

" " Do Pass
5-4/13/95 unfinished
Business Calendar

MAR 20 1995

Place On Calendar

HOUSE FILE 494

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 298)

Passed House, Date ^(P.1305) 4-6-95

Passed Senate, Date ^(P.1610) 5/3/95

Vote: Ayes 95 Nays 0

Vote: Ayes 50 Nays 0

^(P.2281) Approved May 24, 1995
~~Passed 5-3-95~~
~~Vote 94-0~~

A BILL FOR

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

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

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HOUSE FILE 494

H-3384

- 1 Amend House File 494 as follows:
- 2 1. Page 11, by striking lines 9 through 14.
- 3 2. By renumbering as necessary.

By JACOBS of Polk

H-3384 FILED MARCH 21, 1995

WITHDRAWN 4-6-95 (P.1305)

HF 494

1 Section 1. Section 43.49, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. The votes of all write-in candidates
4 who each received less than two percent of the votes cast for
5 an office reported collectively under the heading
6 "scattering".

7 Sec. 2. Section 43.53, Code 1995, is amended to read as
8 follows:

9 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
10 CANDIDATES.

11 The nominee of each political party for any office to be
12 filled by the voters of any township or other political
13 subdivision within the county shall be the person receiving
14 the highest number of votes cast in the primary election by
15 the voters of that party for the office ~~and that.~~ That person
16 shall appear as the party's candidate for the office on the
17 general election ballot. A person whose name is not printed
18 on the official primary ballot shall not be declared nominated
19 as a candidate for such office in the general election unless
20 that person receives ~~the-greater-of~~ at least five votes ~~or-a~~
21 ~~number-of-votes-equal-to-at-least-five-percent-of-the-votes~~
22 ~~cast-in-the-subdivision-at-the-last-preceding-general-election~~
23 ~~for-the-party's-candidate-for-president-of-the-United-States~~
24 ~~or-for-governor,--as-the-case-may-be.~~ Nomination of a
25 candidate for the office of county supervisor elected from a
26 district within the county shall be governed by section 43.52
27 and not by this section.

28 Sec. 3. Section 43.63, Code 1995, is amended by striking
29 the section and inserting in lieu thereof the following:

30 43.63 CANVASS BY STATE BOARD.

31 Upon receipt of the abstracts of votes from the counties,
32 the secretary of state shall immediately open the envelopes
33 and canvass the results for all offices. The secretary of
34 state shall invite to attend the canvass one representative
35 from each political party which, at the last preceding general

1 election, cast for its candidate for president of the United
2 States or for governor, as the case may be, at least two
3 percent of the total vote cast for all candidates for that
4 office at that election, as determined by the secretary of
5 state. The secretary of state shall notify the chairperson of
6 each political party of the time of the canvass. However, the
7 presence of a representative from a political party is not
8 necessary for the canvass to proceed.

9 Not later than the twenty-seventh day after the primary
10 election, the secretary of state shall present to the state
11 board of canvassers abstracts showing the number of ballots
12 cast by each political party for each office and a summary of
13 the results for each office, showing the votes cast in each
14 county. The state board of canvassers shall review the
15 results compiled by the secretary of state and, if the results
16 are accurately tabulated, the state board shall approve the
17 canvass.

18 Sec. 4. Section 43.88, unnumbered paragraph 2, Code 1995,
19 is amended to read as follows:

20 Nominations made to fill vacancies at a special election
21 shall be certified to the proper official not less than twenty
22 days prior to the date set for the special election. In the
23 event the special election is to fill a vacancy in the general
24 assembly while it is in session or within forty-five days of
25 the convening of any session, the ~~time-limit-herein-provided~~
26 nomination shall not-apply be certified not less than fourteen
27 days before the date of the special election.

28 Sec. 5. Section 44.4, unnumbered paragraph 1, Code 1995,
29 is amended to read as follows:

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

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

17 Sec. 6. Section 48A.19, subsection 1, paragraph c, Code
18 1995, is amended to read as follows:

19 c. Other federal and-state agencies designated to provide
20 voter registration services ~~include, including, but are not~~
21 limited to, the United States armed forces recruiting offices.

22 Sec. 7. Section 49.66, Code 1995, is amended to read as
23 follows:

24 49.66 RESERVE SUPPLY OF BALLOTS.

25 The commissioner shall provide and retain at the
26 commissioner's office an ample supply of ballots, in addition
27 to those distributed to the several voting precincts, ~~and-if,~~
28 If at any time the ballots furnished to any precinct shall be
29 lost, destroyed, or if the chairperson of the precinct
30 election officials determines that the supply of ballots will
31 be exhausted before the polls are closed, on-written
32 application, signed-by-a-majority-of the chairperson of the
33 precinct election officials of such the precinct, or-signed
34 and-sworn-to-by-one-of-such-officials, the shall immediately
35 contact the commissioner by telephone. If no telephone is

1 available, a messenger shall be sent to the commissioner with
2 a written application for additional ballots. The application
3 shall be signed by a majority of the precinct election
4 officials. The commissioner shall keep written records of all
5 requests for additional ballots and shall immediately cause to
6 be delivered to ~~such~~ the officials, at the polling place, such
7 additional supply of ballots as may be required, and
8 sufficient to comply with the provisions of this chapter.

9 Sec. 8. Section 49.67, Code 1995, is amended by striking
10 the section and inserting in lieu thereof the following:

11 49.67 FORM OF RESERVE SUPPLY.

12 The number of reserve ballots for each precinct shall be
13 determined by the commissioner.

14 If necessary, the commissioner or the commissioner's
15 designee may make photocopies of official ballots to replace
16 or replenish ballot supplies. The commissioner shall keep a
17 record of the number of photocopied ballots made for each
18 precinct, the name of the person who made the photocopies, and
19 the date, time, and location at which the photocopies were
20 made. These records shall be made on forms and following
21 procedures prescribed by the secretary of state by
22 administrative rule.

23 In any precinct where photocopied ballots are used, each
24 photocopied ballot shall be initialed as required by section
25 49.82 by two precinct officials immediately before being
26 issued to the voter. In partisan elections the two precinct
27 officials shall be of different political parties.

28 Sec. 9. Section 50.24, unnumbered paragraph 1, Code 1995,
29 is amended to read as follows:

30 The county board of supervisors shall meet to canvass the
31 vote on the first Monday or Tuesday after the day of each
32 election to which this chapter is applicable, unless the law
33 authorizing the election specifies another date for the
34 canvass. If that Monday or Tuesday is a public holiday,
35 section 4.1, subsection 34 controls. Upon convening, the

1 board shall open and canvass the tally lists and shall prepare
2 abstracts stating, in words written at length, the number of
3 votes cast in the county, or in that portion of the county in
4 which the election was held, for each office and on each
5 question on the ballot for the election. The board shall
6 contact the chairperson of the special precinct board before
7 adjourning and include in the canvass any absentee ballots
8 which were received after the polls closed in accordance with
9 section 53.17 and which were canvassed by the special precinct
10 board after election day. The abstract shall further indicate
11 the name of each person who received votes for each office on
12 the ballot, and the number of votes each person named received
13 for that office, and the number of votes for and against each
14 question submitted to the voters at the election. The votes
15 of all write-in candidates who each received less than two
16 percent of the votes cast for an office shall be reported
17 collectively under the heading "scattering".

