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HOUSE FILE 636  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 124)

Passed House, Date 3-25-97 (p. 112) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 1  
Approved May 19, 1997

A BILL FOR

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

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

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

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

9 Sec. 2. Section 43.6, subsection 1, Code 1997, is amended  
10 to read as follows:

11 1. When a vacancy occurs in the office of senator in the  
12 Congress of the United States, lieutenant-governor, secretary  
13 of state, auditor of state, treasurer of state, secretary of  
14 agriculture, or attorney general and section 69.13 requires  
15 that the vacancy be filled for the balance of the unexpired  
16 term at a general election, candidates for the office shall be  
17 nominated in the preceding primary election if the vacancy  
18 occurs eighty-nine or more days before the date of that  
19 primary election. If the vacancy occurs less than one hundred  
20 four days before the date of that primary election, the state  
21 commissioner shall accept nomination papers for that office  
22 only until five o'clock p.m. on the seventy-fourth day before  
23 the primary election, the provisions of section 43.11  
24 notwithstanding. If the vacancy occurs later than eighty-nine  
25 days before the date of that primary election, but not less  
26 than eighty-nine days before the date of the general election,  
27 the nominations shall be made in the manner prescribed by this  
28 chapter for filling vacancies in nominations for offices to be  
29 voted for at the general election.

30 Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1997,  
31 is amended to read as follows:

32 Not less than sixty-nine days before the general election  
33 the state commissioner shall certify to each commissioner,  
34 under separate party headings, the name of each person  
35 nominated as shown by the official canvass made by the

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

8 Sec. 4. Section 43.79, Code 1997, is amended to read as  
9 follows:

10 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

11 The death of a candidate nominated as provided by law for  
12 any office to be filled at a general election, during the  
13 period beginning on the eighty-eighth day before the general  
14 election, in the case of any candidate whose nomination papers  
15 were filed with the state commissioner, or beginning on the  
16 seventy-third day before the general election, in the case of  
17 any candidate whose nomination papers were filed with the  
18 commissioner, and ending on the last day before the general  
19 election shall not operate to remove the deceased candidate's  
20 name from the general election ballot. If the deceased  
21 candidate was seeking the office of senator or representative  
22 in the Congress of the United States, governor, ~~lieutenant~~  
23 ~~governor~~, attorney general, senator or representative in the  
24 general assembly or county supervisor, section 49.58 shall  
25 control. If the deceased candidate was seeking any other  
26 office, and as a result of the candidate's death a vacancy is  
27 subsequently found to exist, the vacancy shall be filled as  
28 provided by chapter 69.

29 Sec. 5. Section 43.88, unnumbered paragraph 2, Code 1997,  
30 is amended to read as follows:

31 Nominations made to fill vacancies at a special election  
32 shall be certified to the proper official not less than twenty  
33 twenty-five days prior to the date set for the special  
34 election. In the event the special election is to fill a  
35 vacancy in the general assembly while it is in session or

1 within forty-five days of the convening of any session, the  
2 nomination shall be certified not less than fourteen days  
3 before the date of the special election.

4 Sec. 6. Section 43.116, Code 1997, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 3. If a special election is held to fill  
7 a vacancy in an elective city office, nominations by political  
8 parties shall be made following the provisions of subsection  
9 2.

10 Sec. 7. Section 44.4, unnumbered paragraph 1, Code 1997,  
11 is amended to read as follows:

12 Nominations made pursuant to this chapter and chapter 45  
13 which are required to be filed in the office of the state  
14 commissioner shall be filed in that office not more than  
15 ninety-nine days nor later than five p.m. on the eighty-first  
16 day before the date of the general election to be held in  
17 November. Nominations made for a special election called  
18 pursuant to section 69.14 shall be filed by five p.m. not less  
19 than twenty twenty-five days before the date of an election  
20 called upon at least forty days' notice and not less than  
21 fourteen days before the date of an election called upon at  
22 least eighteen days' notice. Nominations made for a special  
23 election called pursuant to section 69.14A shall be filed by  
24 five p.m. not less than twenty days before the date of the  
25 election. Nominations made pursuant to this chapter and  
26 chapter 45 which are required to be filed in the office of the  
27 commissioner shall be filed in that office not more than  
28 ninety-two days nor later than five p.m. on the sixty-ninth  
29 day before the date of the general election. Nominations made  
30 pursuant to this chapter or chapter 45 for city office shall  
31 be filed not more than seventy-two days nor later than five  
32 p.m. on the forty-seventh day before the city election with  
33 the city clerk, who shall process them as provided by law.

34 Sec. 8. Section 44.11, Code 1997, is amended to read as  
35 follows:



1     44.11 VACANCIES FILLED.

2     If a candidate named under this chapter withdraws before  
3 the deadline established in section 44.9, declines a  
4 nomination, or dies before election day, or if a certificate  
5 of nomination is held insufficient or inoperative by the  
6 officer with whom it is required to be filed, or in case any  
7 objection made to a certificate of nomination, or to the  
8 eligibility of any candidate named in the certificate, is  
9 sustained by the board appointed to determine such questions,  
10 the vacancy or vacancies may be filled by the convention, or  
11 caucus, or in such manner as such convention or caucus has  
12 previously provided. The vacancy or vacancies shall be filled  
13 not less than seventy-four days before the election in the  
14 case of nominations required to be filed with the state  
15 commissioner, not less than sixty-four days before the  
16 election in the case of nominations required to be filed with  
17 the commissioner, not less than thirty-five days before the  
18 election in the case of nominations required to be filed in  
19 the office of the school board secretary, and not less than  
20 forty-two days before the election in the case of nominations  
21 required to be filed with the city clerk.

22     Sec. 9. NEW SECTION. 44.17 NONPARTY POLITICAL  
23 ORGANIZATIONS -- NOMINATIONS BY PETITION.

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

28     The nonparty political organization may also file with the  
29 appropriate commissioner a list of the names and addresses of  
30 the organization's central committee members, and the  
31 chairperson and secretary of the organization. The  
32 organization may also place on file a description of the  
33 method that the organization will follow to fill any vacancies  
34 resulting from the death, withdrawal, or disqualification of  
35 any of its candidates that were nominated by petition. If

1 this information is filed before the close of the filing  
2 period for the general election, substitutions may be made  
3 pursuant to section 44.11.

4 Sec. 10. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

5 If the deadline for a filing pertaining to an election  
6 falls on a day that the state or county commissioner's office  
7 is closed for business, the deadline shall be extended to the  
8 next day that the office of state commissioner or county  
9 commissioner is open for business to receive the filing. This  
10 section does not apply to the deadline for voter registration  
11 under section 48A.9, subsection 2.

