, is amended to read as
16 follows:

17 376.10 CONTEST.

18 A nomination or election to a city office may be contested
19 in the manner provided in chapter 62 for contesting elections
20 to county offices, except that a statement of intent to
21 contest must be filed with the city clerk within ten days
22 after the nomination or election. ~~The-mayor-is-presiding~~
23 ~~officer-of-the-court-for-the-trial-of-a-nomination-or-election~~
24 ~~contest,-except-that-if-the-mayor's-nomination-or-election-is~~
25 ~~contested,-the-council-shall-elect-one-of-its-members-other~~
26 ~~than-the-mayor-to-serve-as-presiding-officer.~~

27 Sec. 78. Sections 49.27, 49.29, and 49.42, Code 1995, are
28 repealed.

29 Sec. 79. IMMEDIATE EFFECTIVE DATE. New Iowa Code section
30 39.1A and amendments to Iowa Code sections 48A.22, 48A.26
31 through 48A.29, 49.13, 49.16, 49.25, 49.54, 50.48, 52.33,
32 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2, 62.9,
33 69.14A, 277.4, and 372.13, being deemed of immediate
34 importance, take effect upon enactment.

35

EXPLANATION

1 This bill makes a number of changes to the election laws of
2 Iowa.

3 New Iowa Code section 39.1A prohibits county auditors from
4 conducting elections which are not specifically authorized or
5 required by state law. New Iowa Code section 39.26 provides
6 that filings pertaining to an election, the deadline for which
7 falls on a day the county or state commissioner of elections
8 office is closed for business, shall be filed on the next day
9 that the office of county or state commissioner is open for
10 business to receive the filing.

11 An indirect internal reference contained in Iowa Code
12 section 43.67, which provides for the right to a place on the
13 ballot of nominees for federal, state, and county office, is
14 stricken and the direct references to the relevant sections
15 are inserted.

16 Iowa Code section 43.73 is amended to strike language which
17 authorizes the secretary of state to prescribe party order on
18 the ballot. Code section 49.31 gives that authority to the
19 county auditors.

20 Iowa Code sections 43.88 and 44.4 are amended to change the
21 candidate filing deadline for special elections held to fill
22 vacancies in county offices from 20 to 25 days before the
23 election to allow more time to print ballots.

24 Iowa Code section 43.116 is amended to add a provision to
25 specify a method for partisan nominations for special city
26 elections to fill vacancies in offices in special charter
27 cities. The recommended change, nomination by convention,
28 parallels similar provisions for other partisan special
29 elections.

30 Iowa Code section 47.5 is amended to strike the requirement
31 that county commissioner of elections' bid specifications be
32 filed with the state commissioner of elections.

33 Iowa Code section 47.6 is amended to require that notice of
34 a special election that will be held in conjunction with a
35 previously scheduled special election be given not later than

1 the last day to file nomination papers for the previously
2 scheduled special election.

3 Iowa Code section 48A.22 is amended to strike the
4 requirement that the secretary of state sell voter
5 registration forms and that they be sold at the cost of
6 production. The amended language requires the secretary of
7 state to provide registration forms, without specifying the
8 kind.

9 The National Voter Registration Act (NVRA) is a federal law
10 which became effective January 1, 1995. NVRA requires mailing
11 of some specific documents, but does not specifically require
12 that they be sent by first class mail. Iowa Code sections
13 48A.26 through 48A.29 are amended to strike the first class
14 mailing requirement.

15 Iowa Code section 48A.27 is also amended to eliminate the
16 requirement that a mail registration form be provided to
17 people who have moved from one county to another within Iowa.

18 Iowa Code section 49.13 is amended to permit the auditor to
19 appoint two people of different political parties to serve as
20 co-chairpersons of the precinct election board. The amendment
21 also makes editorial changes.

22 Iowa Code section 49.16 is amended to prohibit a precinct
23 election official who has changed party affiliation from the
24 party which designated the official from working at the polls
25 as a designee of the party with which the official was
26 formerly registered.