18 Sec. 10. Section 50.36, Code 1995, is amended by striking
19 the section and inserting in lieu thereof the following:

20 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

21 The secretary of state, upon receipt of the envelopes
22 containing the abstracts of votes, shall open and canvass the
23 abstracts for all offices except governor and lieutenant
24 governor.

25 The secretary of state shall invite to attend the canvass
26 one representative from each political party which, at the
27 last preceding general election, cast for its candidate for
28 president of the United States or for governor, as the case
29 may be, at least two percent of the total vote cast for all
30 candidates for that office at that election, as determined by
31 the secretary of state. The secretary of state shall notify
32 the chairperson of each political party of the time of the
33 canvass. However, the presence of a representative from a
34 political party is not necessary for the canvass to proceed.

35 Sec. 11. Section 50.37, Code 1995, is amended to read as

1 follows:

2 50.37 STATE CANVASSING BOARD.

3 The executive council shall constitute a board of
4 canvassers of all abstracts of votes required to be filed with
5 the state commissioner, except for the offices of governor and
6 lieutenant governor. ~~No member of such board shall take part~~
7 ~~in canvassing the votes for an office for which the member is~~
8 ~~a candidate.~~ Any clerical error found by the secretary of
9 state or state board of canvassers shall be corrected by the
10 county commissioner in a letter addressed to the state board
11 of canvassers.

12 Sec. 12. Section 50.38, Code 1995, is amended by striking
13 the section and inserting in lieu thereof the following:

14 50.38 TIME OF STATE CANVASS.

15 Not later than twenty-seven days after the day of the
16 election, the secretary of state shall present to the board of
17 state canvassers abstracts of votes cast at the election
18 showing the number of ballots cast for each office and a
19 summary of the results for each office, showing the votes cast
20 in each county. The state board of canvassers shall review
21 the results compiled by the secretary of state and, if the
22 results are accurately tabulated, the state board shall
23 approve the canvass.

24 Sec. 13. NEW SECTION. 50.49 RECOUNTS FOR PUBLIC
25 MEASURES.

26 A recount for any public measure shall be ordered by the
27 board of canvassers if a petition requesting a recount is
28 filed with the county commissioner not later than three days
29 after the completion of the canvass of votes for the election
30 at which the question appeared on the ballot. The petition
31 shall be signed by the greater of not less than ten eligible
32 electors or a number of eligible electors equaling one percent
33 of the total number of votes cast upon the public measure.
34 Each petitioner must be a person who was entitled to vote on
35 the public measure in question or would have been so entitled

1 if registered to vote.

2 The recount shall be conducted by a board which shall
3 consist of:

4 1. A designee named in the petition requesting the
5 recount.

6 2. A designee named by the commissioner at or before the
7 time the board is required to convene.

8 3. A person chosen jointly by the members designated under
9 subsections 1 and 2.

10 The commissioner shall convene the persons designated under
11 subsections 1 and 2 not later than nine a.m. on the seventh
12 day following the canvass of the election in question. If
13 those two members cannot agree on the third member by eight
14 a.m. on the ninth day following the canvass, they shall
15 immediately notify the chief judge of the judicial district in
16 which the canvass is occurring, who shall appoint the third
17 member not later than five p.m. on the eleventh day following
18 the canvass.

19 The petitioners requesting the recount shall post a bond as
20 required by section 50.48, subsection 2. The amount of the
21 bond shall be one thousand dollars for a public measure
22 appearing on the ballot statewide or one hundred dollars for
23 any other public measure. If the difference between the
24 affirmative and negative votes cast on the public measure is
25 less than the greater of fifty votes or one percent of the
26 total number of votes cast for and against the question, a
27 bond is not required.

28 The procedure for the recount shall follow the provisions
29 of section 50.48, subsections 4 through 7, as far as possible.

30 Sec. 14. Section 53.23, subsection 4, Code 1995, is
31 amended to read as follows:

32 4. The room where members of the special precinct election
33 board are engaged in counting absentee ballots during the
34 hours the polls are open shall be policed so as to prevent any
35 person other than those whose presence is authorized by this

1 subsection from obtaining information about the progress of
2 the count. The only persons who may be admitted to that room
3 are the members of the board, one challenger representing each
4 political party, one observer representing any nonparty
5 political organization or any candidate nominated by petition
6 pursuant to chapter 45 or any other nonpartisan candidate in a
7 city or school election appearing on the ballot of the
8 election in progress, one observer representing persons
9 supporting a public measure appearing on the ballot and one
10 observer representing persons opposed to such measure, and the
11 commissioner or the commissioner's designee. It shall be
12 unlawful for any of these persons to communicate or attempt to
13 communicate, directly or indirectly, information regarding the
14 progress of the count at any time before the polls are closed.
15 Sec. 15. Section 69.14, Code 1995, is amended to read as
16 follows:

17 69.14 SPECIAL ELECTION TO FILL VACANCIES.

18 A special election to fill a vacancy shall be held for a
19 representative in Congress, or senator or representative in
20 the general assembly, when the body in which such vacancy
21 exists is in session, or will convene prior to the next
22 general election, and the governor shall order, not later than
23 five days from the date the vacancy exists, a special
24 election, giving not less than forty days' notice of such
25 election. In the event the special election is to fill a
26 vacancy in the general assembly while it is in session or
27 within forty-five days of the convening of any session, the
28 time limit ~~herein~~ provided in this section shall not apply and
29 the governor shall order such special election at the earliest
30 practical time, giving at least ~~ten~~ eighteen days' notice
31 thereof of the special election. Any special election called
32 under this section must be held on a Tuesday and shall not be
33 held on the same day as a school election within the district.

34 Sec. 16. Section 275.23A, subsection 1, Code 1995, is
35 amended to read as follows:

- 1 1. School districts which have directors who represent
2 director districts as provided in section 275.12, subsection
3 2, paragraphs "b", "c", "d", and "e", shall be divided into
4 director districts according to the following standards:
- 5 a. All director district boundaries shall follow the
6 precinct boundaries of areas for which official population
7 figures are available from the most recent federal decennial
8 census and, wherever possible, shall follow precinct
9 boundaries.
- 10 b. To the extent possible in order to comply with
11 paragraph "a", all director districts shall be as nearly equal
12 as practicable to the ideal population for the districts as
13 determined by dividing the number of districts to be
14 established into the population of the school district.
- 15 c. All districts shall be composed of contiguous territory
16 as compact as practicable unless the school district is
17 composed of marginally adjacent territory. A school district
18 which is composed of marginally adjacent territory shall have
19 director districts composed of contiguous territory to the
20 extent practicable.
- 21 d. Consideration shall not be given to the addresses of
22 incumbent officeholders, political affiliations of registered
23 voters, previous election results, or demographic information
24 other than population head counts, except as required by the
25 Constitution and the laws of the United States.
- 26 e. Cities shall not be divided into two or more districts
27 unless the population of the city is greater than the ideal
28 size of a director district. Cities shall be divided into the
29 smallest number of director districts possible.
- 30 Sec. 17. Section 277.4, unnumbered paragraph 2, Code 1995,
31 is amended to read as follows:
- 32 Each candidate shall be nominated by petition. If the
33 candidate is running for an at-large seat in the district, the
34 petition must be signed by at least ten eligible electors, or
35 a number of eligible electors equal in number to not less than