12 Sec. 11. Section 47.5, subsection 1, Code 1997, is amended  
13 to read as follows:

14 1. The Except for legal services and printing of ballots,  
15 the commissioner shall take bids for goods and services which  
16 are needed in connection with registration of voters or  
17 preparation for or administration of elections and which will  
18 be performed or provided by persons who are not employees of  
19 the commissioner under the following circumstances:

20 a. In any case where it is proposed to purchase data  
21 processing services. The commissioner shall give the  
22 registrar written notice in advance on each occasion when it  
23 is proposed to have data processing services, necessary in  
24 connection with the administration of elections, performed by  
25 any person other than the registrar or an employee of the  
26 county. Such notice shall be made at least thirty days prior  
27 to publication of the specifications.

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

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

32 Sec. 12. Section 47.5, subsection 2, Code 1997, is amended  
33 to read as follows:

34 2. When it is proposed to purchase any goods or services,  
35 other than data processing services, in connection with

1 administration of elections, the commissioner shall publish  
2 notice to bidders, including specifications regarding the  
3 goods or services to be purchased or a description of the  
4 nature and object of the services to be retained, in a  
5 newspaper of general circulation in the county not less than  
6 fifteen days before the final date for submission of bids.  
7 ~~The commissioner shall also file a copy of the bid~~  
8 ~~specifications in the office of the state commissioner for a~~  
9 ~~period of not less than twenty days prior to such final date.~~  
10 When competitive bidding procedures are used, the purchase of  
11 goods or services shall be made from the lowest responsible  
12 bidder which meets the specifications or description of the  
13 services needed or the commissioner may reject all bids and  
14 readvertise. In determining the lowest responsible bidder,  
15 various factors may be considered, including but not limited  
16 to the past performance of the bidder relative to quality of  
17 product or service, the past experience of the purchaser in  
18 relation to the product or service, the relative quality of  
19 products or services, the proposed terms of delivery and the  
20 best interest of the county.

21 Sec. 13. Section 47.6, subsection 1, unnumbered paragraph  
22 2, Code 1997, is amended to read as follows:

23 If the proposed date of the special election coincides with  
24 the date of a regularly scheduled election or previously  
25 scheduled special election, the notice shall be given no later  
26 than five p.m. on the last day on which nomination papers may  
27 be filed with the commissioner for the regularly scheduled  
28 election or previously scheduled special election, but in no  
29 case shall notice be less than thirty-two days before the  
30 election. Otherwise, the notice shall be given at least  
31 thirty-two days in advance of the date of the proposed special  
32 election. Upon receiving the notice, the commissioner shall  
33 promptly give written approval of the proposed date unless it  
34 appears that the special election, if held on that date, would  
35 conflict with a regular election or with another special

1 election previously scheduled for that date.

2 Sec. 14. Section 48A.22, Code 1997, is amended to read as  
3 follows:

4 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

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

8 Sec. 15. Section 48A.26, subsection 1, Code 1997, is  
9 amended to read as follows:

10 1.. Within seven working days of receipt of a voter  
11 registration form or change of information in a voter  
12 registration record the commissioner shall send an  
13 acknowledgment to the registrant at the mailing address shown  
14 on the registration form. The acknowledgment shall be sent by  
15 ~~first-class~~ nonforwardable mail.

16 Sec. 16. Section 48A.27, subsection 4, paragraph b, Code  
17 1997, is amended to read as follows:

18 b. If the information provided by the vendor indicates  
19 that a registered voter has moved to another address within  
20 the county, the commissioner shall change the registration  
21 records to show the new residence address, and shall also mail  
22 a notice of that action to both the former and new addresses.  
23 The notice shall be sent by forwardable ~~first-class~~ mail, and  
24 shall include a postage prepaid preaddressed return form by  
25 which the registered voter may verify or correct the address  
26 information.

27 Sec. 17. Section 48A.27, subsection 4, paragraph c,  
28 unnumbered paragraph 2, Code 1997, is amended to read as  
29 follows:

30 The notice shall be sent by forwardable ~~first-class~~ mail,  
31 and shall include a postage paid preaddressed return card on  
32 which the registered voter may state the registered voter's  
33 current address. The notice shall contain a statement in  
34 substantially the following form: "Information received from  
35 the United States postal service indicates that you are no

1 longer a resident of, and therefore not eligible to vote in  
2 (name of county) County, Iowa. If this information is not  
3 correct, and you still live in (name of county) County, please  
4 complete and mail the attached postage paid card at least ten  
5 days before the primary or general election and at least  
6 eleven days before any other election at which you wish to  
7 vote. If the information is correct and you have moved,  
8 please contact a local official in your new area for  
9 assistance in registering there. If you do not mail in the  
10 card, you may be required to show identification proving your  
11 residence in (name of county) County before being allowed to  
12 vote in (name of county) County. If you do not return the  
13 card, and you do not vote in an election in (name of county)  
14 County, Iowa, on or before (date of second general election  
15 following the date of the notice) your name will be removed  
16 from the list of voters in that county. To ensure you receive  
17 this notice, it is being sent to both your most recent  
18 registration address and to your new address as reported by  
19 the postal service."

20 Sec. 18. Section 48A.27, subsection 4, paragraph d, Code  
21 1997, is amended to read as follows:

22 d. If the information provided by the vendor indicates the  
23 registered voter has moved to another county within the state,  
24 the notice required by paragraph "c" shall include a statement  
25 that registration in the county of the person's current  
26 residence is required, ~~and shall provide a mail registration~~  
27 ~~form for the person to use.~~

28 Sec. 19. Section 48A.28, subsection 2, unnumbered  
29 paragraph 2, Code 1997, is amended to read as follows:

30 A commissioner participating in the national change of  
31 address program, in the first quarter of each calendar year,  
32 shall send a notice and preaddressed, postage paid return card  
33 by ~~first-class~~ forwardable mail to each registered voter whose  
34 name was not reported by the national change of address  
35 program and who has not voted, registered again, or reported a

1 change to an existing registration during the preceding four  
2 calendar years. The form and language of the notice and  
3 return card shall be specified by the state voter registration  
4 commission by rule. A registered voter shall not be sent a  
5 notice and return card under this subsection more frequently  
6 than once in a four-year period.