27 Iowa Code section 49.25 is amended to require that ballot
28 boxes be locked during the receiving of ballots, except during
29 early ballot pickup activities and when opened by the counting
30 board charged with tabulating votes in paper ballot precincts
31 during the hours when the polls are open. This amendment also
32 adds secrecy sleeves to the equipment needed at the polls.

33 Secrecy sleeves are needed for use with machine-read ballots
34 that cannot be folded to conceal the voter's marks.

35 Iowa Code section 49.29 is incorporated into section 49.26,

1 and section 49.26, which relates to ballot marking
2 instructions, is reworded to permit the use of machine-read
3 ballots, even if they will be counted by hand.

4 Iowa Code section 49.27 has been incorporated into section
5 49.30. All information about what can be placed upon a
6 separate ballot is now in a single Code section. It is
7 organized according to the three general types of voting
8 equipment used in Iowa and specifies the circumstances under
9 which separate ballots may be used for each type of voting
10 equipment. Iowa Code section 49.30 is amended to add to the
11 list of offices that may be printed on a separate paper ballot
12 in voting machine precincts, all nonpartisan offices listed in
13 Iowa Code section 39.21 (regional library trustees, county
14 public hospital trustees, soil and water district conservation
15 commissioners, and county agricultural extension councils).
16 The amendment also allows separate paper ballots in precincts
17 that incorporate more than one township if any of the
18 townships elects its township officers.

19 Iowa Code section 49.31, relating to the arrangement of
20 names on the ballot, is amended to provide that the names of
21 candidates shall be listed below the title of the office, and,
22 for partisan offices, above the name of the political party or
23 nonparty political organization which nominated the candidate.
24 The amendment makes clear that the county commissioner shall
25 determine the order of political parties and nonparty
26 political organizations on the ballot and that each ballot
27 used in the county shall be identical.

28 Iowa Code section 49.33 is amended to revise the
29 description of the space where the voter indicates a choice
30 for paired offices and provides that write-in votes will no
31 longer be tabulated separately for the offices of president
32 and vice president, and governor and lieutenant governor.

33 Iowa Code section 49.35, relating to the order of arranging
34 tickets on the ballot, is amended to pertain to lever voting
35 machine ballots only.

1 Iowa Code section 49.37 is amended to eliminate the
2 requirement that ballots be arranged in columns or rows by
3 political party or nonparty political organization. It also
4 requires that the first section of partisan ballots be
5 reserved for straight party voting, then political parties or
6 nonparty political organizations which have nominated
7 candidates for more than one office, then political parties or
8 organizations which have nominated candidates for only one
9 office. The amendment also requires that the ballot shall
10 contain instructions for straight party voting.

11 New section 49.42A is enacted to prescribe the form for
12 general election ballots.

13 Iowa Code section 49.43 is amended to provide that, if
14 possible, all public measures and constitutional amendments
15 shall be placed on a single special paper ballot. The special
16 ballot shall also include all offices to be voted upon.

17 Iowa Code section 49.44 is amended to require that a
18 summary of a proposed constitutional amendment or other public
19 measure be placed on the ballot immediately before the full
20 text of the amendment or measure on special paper ballots. If
21 the full text of the amendment or measure will not fit on the
22 ballot, it shall be posted inside the voting booth and
23 included with absentee ballots.

24 Iowa Code section 49.45 is amended to more specifically
25 prescribe the general form of ballots containing
26 constitutional amendments or other public measures.

27 Iowa Code section 49.46, relating to marking ballots on
28 public measures, is amended to provide for making the
29 appropriate mark on special paper ballots.

30 Iowa Code section 49.47, relating to the notice, or voting
31 instructions, for ballots containing a constitutional
32 amendment or public measure is amended to apply to all types
33 of ballots, including special paper ballots, and allows the
34 notice to be adapted, where appropriate.

35 Iowa Code section 49.54 is amended to set the maximum cost

1 of publishing the official notice of an election, including
2 the sample ballot, at the cost for other legal publications.