1 one percent of the ~~qualified-electors~~ registered voters of the
2 school district or one-hundred-eligible-electors-of-the
3 ~~district, whichever is less~~. If the candidate is running for
4 a seat in which is voted for only by the voters of a director
5 district, the petition must be signed by at least ten eligible
6 electors of the director district or a number of eligible
7 electors equal in number to not less than one percent of the
8 ~~qualified-electors registered voters~~ in the director district
9 ~~or one-hundred-eligible-electors-in-the-district, whichever is~~
10 ~~less~~. A petition filed under this section shall not be
11 required to have more than one hundred signatures. Signers of
12 nomination petitions shall include their addresses and the
13 date of signing, and must reside in the same director district
14 as the candidate if directors are elected by the voters of a
15 director district, rather than at large. A person may sign
16 nomination petitions for more than one candidate for the same
17 office, and the signature is not invalid solely because the
18 person signed nomination petitions for one or more other
19 candidates for the office. The petition shall be filed with
20 the affidavit of the candidate being nominated, stating the
21 candidate's name, place of residence, that such person is a
22 candidate and is eligible for the office the candidate seeks,
23 and that if elected the candidate will qualify for the office.
24 The affidavit shall also state that the candidate is aware
25 that the candidate is disqualified from holding office if the
26 candidate has been convicted, and never pardoned, of a felony
27 or other infamous crime.

28 Sec. 18. Section 296.2, Code 1995, is amended to read as
29 follows:

30 296.2 PETITION FOR ELECTION.

31 Before indebtedness can be contracted in excess of one and
32 one-quarter percent of the assessed value of the taxable
33 property, a petition signed by ~~a-number~~ eligible electors
34 equal in number to twenty-five percent of those voting at the
35 last election of school officials shall be filed with the

1 president of the board of directors, asking that an election
2 be called, stating the amount of bonds proposed to be issued
3 and the purpose or purposes for which the indebtedness is to
4 be created, and that the purpose or purposes cannot be
5 accomplished within the limit of one and one-quarter percent
6 of the valuation. The petition may request the calling of an
7 election on one or more propositions and a proposition may
8 include one or more purposes.

9 Sec. 19. NEW SECTION. 376.12 QUESTIONS SUBMITTED TO CITY
10 ELECTORATE.

11 The question of expansion of an existing activity or
12 operation located within the corporate limits of a city shall
13 be submitted to only the voters of the city for approval by
14 referendum, any statutes to the contrary notwithstanding.

15 Sec. 20. Section 384.12, subsection 20, paragraph a, Code
16 1995, is amended to read as follows:

17 a. The election may be held as specified herein in this
18 subsection if notice is given by the city council, not later
19 than February-15 thirty-two days before the second Tuesday in
20 March, to the county commissioner of elections that the
21 election is to be held.

22 EXPLANATION

23 This bill makes numerous changes to the election laws.
24 Code sections 43.49 and 50.24 are amended to provide that
25 write-in votes constituting less than 2 percent of the vote
26 for an office shall be listed on the abstract of votes under
27 the heading "scattering".

28 Code section 43.53 is amended to allow for nomination for
29 any township office by write-in votes if the person receives
30 at least five votes.

31 Code sections 43.63 and 50.36 through 50.38 are amended to
32 require that tabulation of the county abstracts of votes
33 begins as soon as the abstracts are available from the
34 counties. Under present law, the tabulation is to begin
35 nearly two weeks after the primary election and three weeks

1 after the general election. Sections 43.63 and 50.36 are also
2 amended to allow one representative from each political party
3 to attend the canvass by the secretary of state.

4 Amendments to Code sections 43.88, 44.4, and 69.14 increase
5 the amount of time required for notice of a special election
6 to fill a vacancy in the general assembly while it is in
7 session or within 45 days of convening. The bill requires the
8 governor to give at least 18 days' notice of the election.
9 Present law requires the governor to give 10 days' notice.
10 The candidate filing deadline is changed from seven to 14 days
11 before the date of the election.

12 Code section 48A.19 is amended to delete the requirement
13 that the secretary of state designate state agencies as voter
14 registration agencies other than those agencies specifically
15 identified in the National Voter Registration Act.

16 Code section 49.66 is amended to require that precinct
17 election officials telephone the county auditor to request
18 additional ballots as soon as they believe that additional
19 ballots are needed. If no telephone is available, the
20 officials are required to send a written request for
21 additional ballots with a messenger.

22 Code section 49.67 is amended to allow the county auditor
23 to photocopy additional ballots if the supply of ballots is
24 insufficient. The bill also requires that two precinct
25 election officials initial the photocopied ballots voted in
26 partisan elections.

27 Code section 50.49 is created to allow persons to request a
28 recount of a public measure. Under present law, the only way
29 to obtain a recount for a public measure on the ballot is to
30 contest the election.

31 Code section 53.23 is amended to allow persons in favor of
32 a public measure on the ballot and persons opposed to the
33 measure to be observers allowed to be present at the counting
34 of the absentee ballots on the measure.

35 Code section 275.23A is amended to make two technical

1 corrections regarding the drawing of school director district
2 boundaries. The bill adds two types of school director
3 district plans to the list of plans required to comply with
4 standards for drawing boundaries. The bill also provides that
5 school director district boundaries follow census block lines
6 rather than the precinct boundaries of those areas which have
7 census block lines. An amendment to this section enacted by
8 the general assembly in 1994 omitted striking the word
9 "precinct".

10 Code section 277.4 is amended to change the number of
11 signatures of eligible electors required on a nomination
12 petition for a school district director board from a number
13 equal to not less than 1 percent of the number of registered
14 voters in the district to a number equal to not less than 1
15 percent of the number of registered voters in the district,
16 but at least 10.

17 Code section 296.2 amends the school corporation bond
18 issuance petition requirement to specify that the petition may
19 be signed by eligible electors.

20 New section 376.12 is created to provide that the question
21 of expansion of an activity or operation within the corporate
22 limits of a city shall be referred only to the voters of that
23 city.

24 Code section 384.12, subsection 20, is amended to require
25 that a city council give notice of a special election on the
26 question of whether to exceed the statutory property tax levy
27 limit at least 32 days before the date of the election, which
28 is held on the second Tuesday in March. Present law provides
29 that notice shall be given by February 15.

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HOUSE FILE 494

S-3606

- 1 Amend House File 494, as passed by the House, as
 2 follows:
 3 1. Page 7, by inserting after line 29 the
 4 following:
 5 "Sec. _____. Section 53.2, unnumbered paragraph 4,
 6 Code 1995, is amended to read as follows:
 7 ~~If the An~~ application is for a primary election
 8 ballot and ~~the request is for a ballot of which~~
 9 specifies a party different from that recorded on the
 10 registered voter's voter registration record, the
 11 requested ballot shall be mailed or given to the
 12 applicant together with a "Change or Declaration of
 13 Party Affiliation" form as prescribed in section
 14 43.42, to be completed by the registered voter at the
 15 time of voting. Upon receipt of the properly
 16 completed form, the shall be accepted as a change or
 17 declaration of party affiliation. The commissioner
 18 shall approve the change or declaration and enter a
 19 notation of the change on the registration records. A
 20 notice shall be sent with the ballot requested
 21 informing the voter that the voter's registration
 22 record will be changed to show that the voter is now
 23 affiliated with the party whose ballot the voter
 24 requested."
 25 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3606 FILED APRIL 27, 1995

ADOPTED

(P.1477)

HOUSE FILE 494

S-3607

- 1 Amend House File 494, as passed by the House, as
 2 follows:
 3 1. Page 11, by striking lines 9 through 14.
 4 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3607 FILED APRIL 27, 1995

DEFERRED

adopted
5.8.95 (p.1610)

HOUSE FILE 494

S-3608

- 1 Amend House File 494, as passed by the House, as
 2 follows:
 3 1. Page 3, by striking lines 17 through 21.
 4 2. By renumbering as necessary.