7 Sec. 20. Section 48A.28, subsection 3, unnumbered  
8 paragraph 1, Code 1997, is amended to read as follows:

9 For a commissioner who is not participating in the national  
10 change of address program, in February of each year the  
11 commissioner shall mail a confirmation notice to each  
12 registered voter in the county. The notice shall be sent by  
13 ~~first-class~~ forwardable mail. The notice shall include a  
14 preaddressed, postage paid return card for the use of the  
15 registered voter or the recipient of the notice. The card  
16 shall contain boxes for the recipient to check to indicate one  
17 of the following:

18 Sec. 21. Section 48A.29, subsection 1, unnumbered  
19 paragraph 2, Code 1997, is amended to read as follows:

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

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

7 Sec. 22. Section 48A.29, subsection 3, unnumbered  
8 paragraph 2, Code 1997, is amended to read as follows:

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

33 Sec. 23. Section 49.13, subsection 4, Code 1997, is  
34 amended to read as follows:

35 4. The commissioner shall designate one member of each

1 precinct election board as chairperson of that board, ~~and also~~  
2 ~~of the.~~ If a counting board authorized by chapter 51 ~~if one~~  
3 is appointed, with the chairperson shall have authority over  
4 the mechanics of the work of both boards. At the discretion  
5 of the commissioner, two people who are members of different  
6 political parties may be appointed as co-chairpersons. The  
7 co-chairpersons shall have joint authority over the work of  
8 the precinct election board.

9 Sec. 24. Section 49.16, Code 1997, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 5. A person shall not serve on the  
12 precinct election board as a representative of a political  
13 party if the person has changed political party affiliation  
14 from that of the political party which selected the person to  
15 serve as a precinct election official. If a precinct election  
16 official records a change of political party, the official's  
17 name shall be removed from the list of precinct election  
18 officials for that political party. The chairperson of the  
19 political party shall be notified of the vacancy and may  
20 designate a replacement. If the chairperson of another  
21 political party later designates the person as a precinct  
22 election official, the person may serve, if qualified.

23 Sec. 25. Section 49.20, Code 1997, is amended to read as  
24 follows:

25 49.20 COMPENSATION OF MEMBERS.

26 The members of election boards shall be deemed temporary  
27 state employees who are compensated by the county in which  
28 they serve, and shall receive compensation at a rate  
29 established by the board of supervisors, which shall be not  
30 less than three dollars and fifty cents per hour, while  
31 engaged in the discharge of their duties and shall be  
32 reimbursed for actual and necessary travel expense at a rate  
33 determined by the board of supervisors, except that persons  
34 who have advised the commissioner prior to their appointment  
35 to the election board that they are willing to serve without



1 pay at elections conducted for any school district or a city  
2 of three thousand five hundred or less population, shall  
3 receive no compensation for service at those elections.  
4 Compensation shall be paid to members of election boards only  
5 after the vote has been canvassed and it has been determined  
6 in the course of the canvass that the election record  
7 certificate has been properly executed by the election board.

8 Sec. 26. Section 49.25, subsection 3, Code 1997, is  
9 amended to read as follows:

10 3. The commissioner shall furnish to each precinct where  
11 voting is to be by paper ballot, special paper ballot, or  
12 ballot card, rather than by voting machine, the necessary  
13 ballot boxes, suitably equipped with seals or locks and keys,  
14 and voting booths. The voting booths shall be approved by the  
15 board of examiners for voting machines and electronic voting  
16 systems and shall provide for voting in secrecy. At least one  
17 voting booth in each precinct shall be accessible to persons  
18 with disabilities. If the lighting in the polling place is  
19 inadequate, the voting booths used in that precinct shall  
20 include lights. Ballot boxes shall be locked or sealed before  
21 the polls open and shall remain locked or sealed until the  
22 polls are closed, except as provided in sections 51.7 and  
23 52.40, or to provide necessary service to a malfunctioning  
24 portable vote tallying device. If a ballot box is opened  
25 prior to the closing of the polls, two precinct election  
26 officials not of the same party shall be present and observe  
27 the ballot box being opened.

28 Sec. 27. Section 49.25, Code 1997, is amended by adding  
29 the following new subsection:

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

33 Sec. 28. Section 49.26, Code 1997, is amended to read as  
34 follows:

35 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

1 1. In all elections regulated by this chapter, the voting  
2 shall be by ballots printed and distributed as provided by  
3 law, or by voting machines meeting the requirements of chapter  
4 52.

5 2. When voting machines are available for an election  
6 precinct, the commissioner shall determine in advance of each  
7 election conducted for a city of three thousand five hundred  
8 or less population or any school district in which voting  
9 occurs in that precinct whether voting there shall be by  
10 machine or paper ballot. If the commissioner concludes, on  
11 the basis of voter turnout for recent similar elections and  
12 factors considered likely to affect voter turnout for the  
13 forthcoming election, that voting will probably be so light as  
14 to make preparation and use of paper ballots less expensive  
15 than preparation and use of a voting machine, paper ballots  
16 shall be used.

17 3. In counties in which automatic tabulating equipment is  
18 available, the commissioner shall determine in advance of each  
19 election whether the ballots will be counted by the automatic  
20 tabulating equipment or by the precinct election officials.  
21 The commissioner may use ballots and instructions similar to  
22 those used when the ballots are counted by automatic  
23 tabulating equipment.

24 Sec. 29. Section 49.30, Code 1997, is amended to read as  
25 follows:

26 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

27 The names of all candidates, constitutional amendments, and  
28 public measures to be voted for in each election precinct,  
29 other than presidential electors, shall be printed on one  
30 ballot, except that separate ballots are authorized under the  
31 following circumstances:

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

34 1. Where special paper ballots are used, if it is not  
35 possible to include all offices and public measures on a

1 single ballot, separate ballots may be provided for  
2 nonpartisan offices, judges, or public measures.

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

5 a. If it is impossible to place the names of all  
6 candidates on the machine ballot, the commissioner may provide  
7 a separate paper ballot for the candidates for judge of the  
8 district court, and the township offices, or either; one and  
9 the nonpartisan offices listed in section 39.21. One of the  
10 paper ballots shall be furnished to each registered voter.

11 b. When a precinct has one or more offices or questions on  
12 the ballot in any election that may not be legally voted upon  
13 by all registered voters of the precinct, the commissioner  
14 shall use lockout devices operated by the precinct election  
15 officials to restrict each voter to the appropriate parts of  
16 the ballot. However, if the voting machine does not have a  
17 lockout device, the commissioner may use one or more separate  
18 voting machines for each group of voters in the precinct. If  
19 neither of the foregoing procedures is feasible, the  
20 commissioner shall prepare separate ballots for the candidates  
21 or questions which may not be legally voted upon by all  
22 registered voters of the precinct, and shall furnish a  
23 separate ballot box into which only those ballots shall be  
24 deposited.