3 Iowa Code section 49.57 is amended to do the following:

4 (1) provide for the inclusion of party names with the names of
5 candidates in the new office block ballot plan; (2) add to the
6 ballot preparation instructions a requirement that office
7 title indicate if an office appears on the ballot to fill a
8 vacancy; (3) change the type specifications from fractions of
9 inches to point size; (4) strikes the requirement that ballot
10 paper be white because some voting systems use off-white card
11 stock.

12 Iowa Code section 49.73 is amended to increase from 3,500
13 to 10,000 the maximum population of cities in which the polls
14 may open at 12:00 noon, instead of 7:00 a.m. for city
15 elections. This will affect 66 cities.

16 Iowa Code section 49.92 updates the voting mark
17 descriptions and targets to account for the use of a voting
18 system other than the paper ballot system.

19 Iowa Code section 49.93, relating to the number of votes
20 allowed for each office, is reworded.

21 Iowa Code sections 49.94 and 49.95 are amended to change
22 voting target description and voting mark description to
23 include variations allowed by optical scan voting systems.
24 Portions of sections 49.94 and 49.95, relating to straight
25 ticket marking and voting only part of a ticket, respectively,
26 are reworded.

27 Iowa Code sections 49.96 and 49.97, relating to voting for
28 offices with more than one person to be elected and marking a
29 mixed ticket, respectively, are reworded.

30 Iowa Code section 49.98, relating to the instructions for
31 counting ballots; section 49.99, relating to write-in votes;
32 and section 49.100, relating to replacing spoiled ballots, are
33 reworded.

34 Iowa Code section 50.13 is amended to remove the
35 requirement that representatives of the political parties

1 attend the destruction of ballots.

2 Iowa Code section 50.48 is amended to allow the envelope
3 containing ballots counted without the unanimous agreement of
4 the precinct election officials to be delivered to the recount
5 board. The function of recounts is to reexamine the
6 tabulation of votes at an election. Currently these ballots
7 are returned to the auditor as "disputed ballots". The
8 proposed amendment also requires that the tabulating program
9 used on election day be used in the recount.

10 Iowa Code section 52.10 is amended to provide that lists of
11 candidates of a political party or nonparty political
12 organization may be arranged in horizontal rows or vertical
13 columns if necessary to meet the physical requirements of the
14 voting machine used.

15 Iowa Code section 52.12 is amended to require that voting
16 machines have a single lever or switch to make a straight
17 party vote.

18 Iowa Code section 52.33 is amended to require the absentee
19 and special precinct board to follow the same procedure as the
20 central count resolution board when tabulating optical scan
21 ballots. This permits the board to make a duplicate of a
22 damaged or unreadable ballot and include the duplicate ballot
23 in the machine count.

24 Iowa Code section 52.35, and by reference section 52.38,
25 are amended to eliminate the requirement that voting equipment
26 test results be certified to the secretary of state.

27 Iowa Code section 52.36 is amended to require resolution
28 boards to divide into two-person bipartisan teams. Resolution
29 boards tabulate write-in votes and decide questions regarding
30 ballots which cannot be tabulated by the machine. Resolution
31 boards are currently required to divide into teams of three
32 people.

33 Section 52.37, relating to tabulation of electronic voting
34 system ballots, allows the commissioner of elections to
35 instruct the resolution board to mark over voters' marks

1 unreadable by the machine, if possible, or to duplicate the
2 ballot.

3 Iowa Code section 52.38 is amended to eliminate the
4 requirement that portable tabulating devices be tested at the
5 polling place where they are to be used.

6 Iowa Code section 52.40 is amended to allow precinct
7 election officials to seal the ballot box at early ballot
8 pick-up sites at a convenient time and to open a second ballot
9 box when it is convenient. The early pick-up officers would
10 no longer be required to do these tasks.

11 Iowa Code section 53.2 is amended to prohibit mailing an
12 application for an absentee ballot to an address other than
13 the county auditor or to an address designated by the auditor.

14 Iowa Code section 53.19 is amended to allow voters to
15 surrender marked or unmarked absentee ballots on election day
16 and vote unchallenged at the polls.