By ROD HALVORSON

S-3608 FILED APRIL 27, 1995

ADOPTED

(P.1477)

HOUSE FILE 494

S-3465

1 Amend House File 494, as passed by the House, as
2 follows:

3 1. Page 3, by inserting after line 16 the
4 following:

5 "Sec. ____ . Section 47.8, subsection 1, Code 1995,
6 is amended to read as follows:

7 1. ~~There-is-established-a~~ A state voter
8 registration commission is established which shall
9 meet at least quarterly to make and review policy,
10 adopt rules, and establish procedures to be followed
11 by the registrar in discharging the duties of that
12 office, and to promote interagency cooperation and
13 planning. The commission shall consist of the state
14 commissioner of elections or the state commissioner's
15 designee, and the state chairpersons of the two
16 political parties whose candidates for president of
17 the United States or governor, as the case may be,
18 received the greatest and next greatest number of
19 votes in the most recent general election, or their
20 respective designees, ~~who~~ and a county commissioner of
21 registration appointed by the president of the Iowa
22 state association of county auditors, or an employee
23 of the commissioner. The commission membership shall
24 be balanced by political party affiliation pursuant to
25 section 69.16. Members shall serve without additional
26 salary or reimbursement.

27 The state commissioner of elections, or the state
28 commissioner's designee, shall serve as chairperson of
29 the state voter registration commission.

30 Sec. ____ . Section 47.8, subsection 3, Code 1995,
31 is amended to read as follows:

32 3. The registrar shall provide staff services to
33 the commission and shall make available to it all
34 information relative to the activities of the
35 registrar's office in connection with the voter
36 registration of voters in this state policy which may
37 be requested by any commission member. The registrar
38 shall also provide to the commission at no charge
39 statistical reports for planning and analyzing voter
40 registration services in the state.

41 PARAGRAPH DIVIDED. The commission may authorize
42 the registrar to employ such additional staff
43 personnel as it deems necessary to permit the duties
44 of the registrar's office to be adequately and
45 promptly discharged. Such personnel shall be employed
46 pursuant to chapter 19A."

47 2. By renumbering as necessary.

By RICHARD F. DRAKE
MICHAEL E. GRONSTAL

S-3465 FILED APRIL 18, 1995

Adopted
4-27-95
(R. 1473)

SENATE AMENDMENT TO HOUSE FILE 494

H-4222

1 Amend House File 494, as passed by the House, as
2 follows:

3 1. Page 3, by inserting after line 16 the
4 following:

5 "Sec. _____. Section 47.8, subsection 1, Code 1995,
6 is amended to read as follows:

7 1. ~~There is established a~~ A state voter
8 registration commission is established which shall
9 meet at least quarterly to make and review policy,
10 adopt rules, and establish procedures to be followed
11 by the registrar in discharging the duties of that
12 office, and to promote interagency cooperation and
13 planning. The commission shall consist of the state
14 commissioner of elections or the state commissioner's
15 designee, and the state chairpersons of the two
16 political parties whose candidates for president of
17 the United States or governor, as the case may be,
18 received the greatest and next greatest number of
19 votes in the most recent general election, or their
20 respective designees, who and a county commissioner of
21 registration appointed by the president of the Iowa
22 state association of county auditors, or an employee
23 of the commissioner. The commission membership shall
24 be balanced by political party affiliation pursuant to
25 section 69.16. Members shall serve without additional
26 salary or reimbursement.

27 The state commissioner of elections, or the state
28 commissioner's designee, shall serve as chairperson of
29 the state voter registration commission.

30 Sec. _____. Section 47.8, subsection 3, Code 1995,
31 is amended to read as follows:

32 3. The registrar shall provide staff services to
33 the commission and shall make available to it all
34 information relative to the activities of the
35 registrar's office in connection with the voter
36 registration of voters in this state policy which may
37 be requested by any commission member. The registrar
38 shall also provide to the commission at no charge
39 statistical reports for planning and analyzing voter
40 registration services in the state.

41 PARAGRAPH DIVIDED. The commission may authorize
42 the registrar to employ such additional staff
43 personnel as it deems necessary to permit the duties
44 of the registrar's office to be adequately and
45 promptly discharged. Such personnel shall be employed
46 pursuant to chapter 19A."

47 2. Page 3, by striking lines 17 through 21.

48 3. Page 7, by inserting after line 29 the
49 following:

50 "Sec. _____. Section 53.2, unnumbered paragraph 4,

H-4222

H-4222

Page 2

- 1 Code 1995, is amended to read as follows:
2 ~~If the~~ An application is for a primary election
3 ballot ~~and the request is for a ballot of which~~
4 specifies a party different from that recorded on the
5 registered voter's voter registration record, the
6 requested ballot shall be mailed or given to the
7 applicant together with a "Change or Declaration of
8 Party Affiliation" form as prescribed in section
9 43-42, to be completed by the registered voter at the
10 time of voting. Upon receipt of the properly
11 completed form, the shall be accepted as a change or
12 declaration of party affiliation. The commissioner
13 shall approve the change or declaration and enter a
14 notation of the change on the registration records. A
15 notice shall be sent with the ballot requested
16 informing the voter that the voter's registration
17 record will be changed to show that the voter is now
18 affiliated with the party whose ballot the voter
19 requested."
20 4. Page 11, by striking lines 9 through 14.
21 5. By renumbering, relettering, or redesignating
22 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4222 FILED MAY 3, 1995

CONCURRED

(P. 2280)

HSB 298

*Jurke, Chair
Connors
Drake*

STATE GOVERNMENT

ed By

HOUSE FILE 1941

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON MARTIN)

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

A BILL FOR

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

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

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1 Section 1. Section 43.49, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. The votes of all write-in candidates
4 who each received less than two percent of the votes cast for
5 an office reported collectively under the heading
6 "scattering".

7 Sec. 2. Section 43.53, Code 1995, is amended to read as
8 follows:

9 43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN
10 CANDIDATES.

11 The nominee of each political party for any office to be
12 filled by the voters of any township or other political
13 subdivision within the county shall be the person receiving
14 the highest number of votes cast in the primary election by
15 the voters of that party for the office ~~and that.~~ That person
16 shall appear as the party's candidate for the office on the
17 general election ballot. A person whose name is not printed
18 on the official primary ballot shall not be declared nominated
19 as a candidate for such office in the general election unless
20 that person receives ~~the-greater-of~~ at least five votes or a
21 ~~number-of-votes-equal-to-at-least-five-percent-of-the-votes~~
22 ~~cast-in-the-subdivision-at-the-last-preceding-general-election~~
23 ~~for-the-party's-candidate-for-president-of-the-United-States~~
24 ~~or-for-governor, as-the-case-may-be.~~ Nomination of a
25 candidate for the office of county supervisor elected from a
26 district within the county shall be governed by section 43.52
27 and not by this section.