25 3. Separate Where paper ballots are used, separate paper  
26 ballots may shall be used for:

27 a. For the election of township officers in precincts  
28 including both incorporated and unincorporated areas or more  
29 than one township.

30 b. For public measures.

31 c. For judges.

32 Sec. 30. Section 49.31, subsection 1, Code 1997, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 1. All ballots shall be arranged with the names of

1 candidates for each office listed below the office title. For  
2 partisan elections the name of the political party or  
3 organization which nominated each candidate shall be listed  
4 after or below each candidate's name.

5 The commissioner shall determine the order of political  
6 parties and nonparty political organizations on the ballot.  
7 The sequence shall be the same for each office on the ballot  
8 and for each precinct in the county voting in the election.

9 Sec. 31. Section 49.31, subsection 4, Code 1997, is  
10 amended to read as follows:

11 ~~4. If electors in any precinct are entitled to vote for~~  
12 ~~more than one nominee or candidate for a particular office,~~  
13 ~~the~~ The heading for ~~that~~ each office on the precinct ballot  
14 shall be immediately followed by a notation of stating, "Vote  
15 for no more than ", and indicating the maximum number of  
16 nominees or candidates for that office for whom each elector  
17 may vote. ~~Provision shall be made on the ballot to allow the~~  
18 ~~elector to write in the name of any person for whom the~~  
19 ~~elector desires to vote for any office or nomination on the~~  
20 ~~ballot.~~

21 Sec. 32. Section 49.31, Code 1997, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 4A. At the end of the list of candidates  
24 for each office listed on the ballot one or more blank lines  
25 and voting positions shall be printed to allow the elector to  
26 write in the name of any person for whom the elector desires  
27 to vote for any office or nomination on the ballot. The  
28 number of write-in lines shall equal the number of votes that  
29 can be cast for that office.

30 Sec. 33. Section 49.33, Code 1997, is amended to read as  
31 follows:

32 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED  
33 OFFICES.

34 ~~Upon the left-hand margin of each separate column of the~~  
35 ~~ballot, immediately~~ Immediately opposite the names of the each

1 pair of candidates for president and vice president, a single  
2 ~~square, the sides of which shall not be less than one-fourth~~  
3 ~~of an inch in length,~~ voting target shall be printed in front  
4 of next to the bracket enclosing the names of the candidates  
5 for president and vice president, ~~and a separate square of the~~  
6 ~~same size.~~ A single voting target shall be printed in front  
7 of next to the bracket enclosing the names of the candidates  
8 for governor and lieutenant governor. The votes for a team of  
9 candidates shall be counted and certified to by the election  
10 board as a team. Write-in votes ~~may~~ shall also be tabulated  
11 ~~for each office separately~~ as a single vote for a pair of  
12 candidates.

13 Sec. 34. Section 49.35, Code 1997, is amended to read as  
14 follows:

15 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE  
16 BALLOT.

17 Each list of candidates nominated by a political party or a  
18 group of petitioners shall be termed a ticket. Each Where  
19 lever voting machines are used, each ticket shall be placed in  
20 a separate vertical column or horizontal row on the ballot, in  
21 the order determined pursuant to section 49.37 by the  
22 authorities charged with the printing of the ballots.  
23 However, if a total of more than seven tickets are to be  
24 placed on the ballot the state commissioner may authorize a  
25 method of placement in which the groups of petitioners are not  
26 all placed in separate individual columns or rows.

27 Sec. 35. Section 49.37, subsection 1, Code 1997, is  
28 amended by striking the subsection and inserting in lieu  
29 thereof the following:

30 1. For general elections, and for other elections in which  
31 more than one partisan office will be filled, the first  
32 section of the ballot shall be for straight party voting.  
33 Each political party or organization which has nominated  
34 candidates for more than one office shall be listed.

35 Instructions to the voter for straight party or organization

1 voting shall be in substantially the following form: "To vote  
2 for all candidates from a single party or organization, mark  
3 the voting target next to the party or organization name. Not  
4 all parties or organizations have nominated candidates for all  
5 offices. Marking a straight party or organization vote does  
6 not include votes for nonpartisan offices, judges, or  
7 questions." Political parties and nonparty political  
8 organizations which have nominated candidates for only one  
9 office shall be listed below the other political organizations  
10 under the heading "Other Political Organizations. The  
11 following organizations have nominated candidates for only one  
12 office:".

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

16 Sec. 36. Section 49.37, subsections 2 and 3, Code 1997,  
17 are amended to read as follows:

18 2. The commissioner shall arrange the ballot in conformity  
19 with the certificate issued by the state commissioner under  
20 section 43.73, in that the names of the respective candidates  
21 on for each political party ~~ticket~~ shall appear in the order  
22 they appeared on the certificate, above or to the left of the  
23 nonparty political organization ~~tickets~~ candidates.

24 3. The commissioner shall arrange the partisan county  
25 offices on the ballot with the board of supervisors first,  
26 followed by the other county offices and township offices in  
27 the same sequence in which they appear in sections 39.17 and  
28 39.22. Nonpartisan offices shall be listed ~~below-or-to-the~~  
29 ~~right-of~~ after partisan offices.

30 Sec. 37. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

31 The ballot for the general election shall be arranged in  
32 substantially the following form:

33 PARTISAN OFFICES

34 STRAIGHT PARTY VOTING

35 To vote for all candidates from a single party mark the

1 voting target next to the party name. Not all parties have  
2 nominated candidates for all offices. Marking a straight  
3 party vote does not include votes for nonpartisan offices,  
4 judges, or questions.

5 POLITICAL PARTY NAME

6 POLITICAL PARTY NAME

7 POLITICAL ORGANIZATION NAME

8 POLITICAL ORGANIZATION NAME

9 OTHER POLITICAL ORGANIZATIONS

10 The following political organizations have nominated  
11 candidates for only one office.

12 POLITICAL ORGANIZATION NAME

13 POLITICAL ORGANIZATION NAME

14 FEDERAL OFFICES

15 For President and Vice President Vote for no more than one  
16 team.

17 CANDIDATE NAME, of State

18 CANDIDATE NAME, of State

19 Political Party

20 CANDIDATE NAME, of State

21 CANDIDATE NAME, of State

22 Political Party

23 CANDIDATE NAME, of State

24 CANDIDATE NAME, of State

25 Political Organization Name

26 CANDIDATE NAME, of State

27 CANDIDATE NAME, of State

28 Political Organization Name

29 CANDIDATE NAME, of State

30 CANDIDATE NAME, of State

31 Nominated by Petition

32

33 Write-in for President, if any.

34

35 Write-in for Vice-President, if any.

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



1                   Political Party  
2       CANDIDATE NAME  
3                   Political Organization  
4       CANDIDATE NAME  
5                   Political Organization  
6       CANDIDATE NAME  
7                   Nominated by Petition

8       \_\_\_\_\_  
9       Write-in vote, if any.