17 Currently no statutory provision exists for contesting a
18 special election to fill a vacancy in the general assembly.
19 The proposed amendment to Iowa Code section 59.1 adds a method
20 for contesting the outcome of a special election while the
21 general assembly is in session. The contestant would file a
22 notice of contest with the speaker of the house of
23 representatives or with the president of the senate, as
24 appropriate, not more than 20 days after the canvass of votes.

25 Iowa Code sections 62.1 and 62.2 are amended to change the
26 contest court chairperson from the chairperson of the county
27 board of supervisors to a third person mutually agreed to by
28 the judges selected by the incumbent and the contestant.

29 Iowa Code section 62.9 is amended to strike the limitation
30 that the contest court may not begin for at least 20 days
31 after the election.

32 Iowa Code sections 69.14A and 372.13 are amended to strike
33 the words "whichever is later" from the description of the
34 filing period for a petition requesting a special election to
35 fill a vacancy on the county board of supervisors. The

1 appointment will always be later than the publication of the
2 notice of intent to appoint.

3 Section 69.14A is also amended to change the notice of
4 election to fill a vacancy from 30 to 32 days, to be
5 consistent with other special election notice requirements.
6 Thirty days before a Tuesday election always falls on a
7 Sunday. This amendment moves the deadline back to the
8 preceding Friday.

9 Iowa Code section 277.4 is amended to specify the minimum
10 signature requirements for school board candidates.

11 Iowa Code section 278.1 prescribes the procedure for
12 changing the method of school elections which is similar to
13 sections 275.35 and 275.36, except for petition filing
14 deadlines and the thoroughness of the procedures. The more
15 thorough language of sections 275.35 and 275.36 has been
16 retained. The provision in section 278.1, subsection 8,
17 allowing voters to redraw the director district boundaries at
18 an election is stricken. Director district boundaries are
19 drawn after the census on the basis of population.

20 Iowa Code section 372.2 is amended to specify the timing of
21 a city special election date. The amendment requires
22 publication of intent to hold a special election on adoption
23 of another form of government and notice that citizens may
24 petition for appointment of a home rule charter commission,
25 thereby delaying the election on adoption of another form of
26 government.

27 Iowa Code section 372.3 is amended to establish a deadline
28 for filing a petition for appointment of a home rule charter
29 commission. Filing this petition will stay a special election
30 on adoption of another form of government. Currently no
31 deadline for filing the petition is prescribed.

32 Iowa Code section 376.10 is amended to change the contest
33 court chairperson for city elections from the mayor to a third
34 person mutually agreed to by the judges selected by the
35 incumbent and the contestant.

1 New Iowa Code section 39.1A and amendments to Iowa Code
2 sections 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25,
3 49.54, 50.48, 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19,
4 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 take effect upon
5 enactment.

6 BACKGROUND STATEMENT

7 SUBMITTED BY THE AGENCY

8 This proposal includes a variety of changes to the Election
9 Laws of Iowa. The changes are needed to correct
10 inconsistencies in the Code and to resolve issues that are not
11 clearly addressed. Some changes are purely technical or
12 editorial, and others are procedural changes needed to include
13 current election practices in the Code or to improve
14 efficiency in the conduct of elections.

15 The most significant procedural changes are to the ballot
16 preparation sections of chapter 49. The ballot design
17 presented by the Code is used in only a few counties. It
18 requires the use of large, expensive ballots. The office
19 block ballot style proposed here will reduce the physical size
20 of paper ballots and make them easier for voters to read. It
21 will provide statutory guidance for the preparation of ballots
22 for most of Iowa's counties. This change includes in the Code
23 ballot preparation and printing procedures for the type of
24 ballot now used in more than 65 Iowa counties. The Code does
25 not currently provide any direct guidance in the preparation
26 of this kind of ballot.

27 New Iowa Code section 39.1A is added to prohibit county
28 auditors from conducting elections which are not specifically
29 authorized or required by state law. A growing number of
30 requests are being received by county auditors to conduct
31 elections which are not specifically authorized or required by
32 state law. Some auditors have been asked to hold
33 unauthorized, nonbinding elections in conjunction with
34 scheduled, official elections. Although the Code does not
35 currently forbid this practice, our advice from the attorney

1 general's office is that these elections should not be held.
2 County attorneys have not agreed with one another on how the
3 auditors receiving these requests should proceed. Unofficial
4 elections can confuse the voters and dilute the significance
5 of the election process.