28 Sec. 3. Section 43.63, Code 1995, is amended by striking
29 the section and inserting in lieu thereof the following:

30 43.63 CANVASS BY STATE BOARD.

31 Upon receipt of the abstracts of votes from the counties,
32 the secretary of state shall immediately open the envelopes
33 and canvass the results for all offices. The secretary of
34 state shall invite to attend the canvass one representative
35 from each political party which, at the last preceding general

1 election, cast for its candidate for president of the United
2 States or for governor, as the case may be, at least two
3 percent of the total vote cast for all candidates for that
4 office at that election, as determined by the secretary of
5 state. The secretary of state shall notify the chairperson of
6 each political party of the time of the canvass. However, the
7 presence of a representative from a political party is not
8 necessary for the canvass to proceed.

9 Not later than the twenty-seventh day after the primary
10 election, the secretary of state shall present to the state
11 board of canvassers abstracts showing the number of ballots
12 cast by each political party for each office and a summary of
13 the results for each office, showing the votes cast in each
14 county. The state board of canvassers shall review the
15 results compiled by the secretary of state and, if the results
16 are accurately tabulated, the state board shall approve the
17 canvass.

18 Sec. 4. Section 43.88, unnumbered paragraph 2, Code 1995,
19 is amended to read as follows:

20 Nominations made to fill vacancies at a special election
21 shall be certified to the proper official not less than twenty
22 days prior to the date set for the special election. In the
23 event the special election is to fill a vacancy in the general
24 assembly while it is in session or within forty-five days of
25 the convening of any session, the ~~time-limit-herein-provided~~
26 nomination shall not-apply be certified not less than fourteen
27 days before the date of the special election.

28 Sec. 5. Section 44.4, unnumbered paragraph 1, Code 1995,
29 is amended to read as follows:

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

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

17 Sec. 6. Section 48A.19, subsection 1, paragraph c, Code
18 1995, is amended to read as follows:

19 c. Other federal and-state agencies designated to provide
20 voter registration services ~~include,~~ including, but are not
21 limited to, the United States armed forces recruiting offices.

22 Sec. 7. Section 49.66, Code 1995, is amended to read as
23 follows:

24 49.66 RESERVE SUPPLY OF BALLOTS.

25 The commissioner shall provide and retain at the
26 commissioner's office an ample supply of ballots, in addition
27 to those distributed to the several voting precincts~~7-and-if.~~
28 If at any time the ballots furnished to any precinct shall be
29 lost, destroyed, or if the chairperson of the precinct
30 election officials determines that the supply of ballots will
31 be exhausted before the polls are closed, on-written
32 application7-signed-by-a-majority-of the chairperson of the
33 precinct election officials of such the precinct7-or-signed
34 and-sworn-to-by-one-of-such-officials7-the shall immediately
35 contact the commissioner by telephone. If no telephone is

1 available, a messenger shall be sent to the commissioner with
2 a written application for additional ballots. The application
3 shall be signed by a majority of the precinct election
4 officials. The commissioner shall keep written records of all
5 requests for additional ballots and shall immediately cause to
6 be delivered to such the officials, at the polling place, such
7 additional supply of ballots as may be required, and
8 sufficient to comply with the provisions of this chapter.

9 Sec. 8. Section 49.67, Code 1995, is amended by striking
10 the section and inserting in lieu thereof the following:

11 49.67 FORM OF RESERVE SUPPLY.

12 The number of reserve ballots for each precinct shall be
13 determined by the commissioner.

14 If necessary, the commissioner or the commissioner's
15 designee may make photocopies of official ballots to replace
16 or replenish ballot supplies. The commissioner shall keep a
17 record of the number of photocopied ballots made for each
18 precinct, the name of the person who made the photocopies, and
19 the date, time, and location at which the photocopies were
20 made. These records shall be made on forms and following
21 procedures prescribed by the secretary of state by
22 administrative rule.

23 In any precinct where photocopied ballots are used, each
24 photocopied ballot shall be initialed as required by section
25 49.82 by two precinct officials immediately before being
26 issued to the voter. In partisan elections the two precinct
27 officials shall be of different political parties.

28 Sec. 9. Section 50.24, unnumbered paragraph 1, Code 1995,
29 is amended to read as follows:

30 The county board of supervisors shall meet to canvass the
31 vote on the first Monday or Tuesday after the day of each
32 election to which this chapter is applicable, unless the law
33 authorizing the election specifies another date for the
34 canvass. If that Monday or Tuesday is a public holiday,
35 section 4.1, subsection 34 controls. Upon convening, the

1 board shall open and canvass the tally lists and shall prepare
2 abstracts stating, in words written at length, the number of
3 votes cast in the county, or in that portion of the county in
4 which the election was held, for each office and on each
5 question on the ballot for the election. The board shall
6 contact the chairperson of the special precinct board before
7 adjourning and include in the canvass any absentee ballots
8 which were received after the polls closed in accordance with
9 section 53.17 and which were canvassed by the special precinct
10 board after election day. The abstract shall further indicate
11 the name of each person who received votes for each office on
12 the ballot, and the number of votes each person named received
13 for that office, and the number of votes for and against each
14 question submitted to the voters at the election. The votes
15 of all write-in candidates who each received less than two
16 percent of the votes cast for an office shall be reported
17 collectively under the heading "scattering".

18 Sec. 10. Section 50.36, Code 1995, is amended by striking
19 the section and inserting in lieu thereof the following:

20 50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

21 The secretary of state, upon receipt of the envelopes
22 containing the abstracts of votes, shall open and canvass the
23 abstracts for all offices except governor and lieutenant
24 governor.

25 The secretary of state shall invite to attend the canvass
26 one representative from each political party which, at the
27 last preceding general election, cast for its candidate for
28 president of the United States or for governor, as the case
29 may be, at least two percent of the total vote cast for all
30 candidates for that office at that election, as determined by
31 the secretary of state. The secretary of state shall notify
32 the chairperson of each political party of the time of the
33 canvass. However, the presence of a representative from a
34 political party is not necessary for the canvass to proceed.

35 Sec. 11. Section 50.37, Code 1995, is amended to read as

1 follows:

2 50.37 STATE CANVASSING BOARD.

3 The executive council shall constitute a board of
4 canvassers of all abstracts of votes required to be filed with
5 the state commissioner, except for the offices of governor and
6 lieutenant governor. ~~No member of such board shall take part~~
7 ~~in canvassing the votes for an office for which the member is~~
8 ~~a candidate.~~ Any clerical error found by the secretary of
9 state or state board of canvassers shall be corrected by the
10 county commissioner in a letter addressed to the state board
11 of canvassers.

12 Sec. 12. Section 50.38, Code 1995, is amended by striking
13 the section and inserting in lieu thereof the following:

14 50.38 TIME OF STATE CANVASS.

15 Not later than twenty-seven days after the day of the
16 election, the secretary of state shall present to the board of
17 state canvassers abstracts of votes cast at the election
18 showing the number of ballots cast for each office and a
19 summary of the results for each office, showing the votes cast
20 in each county. The state board of canvassers shall review
21 the results compiled by the secretary of state and, if the
22 results are accurately tabulated, the state board shall
23 approve the canvass.