10      Sec. 38. Section 49.43, Code 1997, is amended by adding  
11 the following new unnumbered paragraph before unnumbered para-  
12 graph 1:

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

19      Sec. 39. Section 49.43, unnumbered paragraph 2, Code 1997,  
20 is amended to read as follows:

21      Constitutional amendments and other public measures may be  
22 summarized by the commissioner as provided in section sections  
23 49.44 and 52.25.

24      Sec. 40. Section 49.44, unnumbered paragraph 1, Code 1997,  
25 is amended to read as follows:

26      When a proposed constitutional amendment or other public  
27 measure to be decided by the voters of the entire state is to  
28 be voted upon, the state commissioner shall prepare a written  
29 summary of the amendment or measure including the number of  
30 the amendment or statewide public measure assigned by the  
31 state commissioner. The summary shall be printed immediately  
32 preceding the text of the proposed amendment or measure on the  
33 paper ballot or special paper ballot referred to in section  
34 49.43 and, in. If the complete text of the public measure  
35 will not fit on the special paper ballot it shall be posted

1 inside the voting booth. A copy of the full text shall be  
2 included with any absentee ballots.

3 PARAGRAPH DIVIDED. In precincts where the amendment or  
4 measure will be voted on by machine, the summary shall be  
5 placed in the voting machine inserts as required by section  
6 52.25.

7 Sec. 41. Section 49.45, Code 1997, is amended to read as  
8 follows:

9 49.45 GENERAL FORM OF BALLOT.

10 Ballots referred to in section 49.43 shall be substantially  
11 in the following form:

12 Shall the following amendment Yes  
13 to the Constitution (or public meas- No  
14 ure) be adopted?

15 ☐ Yes

16 ☐ No

17 (Here insert the summary, if it be is for a constitutional  
18 amendment or statewide public measure, and in full the  
19 proposed constitutional amendment or public measure. The  
20 number assigned by the state commissioner or the letter  
21 assigned by the county commissioner shall be included on the  
22 ballot centered above the question, "Shall the following  
23 amendment to the Constitution [or public measure] be  
24 adopted?".)

25 Sec. 42. Section 49.46, Code 1997, is amended to read as  
26 follows:

27 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

32 Sec. 43. Section 49.47, Code 1997, is amended to read as  
33 follows:

34 49.47 NOTICE ON BALLOTS.

35 At the top of paper ballots ~~on-such~~ for public measures

1 shall be printed the following:

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

9 Sec. 44. Section 49.57, Code 1997, is amended to read as  
10 follows:

11 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

12 Ballots shall be prepared as follows:

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

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

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

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

35 5. ~~On-the-outside~~ A portion of the ballot, ~~so-as-to-appear~~

1 when-folded which can be shown to the precinct officials  
2 without revealing any of the marks made by the voter, shall be  
3 printed include the words "Official ballot", a designation of  
4 the ballot rotation, if any, the date of the election, and a  
5 facsimile of the signature of the commissioner who has caused  
6 the ballot to be printed pursuant to section 49.51.

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

10 Sec. 45. Section 49.58, unnumbered paragraph 1, Code 1997,  
11 is amended to read as follows:

12 If any candidate nominated by a political party, as defined  
13 in section 43.2, for the office of senator or representative  
14 in the Congress of the United States, governor, lieutenant  
15 governor, attorney general, or senator or representative in  
16 the general assembly dies during the period beginning on the  
17 eighty-eighth day and ending on the last day before the  
18 general election, or if any candidate so nominated for the  
19 office of county supervisor dies during the period beginning  
20 on the seventy-third day and ending on the last day before the  
21 general election, the vote cast at the general election for  
22 that office shall not be canvassed as would otherwise be  
23 required by chapter 50. Instead, a special election shall be  
24 held on the first Tuesday after the second Monday in December,  
25 for the purpose of electing a person to fill that office.

26 Sec. 46. Section 49.92, Code 1997, is amended to read as  
27 follows:

28 49.92 VOTING MARK.

29 The instructions appearing on the ballot shall describe the  
30 appropriate mark to be used by the voter. The mark shall be  
31 consistent with the requirements of the voting system in use  
32 in the precinct. The voting mark shall used on paper ballots  
33 may be a cross or check which shall be placed in-the-circle-at  
34 the-head-of-a-ticket, or in the squares voting targets  
35 opposite the names of candidates. The fact that the voting

1 mark is made by an instrument other than a black lead pencil  
2 shall not affect the validity of the ballot unless it appears  
3 that the color or nature of the mark is intended to identify  
4 the ballot contrary to the intent of section 49.107,  
5 subsection 7.

6 Sec. 47. Section 49.93, Code 1997, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 49.93 NUMBER OF VOTES FOR EACH OFFICE.

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

16 Sec. 48. Section 49.94, Code 1997, is amended to read as  
17 follows:

18 49.94 HOW TO MARK A STRAIGHT TICKET.

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

26 1. The voter may place-a-cross-or-check-in-the-circle-at  
27 the-top-of-such-ticket mark the voting target next to the name  
28 of the political party or nonparty political organization in  
29 the straight party or organization section of the ballot  
30 without making-a-cross-or-check-in marking any square-beneath  
31 said-circle voting target next to the name of a candidate  
32 nominated by the party or organization.

33 2:--The-voter-may-place-a-cross-or-check-in-the-square  
34 opposite-the-name-of-each-such-candidate-without-making-any  
35 cross-or-check-in-the-circle-at-the-top-of-such-ticket.

1     3- 2. The voter may ~~place-a-cross-or-check-in-the-circle~~  
2 ~~at-the-top-of-such-ticket~~ mark the voting target next to the  
3 name of the political party or nonparty political organization  
4 in the straight party or organization section of the ballot  
5 and also ~~a-cross-or-check-in~~ mark any or all of the squares  
6 ~~beneath-said-circle~~ voting targets next to the names of  
7 candidates nominated by that party or organization.

8     Sec. 49. Section 49.95, Code 1997, is amended to read as  
9 follows:

10     49.95 VOTING PART OF TICKET ONLY.