6 New Iowa Code section 39.26 provides that filings
7 pertaining to an election, the deadline for which falls on a
8 day the county or state commissioner of elections office is
9 closed, shall be filed on the next day that the office of
10 county or state commissioner is open to receive the filing.

11 For clarity, an indirect internal reference contained in
12 Iowa Code section 43.67, which provides for the right to a
13 place on the ballot of nominees for federal, state, and county
14 office, is stricken and the direct references to the relevant
15 sections are inserted.

16 The Iowa Code sections regarding the authority to determine
17 the sequence of political party names on the ballot appear to
18 conflict and are the source of much confusion. This amendment
19 to Iowa Code section 43.73 removes language which seems to
20 give the secretary of state the authority to prescribe party
21 order; another Code section gives that authority to the county
22 auditors.

23 Iowa Code sections 43.88 and 44.4 are amended to change the
24 candidate filing deadline for special elections held to fill
25 vacancies in county offices from 20 to 25 days before the
26 election to allow more time to print ballots.

27 Iowa Code section 43.116 is amended to add a provision to
28 specify a method for partisan nominations for special city
29 elections to fill vacancies in offices in special charter
30 cities. The recommended change, nomination by convention,
31 parallels similar provisions for other partisan special
32 elections.

33 Iowa Code section 47.5 is amended to strike the requirement
34 that bid specifications be filed with the state commissioner
35 of elections. These records are very rarely consulted and are

1 available in the counties where the bids are let.

2 Iowa Code section 47.6 is amended to require that notice of
3 a special election that will be held in conjunction with a
4 previously scheduled special election (such as an election to
5 fill a vacancy in an elective city office) be given not later
6 than the last day to file nomination papers. This will make
7 it easier to print ballots in a timely way.

8 Iowa Code section 48A.22 is amended to strike the
9 requirement that the secretary of state sell voter
10 registration forms and that they be sold at the cost of
11 production. The amended language requires the secretary of
12 state to provide registration forms, without specifying the
13 kind.

14 The National Voter Registration Act (NVRA) is a federal law
15 which became effective January 1, 1995. NVRA requires mailing
16 of some specific documents, but does not specifically require
17 that they be sent by first class mail. Iowa Code sections
18 48A.26 through 48A.29 are amended to strike the first class
19 mailing requirement. This change would allow county
20 commissioners to make arrangements with the post office for
21 first class service at third class rates, where possible.
22 NVRA mailings include

- 23 1. Acknowledgement of registration form: 48A.26(1)
- 24 2. Notices in relation to the national change of address
25 program: 48A.27(4) and 48A.28 (2-3)
- 26 3. Return of confirmation card: 48A.29

27 Iowa Code section 48A.27 is also amended to eliminate the
28 requirement that a mail registration form be provided to
29 people who have moved from one county to another within Iowa.

30 Iowa Code section 49.13 is amended to permit the auditor to
31 appoint two people of different political parties to serve as
32 co-chairpersons of the precinct election board. The amendment
33 also makes editorial changes for improved clarity.

34 Precinct election officials are appointed to represent
35 their respective political parties. Occasionally an official

1 will change political party affiliation for the primary
2 election. This can jeopardize the balance of political
3 representation at the polls on primary election day. The
4 proposed amendment to Iowa Code section 49.16 would prohibit
5 an official who has changed party affiliation from the party
6 which designated the official from working at the polls as a
7 designee of the party the official has abandoned.

8 Iowa Code section 49.25 is amended to require that the
9 ballot box be locked during the receiving of ballots, except
10 during early ballot pickup activities and when opened by the
11 counting board charged with tabulating votes in paper ballot
12 precincts during the hours when the polls are open. This
13 amendment also adds secrecy sleeves to the equipment needed at
14 the polls. Secrecy sleeves are needed for use with machine-
15 read ballots that cannot be folded to conceal the voter's
16 marks.