24 Sec. 13. NEW SECTION. 50.49 RECOUNTS FOR PUBLIC
25 MEASURES.

26 A recount for any public measure shall be ordered by the
27 board of canvassers if a petition requesting a recount is
28 filed with the county commissioner not later than three days
29 after the completion of the canvass of votes for the election
30 at which the question appeared on the ballot. The petition
31 shall be signed by the greater of not less than ten eligible
32 electors or a number of eligible electors equaling one percent
33 of the total number of votes cast upon the public measure.
34 Each petitioner must be a person who was entitled to vote on
35 the public measure in question or would have been so entitled

1 if registered to vote.

2 The recount shall be conducted by a board which shall
3 consist of:

4 1. A designee named in the petition requesting the
5 recount.

6 2. A designee named by the commissioner at or before the
7 time the board is required to convene.

8 3. A person chosen jointly by the members designated under
9 subsections 1 and 2.

10 The commissioner shall convene the persons designated under
11 subsections 1 and 2 not later than nine a.m. on the seventh
12 day following the canvass of the election in question. If
13 those two members cannot agree on the third member by eight
14 a.m. on the ninth day following the canvass, they shall
15 immediately notify the chief judge of the judicial district in
16 which the canvass is occurring, who shall appoint the third
17 member not later than five p.m. on the eleventh day following
18 the canvass.

19 The petitioners requesting the recount shall post a bond as
20 required by section 50.48, subsection 2. The amount of the
21 bond shall be one thousand dollars for a public measure
22 appearing on the ballot statewide or one hundred dollars for
23 any other public measure. If the difference between the
24 affirmative and negative votes cast on the public measure is
25 less than the greater of fifty votes or one percent of the
26 total number of votes cast for and against the question, a
27 bond is not required.

28 The procedure for the recount shall follow the provisions
29 of section 50.48, subsections 4 through 7, as far as possible.

30 Sec. 14. Section 53.23, subsection 4, Code 1995, is
31 amended to read as follows:

32 4. The room where members of the special precinct election
33 board are engaged in counting absentee ballots during the
34 hours the polls are open shall be policed so as to prevent any
35 person other than those whose presence is authorized by this

1 subsection from obtaining information about the progress of
2 the count. The only persons who may be admitted to that room
3 are the members of the board, one challenger representing each
4 political party, one observer representing any nonparty
5 political organization or any candidate nominated by petition
6 pursuant to chapter 45 or any other nonpartisan candidate in a
7 city or school election appearing on the ballot of the
8 election in progress, one observer representing persons
9 supporting a public measure appearing on the ballot and one
10 observer representing persons opposed to such measure, and the
11 commissioner or the commissioner's designee. It shall be
12 unlawful for any of these persons to communicate or attempt to
13 communicate, directly or indirectly, information regarding the
14 progress of the count at any time before the polls are closed.

15 Sec. 15. Section 69.14, Code 1995, is amended to read as
16 follows:

17 69.14 SPECIAL ELECTION TO FILL VACANCIES.

18 A special election to fill a vacancy shall be held for a
19 representative in Congress, or senator or representative in
20 the general assembly, when the body in which such vacancy
21 exists is in session, or will convene prior to the next
22 general election, and the governor shall order, not later than
23 five days from the date the vacancy exists, a special
24 election, giving not less than forty days' notice of such
25 election. In the event the special election is to fill a
26 vacancy in the general assembly while it is in session or
27 within forty-five days of the convening of any session, the
28 time limit ~~herein~~ provided in this section shall not apply and
29 the governor shall order such special election at the earliest
30 practical time, giving at least ~~ten~~ eighteen days' notice
31 thereof of the special election. Any special election called
32 under this section must be held on a Tuesday and shall not be
33 held on the same day as a school election within the district.

34 Sec. 16. Section 275.23A, subsection 1, Code 1995, is
35 amended to read as follows:

1 1. School districts which have directors who represent
2 director districts as provided in section 275.12, subsection
3 2, paragraphs "b", "c", "d", and "e", shall be divided into
4 director districts according to the following standards:

5 a. All director district boundaries shall follow the
6 precinct boundaries of areas for which official population
7 figures are available from the most recent federal decennial
8 census and, wherever possible, shall follow precinct
9 boundaries.

10 b. To the extent possible in order to comply with
11 paragraph "a", all director districts shall be as nearly equal
12 as practicable to the ideal population for the districts as
13 determined by dividing the number of districts to be
14 established into the population of the school district.

15 c. All districts shall be composed of contiguous territory
16 as compact as practicable unless the school district is
17 composed of marginally adjacent territory. A school district
18 which is composed of marginally adjacent territory shall have
19 director districts composed of contiguous territory to the
20 extent practicable.

21 d. Consideration shall not be given to the addresses of
22 incumbent officeholders, political affiliations of registered
23 voters, previous election results, or demographic information
24 other than population head counts, except as required by the
25 Constitution and the laws of the United States.

26 e. Cities shall not be divided into two or more districts
27 unless the population of the city is greater than the ideal
28 size of a director district. Cities shall be divided into the
29 smallest number of director districts possible.

30 Sec. 17. Section 277.4, unnumbered paragraph 2, Code 1995,
31 is amended to read as follows:

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

1 one percent of the qualified-electors registered voters of the
2 school district or one-hundred-eligible-electors-of-the
3 district, whichever is less. If the candidate is running for
4 a seat in which is voted for only by the voters of a director
5 district, the petition must be signed by at least ten eligible
6 electors of the director district or a number of eligible
7 electors equal in number to not less than one percent of the
8 qualified-electors registered voters in the director district
9 or one-hundred-eligible-electors-in-the-district, whichever is
10 less. A petition filed under this section shall not be
11 required to have more than one hundred signatures. Signers of
12 nomination petitions shall include their addresses and the
13 date of signing, and must reside in the same director district
14 as the candidate if directors are elected by the voters of a
15 director district, rather than at large. A person may sign
16 nomination petitions for more than one candidate for the same
17 office, and the signature is not invalid solely because the
18 person signed nomination petitions for one or more other
19 candidates for the office. The petition shall be filed with
20 the affidavit of the candidate being nominated, stating the
21 candidate's name, place of residence, that such person is a
22 candidate and is eligible for the office the candidate seeks,
23 and that if elected the candidate will qualify for the office.
24 The affidavit shall also state that the candidate is aware
25 that the candidate is disqualified from holding office if the
26 candidate has been convicted, and never pardoned, of a felony
27 or other infamous crime.

28 Sec. 18. Section 296.2, Code 1995, is amended to read as
29 follows:

30 296.2 PETITION FOR ELECTION.

31 Before indebtedness can be contracted in excess of one and
32 one-quarter percent of the assessed value of the taxable
33 property, a petition signed by a-number eligible electors
34 equal in number to twenty-five percent of those voting at the
35 last election of school officials shall be filed with the

1 president of the board of directors, asking that an election
2 be called, stating the amount of bonds proposed to be issued
3 and the purpose or purposes for which the indebtedness is to
4 be created, and that the purpose or purposes cannot be
5 accomplished within the limit of one and one-quarter percent
6 of the valuation. The petition may request the calling of an
7 election on one or more propositions and a proposition may
8 include one or more purposes.

9 Sec. 19. NEW SECTION. 376.12 QUESTIONS SUBMITTED TO CITY
10 ELECTORATE.

11 The question of expansion of an existing activity or
12 operation located within the corporate limits of a city shall
13 be submitted to only the voters of the city for approval by
14 referendum, any statutes to the contrary notwithstanding.