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

23     Sec. 50. Section 49.96, Code 1997, is amended to read as  
24 follows:

25     49.96 ~~GROUP-CANDIDATES-FOR-OFFICES-OF-SAME-CLASS~~ OFFICES  
26 WITH MORE THAN ONE PERSON TO BE ELECTED.

27     Where ~~two-or-more-offices-of-the-same-class-are-to-be~~  
28 ~~filled~~ more than one person is to be elected to the same  
29 office at the same election, and all of the candidates for  
30 ~~such-offices,~~ that office for whom the voter desires to vote,  
31 ~~appear-upon-the-voter's-party-ticket-at-the-top-of-which-the~~  
32 ~~voter-has-marked-a-cross-or-check-in-the-circle~~ were nominated  
33 by the political party or nonparty political organization for  
34 which the voter has marked a straight party or organization  
35 vote, the voter need not otherwise indicate the vote for ~~such~~

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

14 Sec. 51. Section 49.97, Code 1997, is amended to read as  
15 follows:

16 49.97 HOW TO MARK A MIXED TICKET.

17 If the names of all candidates for whom a voter desires to  
18 vote ~~do~~ were not appear upon nominated by the same ticket  
19 political party or nonparty political organization, the voter  
20 may indicate the candidates of the voter's choice by marking  
21 the ballot in any one of the following ways:

22 1. The voter may ~~place a cross or check in the circle at~~  
23 ~~the top of a ticket on~~ mark a straight party or organization  
24 vote for the party or nonparty political organization which  
25 the names of nominated some of the candidates for whom the  
26 voter desires to vote ~~appear and also a cross or check in the~~  
27 ~~square opposite the name of each other candidate of the~~  
28 ~~voter's choice, whose name appears upon some ticket other than~~  
29 ~~the one in which the voter has marked the circle at the top~~  
30 and vote for candidates of other parties or nonparty political  
31 organizations by marking the voting targets next to their  
32 names.

33 2. The voter may ~~place a cross or check in the square~~  
34 ~~opposite the name of each candidate for whom the voter desires~~  
35 to vote for each candidate separately without placing any

1 ~~cross-or-check-in-any-circle~~ marking any straight party or  
2 organization vote.

3 Sec. 52. Section 49.98, Code 1997, is amended to read as  
4 follows:

5 49.98 COUNTING BALLOTS.

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

27 Sec. 53. Section 49.99, unnumbered paragraph 1, Code 1997,  
28 is amended to read as follows:

29 The voter may also ~~insert in writing in the proper place~~  
30 write on the line provided for write-in votes the name of any  
31 person for whom the voter desires to vote and ~~place a cross or~~  
32 ~~check in the square~~ mark the voting target opposite the name.  
33 If the voter is using a voting system other than an electronic  
34 voting system, as defined in section 52.1, the writing of the  
35 name shall constitute a valid vote for the person whose name



1 has been written on the ballot without regard to whether the  
2 voter has made a ~~cross-or-check~~ mark opposite the name.  
3 However, when a write-in vote is cast using an electronic  
4 voting system, the ballot must also be marked in the  
5 corresponding space in order to be counted. ~~The-making-of-a~~  
6 ~~cross-or-check-in-a-square~~ Marking the voting target opposite  
7 a blank write-in line without writing a name ~~in on~~ the blank,  
8 line shall not affect the validity of the remainder of the  
9 ballot.

10 Sec. 54. Section 49.100, Code 1997, is amended to read as  
11 follows:

12 49.100 SPOILED BALLOTS.

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

20 Sec. 55. Section 49.125, Code 1997, is amended to read as  
21 follows:

22 49.125 COMPENSATION OF TRAINEES.

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

33 Sec. 56. Section 50.13, Code 1997, is amended to read as  
34 follows:

35 50.13 DESTRUCTION OF BALLOTS.

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

7 If the ballots are to be shredded, the package may be  
8 opened, if necessary, but the ballots shall not be examined  
9 before shredding. Shredded ballots may be recycled. The  
10 commissioner shall invite the chairperson of each of the  
11 political parties to designate a person to witness the  
12 destruction of the ballots.

13 Sec. 57. Section 50.48, subsection 4, unnumbered paragraph  
14 1, Code 1997, is amended to read as follows:

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

32 PARAGRAPH DIVIDED. Any member of the recount board may at  
33 any time during the recount proceedings extend the recount of  
34 votes cast for the office or nomination in question to any  
35 other precinct or precincts in the same county, or from which

1 the returns were reported to the commissioner responsible for  
2 conducting the election, without the necessity of posting  
3 additional bond.

4 Sec. 58. Section 52.10, Code 1997, is amended to read as  
5 follows:

6 52.10 BALLOTS -- FORM.

7 All ballots shall be printed in black ink on clear, white  
8 material, of such size as will fit the ballot frame, and in as  
9 plain, clear type as the space will reasonably permit. The  
10 party name for each political party represented on the machine  
11 shall be prefixed to the list of candidates of such party.  
12 The order of the list of candidates of the several parties or  
13 organizations shall be arranged as provided in sections 40.30  
14 to ~~49.42~~ 49.41, except that the lists may be arranged in  
15 horizontal rows or vertical columns to meet the physical  
16 requirements of the voting machine used.

17 Sec. 59. Section 52.12, Code 1997, is amended by striking  
18 the section and inserting in lieu thereof the following:

19 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

20 Voting machines shall have a single lever or switch which  
21 casts a vote for each candidate of a political party or non-  
22 party political organization which has nominated candidates  
23 for more than one partisan office on the ballot. Straight  
24 party voting shall be provided for all general elections.

25 Sec. 60. Section 52.33, Code 1997, is amended by adding  
26 the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. The absentee and special  
28 precinct board shall follow the process prescribed in section  
29 52.37, subsection 2, in handling damaged or defective ballots  
30 and in counting write-in votes on special paper ballots.

31 Sec. 61. Section 52.35, subsection 2, Code 1997, is  
32 amended to read as follows:

33 2. The test shall be conducted by processing a preaudited  
34 group of ballots punched or marked so as to record a  
35 predetermined number of valid votes for each candidate, and on

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

14 Sec. 62. Section 52.36, unnumbered paragraph 2, Code 1997,  
15 is amended to read as follows:

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

29 Sec. 63. Section 52.37, subsection 2, unnumbered paragraph  
30 2, Code 1997, is amended to read as follows:

31 The resolution board shall also tabulate any write-in votes  
32 which were cast. Write-in votes cast for a candidate whose  
33 name appears on the ballot for the same office shall be  
34 counted as a vote for the candidate indicated, if the vote is  
35 otherwise properly cast.