17 Iowa Code sections 49.26, 49.27, 49.29, 49.30, 49.31,
18 49.33, 49.35, 49.37, 49.42, 49.43, 49.44, 49.45, 49.46, 49.47,
19 49.57, 49.94 - 49.99, 52.10, and 52.12 relate to ballot
20 format. Amendments to these sections change the standard
21 ballot format from party column style to office block style.
22 Lever voting machines would still use the party column style
23 ballot. There are no more than six counties in Iowa that
24 still use the party column form of paper ballot prescribed in
25 chapter 49, which has been changed only slightly since 1892.
26 Automatic voting machines are laid out in party column style,
27 but the use of these machines has dwindled from a high of 75
28 or 80 counties to 28. A majority of the counties now use
29 voting systems which are laid out in office block style.
30 Auditors in paper ballot counties support this change; it will
31 save significant amounts of money in ballot printing and
32 publication costs.

33 The amendments also change voting target description and
34 voting mark descriptions to include variations by optical scan
35 voting systems.

1 Iowa Code section 49.29 is incorporated into section 49.26,
2 and section 49.26, which relates to ballot marking
3 instructions, is reworded to permit the use of mark-sense
4 style ballots, even if they will be counted by hand. Some
5 elections are so small and so simple that the most economical
6 method for counting the results is by hand. However, in
7 counties where voters are accustomed to special paper ballots,
8 auditors prefer to use the same style of ballot and
9 instructions even if the ballots will not be counted by a
10 machine. Changing the instructions to the method for marking
11 a hand-counted paper ballot (making an X or checkmark) can be
12 confusing for voters.

13 Iowa Code section 49.27 has been incorporated into section
14 49.30. All information about what can be placed upon a
15 separate ballot is now in a single Code section. It is
16 organized according to the three general types of voting
17 equipment used in Iowa and specifies the circumstances under
18 which separate ballots may be used for each type of voting
19 equipment. The amendment to Code section 49.30 adds to the
20 list of offices that may be printed on a separate paper ballot
21 in voting machine precincts all nonpartisan offices listed in
22 Iowa Code section 39.21 (regional library trustees, county
23 public hospital trustees, soil and water district conservation
24 commissioners, and county agricultural extension councils).
25 If there are large numbers of candidates for any of these
26 offices, it can be very difficult to fit them all on the
27 machine. The amendment also allows separate paper ballots in
28 precincts that incorporate more than one township if any of
29 the townships elects its township officers.

30 Iowa Code section 49.31, relating to the arrangement of
31 names on the ballot, is amended to provide that the names of
32 candidates shall be listed below the title of the office, and,
33 for partisan offices, above the name of the political party or
34 nonparty political organization which nominated the candidate.
35 The amendment makes clear that the county commissioner shall

1 determine the order of political parties and nonparty
2 political organizations on the ballot and that each ballot
3 used in the county shall be identical.

4 Iowa Code section 49.33 is amended to revise the
5 description of the space where the voter indicates a choice
6 for paired offices and provides that write-in votes will no
7 longer be tabulated separately for the offices of president
8 and vice president, and governor and lieutenant governor.

9 Iowa Code section 49.35, relating to the order of arranging
10 tickets on the ballot, is amended to pertain to lever voting
11 machine ballots only.

12 Iowa Code section 49.37 is amended to require that the
13 first section of partisan ballots be reserved for straight
14 party voting, then political parties or nonparty political
15 organizations which have nominated candidates for more than
16 one office, then political parties or organizations which have
17 nominated candidates for only one office. The amendment also
18 requires that the ballot shall contain instructions for
19 straight party voting.

20 New section 49.42A is enacted to prescribe the form for
21 general election ballots.

22 Iowa Code section 49.43 is amended to provide that, if
23 possible, all public measures and constitutional amendments
24 shall be placed on a single special paper ballot. The special
25 ballot shall also include all offices to be voted upon.

26 Iowa Code section 49.44 is amended to require that a
27 summary of a proposed constitutional amendment or other public
28 measure be placed on the ballot immediately before the full
29 text of the amendment or measure on special paper ballots. If
30 the full text of the amendment or measure will not fit on the
31 ballot, it shall be posted inside the voting booth and
32 included with absentee ballots.

