

3-14-95 State Gov.

FILED MAR 13 1995

SENATE FILE 322  
BY McKEAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the date of the primary election.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 322

1 Section 1. Section 43.7, Code 1995, is amended to read as  
2 follows:

3 43.7 TIME OF HOLDING.

4 The primary election by all political parties shall be held  
5 at the usual voting places of the several precincts on the  
6 first Tuesday after the first Monday in ~~June~~ September in each  
7 even-numbered year.

8 Sec. 2. Section 43.24, subsection 1, paragraphs a and b,  
9 Code 1995, are amended to read as follows:

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

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

14 Sec. 3. Section 43.24, subsection 2, paragraph a, Code  
15 1995, is amended to read as follows:

16 a. When objections have been filed, notice shall be mailed  
17 within ~~seventy-two~~ forty-eight hours by certified mail to the  
18 candidate affected, addressed to the candidate's place of  
19 residence as stated in the candidate's affidavit of candidacy  
20 or in the certificate of nomination, stating that objections  
21 have been made, the nature of the objections, and the time and  
22 place the objections will be considered.

23 Sec. 4. Section 43.49, unnumbered paragraph 1, Code 1995,  
24 is amended to read as follows:

25 On the Monday ~~or-Tuesday~~ following the primary election,  
26 the board of supervisors shall meet, open and canvass the  
27 returns from each voting precinct in the county, and make  
28 abstracts thereof, stating in words written at length:

29 Sec. 5. Section 43.63, Code 1995, is amended to read as  
30 follows:

31 43.63 CANVASS BY STATE BOARD.

32 On the second ~~Friday~~ Monday after the primary election, the  
33 ~~executive-council-shall-meet-as-a-canvassing-board,~~ and state  
34 commissioner shall open and canvass the abstract returns  
35 received from each county in the state. The board

1 commissioner shall make an abstract of ~~its~~ the canvass,  
2 stating in words written at length, the number of ballots cast  
3 by each political party, separately, for each office  
4 designated in the abstracts forwarded to the state  
5 commissioner, the names of all the persons voted for, and the  
6 number of votes received by each person for each office, and  
7 shall sign and certify thereto.

8 Sec. 6. Section 43.73, unnumbered paragraph 1, Code 1995,  
9 is amended to read as follows:

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

20 Sec. 7. Section 43.76, Code 1995, is amended to read as  
21 follows:

22 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

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

29 2. A candidate nominated in a primary election for any  
30 office for which nomination papers are required to be filed  
31 with the commissioner may withdraw as a nominee for that  
32 office on or before, but not later than, the ~~seventy-fourth~~  
33 forty-ninth day before the date of the general election by so  
34 notifying the commissioner in writing.

35 Sec. 8. Section 43.78, subsections 2 and 3, Code 1995, are

1 amended to read as follows:

2 2. The name of any candidate designated to fill a vacancy  
3 on the general election ballot in accordance with subsection  
4 1, paragraph "a", "b", or "c" shall be submitted in writing to  
5 the state commissioner not later than five o'clock p.m. on the  
6 ~~eighty-first~~ forty-sixth day before the date of the general  
7 election.

8 3. The name of any candidate designated to fill a vacancy  
9 on the general election ballot in accordance with subsection  
10 1, paragraph "d", "e", or "f" shall be submitted in writing to  
11 the commissioner not later than five o'clock p.m. on the  
12 ~~sixty-ninth~~ forty-sixth day before the date of the general  
13 election.

14 Sec. 9. Section 44.4, Code 1995, is amended to read as  
15 follows:

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

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

1 election. Nominations made pursuant to this chapter or  
2 chapter 45 for city office shall be filed not more than  
3 seventy-two days nor later than five p.m. on the forty-seventh  
4 day before the city election with the city clerk, who shall  
5 process them as provided by law.

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

13     1. Those filed with the state commissioner, not less than  
14 ~~seventy-four~~ fifty days before the date of the election.

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

17     3. Those filed with the city clerk, at least forty-two  
18 days before the municipal election.