15 Sec. 20. Section 384.12, subsection 20, paragraph a, Code
16 1995, is amended to read as follows:

17 a. The election may be held as specified herein in this
18 subsection if notice is given by the city council, not later
19 than February-15 thirty-two days before the second Tuesday in
20 March, to the county commissioner of elections that the
21 election is to be held.

22 EXPLANATION

23 This bill makes numerous changes to the election laws.

24 Code sections 43.49 and 50.24 are amended to provide that
25 write-in votes constituting less than 2 percent of the vote
26 for an office shall be listed on the abstract of votes under
27 the heading "scattering".

28 Code section 43.53 is amended to allow for nomination for
29 any township office by write-in votes if the person receives
30 at least five votes.

31 Code sections 43.63 and 50.36 through 50.38 are amended to
32 require that tabulation of the county abstracts of votes
33 begins as soon as the abstracts are available from the
34 counties. Under present law, the tabulation is to begin
35 nearly two weeks after the primary election and three weeks

1 after the general election. Sections 43.63 and 50.36 are also
2 amended to allow one representative from each political party
3 to attend the canvass by the secretary of state.

4 Amendments to Code sections 43.88, 44.4, and 69.14 increase
5 the amount of time required for notice of a special election
6 to fill a vacancy in the general assembly while it is in
7 session or within 45 days of convening. The bill requires the
8 governor to give at least 18 days' notice of the election.
9 Present law requires the governor to give 10 days' notice.
10 The candidate filing deadline is changed from seven to 14 days
11 before the date of the election.

12 Code section 48A.19 is amended to delete the requirement
13 that the secretary of state designate state agencies as voter
14 registration agencies other than those agencies specifically
15 identified in the National Voter Registration Act.

16 Code section 49.66 is amended to require that precinct
17 election officials telephone the county auditor to request
18 additional ballots as soon as they believe that additional
19 ballots are needed. If no telephone is available, the
20 officials are required to send a written request for
21 additional ballots with a messenger.

22 Code section 49.67 is amended to allow the county auditor
23 to photocopy additional ballots if the supply of ballots is
24 insufficient. The bill also requires that two precinct
25 election officials initial the photocopied ballots voted in
26 partisan elections.

27 Code section 50.49 is created to allow persons to request a
28 recount of a public measure. Under present law, the only way
29 to obtain a recount for a public measure on the ballot is to
30 contest the election.

31 Code section 53.23 is amended to allow persons in favor of
32 a public measure on the ballot and persons opposed to the
33 measure to be observers allowed to be present at the counting
34 of the absentee ballots on the measure.

35 Code section 275.23A is amended to make two technical

1 corrections regarding the drawing of school director district
2 boundaries. The bill adds two types of school director
3 district plans to the list of plans required to comply with
4 standards for drawing boundaries. The bill also provides that
5 school director district boundaries follow census block lines
6 rather than the precinct boundaries of those areas which have
7 census block lines. An amendment to this section enacted by
8 the general assembly in 1994 omitted striking the word
9 "precinct".

10 Code section 277.4 is amended to change the number of
11 signatures of eligible electors required on a nomination
12 petition for a school district director board from a number
13 equal to not less than 1 percent of the number of registered
14 voters in the district to a number equal to not less than 1
15 percent of the number of registered voters in the district,
16 but at least 10.

17 Code section 296.2 amends the school corporation bond
18 issuance petition requirement to specify that the petition may
19 be signed by eligible electors.

20 New section 376.12 is created to provide that the question
21 of expansion of an activity or operation within the corporate
22 limits of a city shall be referred only to the voters of that
23 city.

24 Code section 384.12, subsection 20, is amended to require
25 that a city council give notice of a special election on the
26 question of whether to exceed the statutory property tax levy
27 limit at least 32 days before the date of the election, which
28 is held on the second Tuesday in March. Present law provides
29 that notice shall be given by February 15.

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HOUSE FILE 494

AN ACT

RELATING TO THE OFFICE OF SECRETARY OF STATE, THE CONDUCT OF ELECTIONS, AND THE REGISTRATION OF VOTERS IN THE STATE AND RELATING TO CORRECTIVE AND TECHNICAL CHANGES TO IOWA'S ELECTION LAWS.

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

Section 1. Section 43.49, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The votes of all write-in candidates who each received less than two percent of the votes cast for an office reported collectively under the heading "scattering".

Sec. 2. Section 43.53, Code 1995, is amended to read as follows:

43.53 NOMINEES FOR SUBDIVISION OFFICE -- WRITE-IN CANDIDATES.

The nominee of each political party for any office to be filled by the voters of any township or other political subdivision within the county shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office ~~and that.~~ That person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless that person receives ~~the-greater-of~~ at least five votes ~~or-a number-of-votes-equal-to-at-least-five-percent-of-the-votes cast-in-the-subdivision-at-the-last-preceding-general-election for-the-party's-candidate-for-president-of-the-United-States or-for-governor,-as-the-case-may-be.~~ Nomination of a candidate for the office of county supervisor elected from a

district within the county shall be governed by section 43.52 and not by this section.

Sec. 3. Section 43.63, Code 1995, is amended by striking the section and inserting in lieu thereof the following:
43.63 CANVASS BY STATE BOARD.

Upon receipt of the abstracts of votes from the counties, the secretary of state shall immediately open the envelopes and canvass the results for all offices. The secretary of state shall invite to attend the canvass one representative from each political party which, at the last preceding general election, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election, as determined by the secretary of state. The secretary of state shall notify the chairperson of each political party of the time of the canvass. However, the presence of a representative from a political party is not necessary for the canvass to proceed.

Not later than the twenty-seventh day after the primary election, the secretary of state shall present to the state board of canvassers abstracts showing the number of ballots cast by each political party for each office and a summary of the results for each office, showing the votes cast in each county. The state board of canvassers shall review the results compiled by the secretary of state and, if the results are accurately tabulated, the state board shall approve the canvass.

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

Nominations made to fill vacancies at a special election shall be certified to the proper official not less than twenty days prior to the date set for the special election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the ~~time-limit-herein-provided~~

nomination shall not apply be certified not less than fourteen days before the date of the special election.

Sec. 5. Section 44.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 6. Section 47.8, subsection 1, Code 1995, is amended to read as follows:

1. ~~There is established a~~ A state voter registration commission is established which shall meet at least quarterly to make and review policy, adopt rules, and establish procedures to be followed by the registrar in discharging the duties of that office, and to promote interagency cooperation and planning. The commission shall consist of the state commissioner of elections or the state commissioner's

designee, and the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, who and a county commissioner of registration appointed by the president of the Iowa state association of county auditors, or an employee of the commissioner. The commission membership shall be balanced by political party affiliation pursuant to section 69.16. Members shall serve without additional salary or reimbursement.

The state commissioner of elections, or the state commissioner's designee, shall serve as chairperson of the state voter registration commission.

Sec. 7. Section 47.8, subsection 3, Code 1995, is amended to read as follows:

3. The registrar shall provide staff services to the commission and shall make available to it all information relative to the activities of the registrar's office in connection with the voter registration of voters in this state policy which may be requested by any commission member. The registrar shall also provide to the commission at no charge statistical reports for planning and analyzing voter registration services in the state.

PARAGRAPH DIVIDED. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter 19A.

Sec. 8. Section 49.66, Code 1995, is amended to read as follows:

49.66 RESERVE SUPPLY OF BALLOTS.

The commissioner shall provide and retain at the commissioner's office an ample supply of ballots, in addition to those distributed to the several voting precincts ~~and if~~.