33 Iowa Code section 49.45 is amended to more specifically
34 prescribe the general form of ballots containing
35 constitutional amendments or other public measures.

1 Iowa Code section 49.46, relating to marking ballots on
2 public measures, is amended to provide for making the
3 appropriate mark on paper ballots.

4 Iowa Code section 49.47, relating to the notice, or voting
5 instructions, for ballots containing a constitutional
6 amendment or public measure is amended to apply to paper
7 ballots and allows the notice to be adapted, where
8 appropriate.

9 Iowa Code section 49.54 is amended to set the maximum cost
10 of publishing the official notice of an election, including
11 the sample ballot, at the cost for other legal publications.

12 Iowa Code section 49.57 is amended to do the following:
13 (1) provide for the inclusion of party names with the names of
14 candidates in the new office block ballot plan; (2) add to the
15 ballot preparation instructions a requirement that office
16 titles indicate if an office appears on the ballot to fill a
17 vacancy; (3) change the type specifications from fractions of
18 inches to point size; (4) strikes the requirement that ballot
19 paper be white because some voting systems use off-white card
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22 to 10,000 the maximum population of cities in which the polls
23 may open at 12:00 noon, instead of 7:00 a.m. for city
24 elections. This will affect 66 cities.

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26 allowed for each office, is reworded.

27 Iowa Code sections 49.94 and 49.95 are amended to change
28 voting target description and voting mark description to
29 include variations allowed by optical scan voting systems.
30 Portions of sections 49.94 and 49.95, relating to straight
31 ticket marking and voting only part of a ticket, respectively,
32 are reworded.

33 Iowa Code sections 49.96 and 49.97, relating to voting for
34 offices with more than one person to be elected and marking a
35 mixed ticket, respectively, are reworded.

1 Iowa Code section 49.98, relating to the instructions for
2 counting ballots; section 49.99, relating to write-in votes;
3 and section 49.100, relating to replacing spoiled ballots, are
4 reworded.

5 Iowa Code section 50.13 is amended to remove the
6 requirement that representatives of the political parties
7 attend the destruction of ballots. The requirement is a
8 difficult one for counties to fulfill. We propose inviting
9 representatives from the political parties, but not requiring
10 their attendance.

11 The function of recounts is to reexamine the tabulation of
12 votes at an election. The prescription for what can be
13 examined in a recount does not now specifically mention
14 ballots which were counted without unanimous agreement of the
15 precinct election officials. Currently, these ballots are
16 separated in the counting process with other problem ballots
17 and are returned to the auditor in a sealed envelope marked
18 "Disputed ballots". Iowa Code section 50.48 is amended to
19 allow the envelope containing ballots counted without the
20 unanimous agreement of the precinct election officials to be
21 delivered to the recount board because it includes ballots
22 which were counted. The proposed amendment also requires that
23 programming used on election day be used in the recount.

24 Iowa Code section 52.10 is amended to provide that lists of
25 candidates of a political party or nonparty political
26 organization may be arranged in horizontal rows or vertical
27 columns if necessary to meet the physical requirements of the
28 voting machine used.

29 Iowa Code section 52.12 is amended to require that voting
30 machines have a single lever or switch to make a straight
31 party vote.

32 Iowa Code section 52.33 is amended to require the absentee
33 and special precinct board to follow the same procedure as the
34 central count resolution board when tabulating optical scan
35 ballots. This permits the board to make a duplicate of a

1 damaged or unreadable ballot and include the duplicate ballot
2 in the machine count.

3 Iowa Code section 52.35, and by reference section 52.38,
4 are amended to eliminate the requirement that voting equipment
5 test results be certified to the secretary of state.

6 Iowa Code section 52.36 is amended to require resolution
7 boards to divide into two-person bipartisan teams. Resolution
8 boards tabulate write-in votes and decide questions regarding
9 ballots which cannot be tabulated by the machine. Resolution
10 boards are currently required to divide into teams of three
11 people. Some counties consider this an inefficient use of
12 people. The third person is needed as a tie-breaker. When
13 the members of a team are unable to agree on how to count a
14 ballot, a third person from another team can be called upon to
15 resolve the dispute.