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

23     Objections shall be filed no later than five p.m. on the  
24 final date for filing.

25     Sec. 10. Section 44.9, subsections 1 and 2, Code 1995, are  
26 amended to read as follows:

27     1. In the office of the state commissioner, at least  
28 ~~seventy-four~~ fifty days before the date of the election.

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

31     Sec. 11. Section 46.21, unnumbered paragraph 1, Code 1995,  
32 is amended to read as follows:

33     At least ~~sixty-nine~~ forty-three days before each judicial  
34 election, the state commissioner of elections shall certify to  
35 the county commissioner of elections of each county a list of

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

13 Sec. 12. Section 49.53, unnumbered paragraph 1, Code 1995,  
14 is amended to read as follows:

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

1 ballot appearing as a part of the same notice. The notice  
2 shall include the full text of all public measures to be voted  
3 upon at the election.

4 Sec. 13. Section 50.48, subsection 1, unnumbered paragraph  
5 2, Code 1995, is amended to read as follows:

6 Immediately upon receipt of a request for a recount, the  
7 commissioner shall send a copy of the request to the apparent  
8 winner by certified mail. The commissioner shall also attempt  
9 to contact the apparent winner by telephone. If the apparent  
10 winner cannot be reached within four days, or within twenty-  
11 four hours in the case of a primary election, the chairperson  
12 of the political party or organization which nominated the  
13 apparent winner shall be contacted and shall act on behalf of  
14 the apparent winner, if necessary. For candidates for state  
15 or federal offices, the chairperson of the state party shall  
16 be contacted. For candidates for county offices, the county  
17 chairperson of the party shall be contacted.

18 Sec. 14. Section 50.48, Code 1995, is amended by adding  
19 the following new subsection:

20 NEW SUBSECTION. 8. If the election is a primary election,  
21 the recount shall progress according to the times provided by  
22 this subsection. If this subsection applies, the request for  
23 a recount shall be made by the second day following the  
24 canvass, the board shall convene to conduct the recount by the  
25 fourth day following the canvass, and the report shall be  
26 filed by the seventh day following the canvass.

27 Sec. 15. Section 53.11, unnumbered paragraph 1, Code 1995,  
28 is amended to read as follows:

29 The commissioner shall deliver an absentee ballot to any  
30 registered voter applying in person at the commissioner's  
31 office, or at any location designated by the commissioner, not  
32 more than ~~forty~~ fourteen days before the date of the general  
33 election ~~or,~~ not more than forty days before the date of the  
34 primary election, and for all other elections, as soon as the  
35 ballot is available. The registered voter shall immediately

1 mark the ballot, enclose and seal it in a ballot envelope,  
2 subscribe to the affidavit on the reverse side of the  
3 envelope, and return the absentee ballot to the commissioner.  
4 The commissioner shall record the numbers appearing on the  
5 application and ballot envelope along with the name of the  
6 registered voter.

7 Sec. 16. Section 53.39, unnumbered paragraph 2, Code 1995,  
8 is amended to read as follows:

9 All official ballots to be voted by qualified absent voters  
10 in the armed forces of the United States at the primary  
11 election ~~and the general election~~ shall be printed prior to  
12 forty days before the ~~respective elections~~ election and shall  
13 be available for transmittal to such registered voters in the  
14 armed forces of the United States at least forty days before  
15 the ~~respective elections~~ election. All official ballots to be  
16 voted by qualified absent voters in the armed forces of the  
17 United States at the general election shall be printed prior  
18 to fourteen days before the election and shall be available  
19 for transmittal to such registered voters at least fourteen  
20 days before the general election. The provisions of this  
21 chapter apply to absent voting by qualified voters in the  
22 armed forces of the United States except as modified by the  
23 provisions of this division.

24 EXPLANATION

25 This bill provides that the date of the primary election by  
26 all political parties shall be held on the first Tuesday after  
27 the first Monday in September rather than June in each even-  
28 numbered year. The dates for other deadlines related to the  
29 date of the primary election are accordingly changed.

30 Additional corresponding changes to the Code may be required.

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