If at any time the ballots furnished to any precinct shall be lost, destroyed, or if the chairperson of the precinct election officials determines that the supply of ballots will be exhausted before the polls are closed, on-written application, signed by a majority of the chairperson of the precinct election officials of such the precinct, or signed and sworn to by one of such officials, the shall immediately contact the commissioner by telephone. If no telephone is available, a messenger shall be sent to the commissioner with a written application for additional ballots. The application shall be signed by a majority of the precinct election officials. The commissioner shall keep written records of all requests for additional ballots and shall immediately cause to be delivered to such the officials, at the polling place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this chapter.

Sec. 9. Section 49.67, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

49.67 FORM OF RESERVE SUPPLY.

The number of reserve ballots for each precinct shall be determined by the commissioner.

If necessary, the commissioner or the commissioner's designee may make photocopies of official ballots to replace or replenish ballot supplies. The commissioner shall keep a record of the number of photocopied ballots made for each precinct, the name of the person who made the photocopies, and the date, time, and location at which the photocopies were made. These records shall be made on forms and following procedures prescribed by the secretary of state by administrative rule.

In any precinct where photocopied ballots are used, each photocopied ballot shall be initialed as required by section 49.82 by two precinct officials immediately before being issued to the voter. In partisan elections the two precinct officials shall be of different political parties.

Sec. 10. Section 50.24, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The county board of supervisors shall meet to canvass the vote on the first Monday or Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Monday or Tuesday is a public holiday, section 4.1, subsection 34 controls. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating, in words written at length, the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than two percent of the votes cast for an office shall be reported collectively under the heading "scattering".

Sec. 11. Section 50.36, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

50.36 ENVELOPES CONTAINING OTHER ABSTRACTS -- CANVASS.

The secretary of state, upon receipt of the envelopes containing the abstracts of votes, shall open and canvass the abstracts for all offices except governor and lieutenant governor.

The secretary of state shall invite to attend the canvass one representative from each political party which, at the last preceding general election, cast for its candidate for

president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at that election, as determined by the secretary of state. The secretary of state shall notify the chairperson of each political party of the time of the canvass. However, the presence of a representative from a political party is not necessary for the canvass to proceed.

Sec. 12. Section 50.37, Code 1995, is amended to read as follows:

50.37 STATE CANVASSING BOARD.

The executive council shall constitute a board of canvassers of all abstracts of votes required to be filed with the state commissioner, except for the offices of governor and lieutenant governor. ~~No member of such board shall take part in canvassing the votes for an office for which the member is a candidate.~~ Any clerical error found by the secretary of state or state board of canvassers shall be corrected by the county commissioner in a letter addressed to the state board of canvassers.

Sec. 13. Section 50.38, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

50.38 TIME OF STATE CANVASS.

Not later than twenty-seven days after the day of the election, the secretary of state shall present to the board of state canvassers abstracts of votes cast at the election showing the number of ballots cast for each office and a summary of the results for each office, showing the votes cast in each county. The state board of canvassers shall review the results compiled by the secretary of state and, if the results are accurately tabulated, the state board shall approve the canvass.

Sec. 14. NEW SECTION. 50.49 RECOUNTS FOR PUBLIC MEASURES.

A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is

filed with the county commissioner not later than three days after the completion of the canvass of votes for the election at which the question appeared on the ballot. The petition shall be signed by the greater of not less than ten eligible electors or a number of eligible electors equaling one percent of the total number of votes cast upon the public measure. Each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

The recount shall be conducted by a board which shall consist of:

1. A designee named in the petition requesting the recount.
2. A designee named by the commissioner at or before the time the board is required to convene.
3. A person chosen jointly by the members designated under subsections 1 and 2.

The commissioner shall convene the persons designated under subsections 1 and 2 not later than nine a.m. on the seventh day following the canvass of the election in question. If those two members cannot agree on the third member by eight a.m. on the ninth day following the canvass, they shall immediately notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than five p.m. on the eleventh day following the canvass.

The petitioners requesting the recount shall post a bond as required by section 50.48, subsection 2. The amount of the bond shall be one thousand dollars for a public measure appearing on the ballot statewide or one hundred dollars for any other public measure. If the difference between the affirmative and negative votes cast on the public measure is less than the greater of fifty votes or one percent of the total number of votes cast for and against the question, a bond is not required.

The procedure for the recount shall follow the provisions of section 50.48, subsections 4 through 7, as far as possible.

Sec. 15. Section 53.2, unnumbered paragraph 4, Code 1995, is amended to read as follows:

~~If the An application is for a primary election ballot and the request is for a ballot of which specifies a party different from that recorded on the registered voter's voter registration record, the requested ballot shall be mailed or given to the applicant together with a "Change or Declaration of Party Affiliation" form as prescribed in section 43.42, to be completed by the registered voter at the time of voting. Upon receipt of the properly completed form, the shall be~~ accepted as a change or declaration of party affiliation. The commissioner shall approve the change or declaration and enter a notation of the change on the registration records. A notice shall be sent with the ballot requested informing the voter that the voter's registration record will be changed to show that the voter is now affiliated with the party whose ballot the voter requested.

Sec. 16. Section 53.23, subsection 4, Code 1995, is amended to read as follows:

4. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the

commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

Sec. 17. Section 69.14, Code 1995, is amended to read as follows:

69.14 SPECIAL ELECTION TO FILL VACANCIES.

A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit herein provided in this section shall not apply and the governor shall order such special election at the earliest practical time, giving at least ten eighteen days' notice thereof of the special election. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

Sec. 18. Section 275.23A, subsection 1, Code 1995, is amended to read as follows:

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs "b", "c", "d", and "e", shall be divided into director districts according to the following standards:

a. All director district boundaries shall follow the precinct boundaries of areas for which official population figures are available from the most recent federal decennial census and, wherever possible, shall follow precinct boundaries.

b. To the extent possible in order to comply with paragraph "a", all director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the school district.

c. All districts shall be composed of contiguous territory as compact as practicable unless the school district is composed of marginally adjacent territory. A school district which is composed of marginally adjacent territory shall have director districts composed of contiguous territory to the extent practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. Cities shall not be divided into two or more districts unless the population of the city is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

Sec. 19. Section 277.4, unnumbered paragraph 2, Code 1995, is amended to read as follows:

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

less. A petition filed under this section shall not be required to have more than one hundred signatures. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted, and never pardoned, of a felony or other infamous crime.

Sec. 20. Section 296.2, Code 1995, is amended to read as follows:

296.2 PETITION FOR ELECTION.

Before indebtedness can be contracted in excess of one and one-quarter percent of the assessed value of the taxable property, a petition signed by a-number eligible electors equal in number to twenty-five percent of those voting at the last election of school officials shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose or purposes for which the indebtedness is to be created, and that the purpose or purposes cannot be accomplished within the limit of one and one-quarter percent of the valuation. The petition may request the calling of an election on one or more propositions and a proposition may include one or more purposes.

Sec. 21. Section 384.12, subsection 20, paragraph a, Code 1995, is amended to read as follows:

a. The election may be held as specified herein in this subsection if notice is given by the city council, not later than February-15 thirty-two days before the second Tuesday in March, to the county commissioner of elections that the election is to be held.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 494, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 24, 1995

TERRY E. BRANSTAD
Governor