16 Section 52.37, relating to tabulation of electronic voting
17 system ballots, allows the commissioner of elections to
18 instruct the resolution board to mark over voters' marks
19 unreadable by the machine, if possible, or to duplicate the
20 ballot.

21 Iowa Code section 53.28 is amended to eliminate the
22 requirement that portable tabulating devices be tested at the
23 polling place where they are to be used.

24 In precincts where early ballot pickup has been used in
25 very busy elections, the arrival of the team to remove the
26 voted ballots and replace the ballot box completely stops
27 voting activities while the number of voters to that time is
28 certified, the ballot box in use is sealed, and the new ballot
29 box is determined to be empty. Iowa Code section 52.40 is
30 amended to allow the precinct election officials to seal the
31 ballot box at a convenient time and to open a second ballot
32 box when it is convenient. The precinct election officials
33 would have the required paperwork ready when the ballot
34 couriers arrive. This change is intended to improve
35 efficiency in the polling place.

1 Iowa Code section 53.2 is amended to prohibit mailing an
2 application for an absentee ballot to an address other than
3 the county auditor or to an address designated by the auditor.
4 This is intended to keep candidates from intercepting absentee
5 ballot requests and to avoid the resulting delays.

6 Iowa Code section 53.19 is amended to allow voters to
7 surrender marked or unmarked absentee ballots on election day
8 and be allowed to vote unchallenged at the polls.

9 There is no provision for contesting a special election to
10 fill a vacancy in the general assembly. The proposed
11 amendment to Iowa Code section 59.1 adds a method for
12 contesting the outcome of a special election while the general
13 assembly is in session. The contestant would file a notice of
14 contest with the speaker of the house of representatives or
15 the president of the senate, as appropriate, not more than 20
16 days after the canvass of votes.

17 Iowa Code sections 62.1 and 62.2 are amended to change the
18 contest court chairperson from the chairperson of the county
19 board of supervisors to a third person mutually agreed to by
20 the judges selected by the incumbent and the contestant.

21 Iowa Code section 62.9 is amended to strike the limitation
22 "nor less than twenty days" for the beginning of the contest
23 court. If all parties are ready, they should be able to
24 begin.

25 Iowa Code sections 69.14A and 372.13 are amended to strike
26 the words "whichever is later" from the description of the
27 filing period for a petition requesting a special election to
28 fill a vacancy on the county board of supervisors. The
29 appointment will always be later than the publication of the
30 notice of intent to appoint.

31 Section 69.14A is also amended to change the notice of
32 election to fill a vacancy from 30 days to 32, to be
33 consistent with other special election notice requirements.
34 Thirty days before a Tuesday election always falls on a
35 Sunday. This amendment moves the deadline back to the

1 preceding Friday.

2 Iowa Code section 277.4 is amended to clarify the signature
3 requirements for school board candidates.

4 Iowa Code section 278.1 prescribes the method for changing
5 the method of school elections which is similar to sections
6 275.35 and 275.36. There are differences in the two sections
7 in the filing deadline for petitions and in thoroughness of
8 the procedures. The more thorough language of sections 275.35
9 and 275.36 has been retained. The provision in section 278.1,
10 subsection 8, that the voters can redraw the director district
11 boundaries at an election has been repealed. Director
12 district boundaries are drawn after the census on the basis of
13 population. These boundaries should not be redrawn in a
14 political process.

15 Iowa Code section 372.2 is amended to clarify the timing of
16 a city special election date. The amendment requires
17 publication of intent to hold a special election on adoption
18 of another form of government and notice that citizens may
19 petition for appointment of a home rule charter commission,
20 thereby delaying the election on adoption of another form of
21 government.

22 Iowa Code section 372.3 is amended to establish a deadline
23 for filing a petition for appointment of a special charter
24 commission. Filing this petition will stay a special election
25 on adoption of another form of government. Currently no
26 deadline for filing the petition is prescribed.

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28 court chairperson for city elections from the mayor to a third
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