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

12     Sec. 64. Section 52.38, unnumbered paragraph 1, Code 1997,  
13 is amended to read as follows:

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

25     Sec. 65. Section 52.40, subsection 1, Code 1997, is  
26 amended to read as follows:

27     1. In counties where counting centers have been  
28 established under section 52.34, the commissioner may  
29 designate certain polling places as early ballot pick-up  
30 sites. At these sites, between the hours of one p.m. and four  
31 p.m. on the day of the election, two precinct election  
32 officials of different political parties shall seal the ballot  
33 container to prevent the addition or removal of ballots and  
34 replace it with an empty, locked ballot container. The sealed  
35 ballot container shall be kept in a safe place in view of the

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

11 Sec. 66. Section 53.2, unnumbered paragraph 1, Code 1997,  
12 is amended to read as follows:

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

29 Sec. 67. Section 53.19, unnumbered paragraph 3, Code 1997,  
30 is amended to read as follows:

31 However, any registered voter who has received an absentee  
32 ballot and not voted returned it, may surrender the unmarked  
33 absentee ballot to the precinct officials and vote in person  
34 at the polls. The precinct officials shall mark the uncast  
35 absentee ballot "void" and return it to the commissioner. Any

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

8 Sec. 68. Section 54.5, Code 1997, is amended by adding the  
9 following new unnumbered paragraph:

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

24 Sec. 69. Section 59.1, Code 1997, is amended by adding the  
25 following new unnumbered paragraph:

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

1 house in which the contest will be tried.

2 Sec. 70. Section 62.1, Code 1997, is amended to read as  
3 follows:

4 62.1 CONTEST COURT.

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

21 Sec. 71. Section 62.2, Code 1997, is amended to read as  
22 follows:

23 62.2 JUDGES.

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

34 Sec. 72. Section 62.9, Code 1997, is amended to read as  
35 follows:



1     62.9 TRIAL -- NOTICE.

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

10     Sec. 73. Section 69.13, unnumbered paragraph 1, Code 1997,  
11 is amended to read as follows:

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

23     Sec. 74. Section 69.14A, subsection 1, paragraph a,  
24 unnumbered paragraph 2, Code 1997, is amended to read as  
25 follows:

26     However, if within fourteen days after publication of the  
27 notice or within fourteen days after the appointment is made,  
28 ~~whichever-is-later~~, a petition is filed with the county  
29 auditor requesting a special election to fill the vacancy, the  
30 appointment is temporary and a special election shall be  
31 called as provided in paragraph "b". The petition shall meet  
32 the requirements of section 331.306, except that in counties  
33 where supervisors are elected under plan "three", the number  
34 of signatures calculated according to the formula in section  
35 331.306 shall be divided by the number of supervisor districts

1 in the county.

2 Sec. 75. Section 69.14A, subsection 1, paragraph b,  
3 unnumbered paragraph 1, Code 1997, is amended to read as  
4 follows:

5 By special election held to fill the office for the  
6 remaining balance of the unexpired term. The committee of  
7 county officers designated to fill the vacancy in section 69.8  
8 may, on its own motion, or shall, upon receipt of a petition  
9 as provided in paragraph "a", call for a special election to  
10 fill the vacancy in lieu of appointment. The committee shall  
11 order the special election at the earliest practicable date,  
12 but giving at least ~~thirty~~ thirty-two days' notice of the  
13 election. A special election called under this section shall  
14 be held on a Tuesday and shall not be held on the same day as  
15 a school election within the county.

16 Sec. 76. Section 69.14A, subsection 2, paragraph a,  
17 unnumbered paragraph 2, Code 1997, is amended to read as  
18 follows:

19 However, if within fourteen days after publication of the  
20 notice or within fourteen days after the appointment is made,  
21 ~~whichever-is-later~~, a petition is filed with the county  
22 auditor requesting a special election to fill the vacancy, the  
23 appointment is temporary and a special election shall be  
24 called as provided in paragraph "b". The petition shall meet  
25 the requirements of section 331.306.

26 Sec. 77. Section 69.14A, subsection 2, paragraph b,  
27 unnumbered paragraph 1, Code 1997, is amended to read as  
28 follows:

29 By special election held to fill the office for the  
30 remaining balance of the unexpired term. The board of  
31 supervisors may, on its own motion, or shall, upon receipt of  
32 a petition as provided in paragraph "a", call for a special  
33 election to fill the vacancy in lieu of appointment. The  
34 ~~committee~~ supervisors shall order the special election at the  
35 earliest practicable date, but giving at least ~~thirty~~ thirty-

1 two days' notice of the election. A special election called  
2 under this section shall be held on a Tuesday and shall not be  
3 held on the same day as a school election within the county.

4 Sec. 78. Section 277.4, unnumbered paragraph 2, Code 1997,  
5 is amended to read as follows:

6 Each candidate shall be nominated by petition. If the  
7 candidate is running for ~~an-at-large~~ a seat in the district  
8 which is voted for at-large, the petition must be signed by at  
9 least ten eligible electors, or a number of eligible electors  
10 equal in number to not less than one percent of the registered  
11 voters of the school district, whichever is more. If the  
12 candidate is running for a seat which is voted for only by the  
13 voters of a director district, the petition must be signed by  
14 at least ten eligible electors of the director district or a  
15 number of eligible electors equal in number to not less than  
16 one percent of the registered voters in the director district,  
17 whichever is more. A petition filed under this section shall  
18 not be required to have more than one hundred signatures.

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

1 Sec. 79. Section 278.1, subsection 8, Code 1997, is  
2 amended to read as follows:

3 8. ~~Authorize the establishment or abandonment of director~~  
4 ~~districts or a change of boundaries of director districts a~~  
5 change in the method of conducting elections or in the number  
6 of directors as provided in sections 275.35 and 275.36. If a  
7 proposition submitted to the voters under this subsection or  
8 subsection 7 ~~of this section~~ is rejected, it may not be  
9 resubmitted to the voters of the district in substantially the  
10 same form within the next three years; if it is approved, no  
11 other proposal may be submitted to the voters of the district  
12 under this subsection or subsection 7 ~~of this section~~ within  
13 the next six years.

14 Sec. 80. Section 347.11, Code 1997, is amended to read as  
15 follows:

16 347.11 ORGANIZATION -- MEETINGS -- QUORUM.

17 Said trustees shall ~~within ten days after their~~  
18 ~~appointment or election~~, qualify by taking the usual oath of  
19 office as provided in chapter 63, but no bond shall be  
20 required of them, except as hereafter provided, and organize  
21 by the election of one of their number as chairperson and one  
22 as secretary, and one as treasurer. The secretary and  
23 treasurer shall each file with the chairperson of the board a  
24 surety bond in such penal sum as the board of trustees may  
25 require and with sureties to be approved by the board for the  
26 use and benefit of the county public hospital. The reasonable  
27 cost of such bonds shall be paid from operating funds of the  
28 hospital. The secretary shall report to the county auditor  
29 and treasurer the names of the chairperson, secretary and  
30 treasurer of the board of hospital trustees as soon as  
31 practicable after the qualification of each. Said board shall  
32 meet at least once each month. Four members of said board  
33 shall constitute a quorum for the transaction of business.  
34 The secretary shall keep a complete record of its proceedings.

35 Sec. 81. Section 347A.1, unnumbered paragraph 2, Code

1 1997, is amended to read as follows:

2 The trustees shall hold office until the next succeeding  
3 election, at which time their successors shall be elected, two  
4 for a term of two years, two for a term of four years and one  
5 for a term of six years, and thereafter their successors shall  
6 be elected for regular terms of six years each. Vacancies in  
7 the board of trustees may be filled in the same manner as  
8 original appointments, to hold office until the vacancies are  
9 filled pursuant to section 69.12. The trustees, ~~within ten~~  
10 ~~days after their appointment or election,~~ shall qualify by  
11 taking the usual oath of office as provided in chapter 63, but  
12 no bond shall be required of them. The trustees shall receive  
13 no compensation but shall be reimbursed for all expenses  
14 incurred by them with the approval of the board of trustees in  
15 the performance of their duties. The board first appointed  
16 shall organize promptly following its appointment, and shall  
17 serve until successors are elected and qualified; thereafter  
18 no later than December 1 of each year the board shall  
19 reorganize by the appointment of a chairperson, secretary, and  
20 treasurer. The secretary and treasurer shall each file with  
21 the chairperson of the board a surety bond in the amount the  
22 board of trustees requires, with sureties to be approved by  
23 the board of trustees, for the use and benefit of the county  
24 hospital. The reasonable cost of the bonds shall be paid from  
25 the operating funds of the hospital. The secretary shall  
26 report to the county auditor and the county treasurer the  
27 names of the chairperson, secretary, and treasurer of the  
28 board as soon as practicable after the appointment of each.

29 Sec. 82. Section 372.2, subsection 2, Code 1997, is  
30 amended to read as follows:

31 2. Within fifteen days after receiving a valid petition,  
32 the council shall ~~proclaim~~ publish notice of the date that a  
33 special city election to will be held within sixty days to  
34 determine whether the city shall change to a different form of  
35 government. The election date shall be not more than sixty

1 days after the publication. The notice shall include a  
2 statement that the filing of a petition for appointment of a  
3 home rule charter commission will delay the election until  
4 after the home rule charter commission has filed a proposed  
5 charter. Petition requirements and filing deadlines shall  
6 also be included in the notice.

7 PARAGRAPH DIVIDED. The council shall notify the county  
8 commissioner of elections to publish notice of the election  
9 and conduct the election pursuant to chapters 39 to 53. The  
10 county commissioner of elections shall certify the results of  
11 the election to the council.

12 Sec. 83. Section 372.3, Code 1997, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 372.3 HOME RULE CHARTER.

15 If a petition for appointment of a home rule charter com-  
16 mission is filed with the city clerk not more than ten days  
17 after the council has published notice announcing the date of  
18 the special election on adoption of another form of  
19 government, the special election shall not be held until the  
20 charter proposed by the home rule charter commission is filed.  
21 Both forms must be published as provided in section 372.9 and  
22 submitted to the voters at the special election.

23 Sec. 84. Section 372.13, subsection 2, paragraph a,  
24 unnumbered paragraph 1, Code 1997, is amended to read as  
25 follows:

26 By appointment by the remaining members of the council,  
27 except that if the remaining members do not constitute a  
28 quorum of the full membership, paragraph "b" shall be  
29 followed. The appointment shall be for the period until the  
30 next pending election as defined in section 69.12, and shall  
31 be made within forty days after the vacancy occurs. If the  
32 council chooses to proceed under this paragraph, it shall  
33 publish notice in the manner prescribed by section 362.3,  
34 stating that the council intends to fill the vacancy by  
35 appointment but that the electors of the city or ward, as the

1 case may be, have the right to file a petition requiring that  
2 the vacancy be filled by a special election. The council may  
3 publish notice in advance if an elected official submits a  
4 resignation to take effect at a future date. The council may  
5 make an appointment to fill the vacancy after the notice is  
6 published or after the vacancy occurs, whichever is later.  
7 However, if within fourteen days after publication of the  
8 notice or within fourteen days after the appointment is made,  
9 ~~whichever-is-later~~, there is filed with the city clerk a  
10 petition which requests a special election to fill the  
11 vacancy, an appointment to fill the vacancy is temporary and  
12 the council shall call a special election to fill the vacancy  
13 permanently, under paragraph "b". The number of signatures of  
14 eligible electors of a city for a valid petition shall be  
15 determined as follows:

16 Sec. 85. Section 376.4, unnumbered paragraph 1, Code 1997,  
17 is amended to read as follows:

18 An eligible elector of a city may become a candidate for an  
19 elective city office by filing with the city clerk a valid  
20 petition requesting that the elector's name be placed on the  
21 ballot for that office. The petition must be filed not more  
22 than seventy-one days ~~nor~~ and not less than forty-seven days  
23 before the date of the election, and must be signed by  
24 eligible electors equal in number to at least two percent of  
25 those who voted to fill the same office at the last regular  
26 city election, but not less than ten persons. However, for  
27 those cities which may be required to hold a primary election,  
28 the petition must be filed not more than eighty-five days and  
29 not less than sixty-eight days before the date of the regular  
30 city election. A person may sign nomination petitions for  
31 more than one candidate for the same office, and the signature  
32 is not invalid solely because the person signed nomination  
33 petitions for one or more other candidates for the office.  
34 Nomination petitions shall be filed not later than five  
35 o'clock p.m. on the last day for filing.

1     Sec. 86. Section 376.10, Code 1997, is amended to read as  
2 follows:

3     376.10 CONTEST.

4     A nomination or election to a city office may be contested  
5 in the manner provided in chapter 62 for contesting elections  
6 to county offices, except that a statement of intent to  
7 contest must be filed with the city clerk within ten days  
8 after the nomination or election. ~~The mayor is presiding~~  
9 ~~officer of the court for the trial of a nomination or election~~  
10 ~~contest, except that if the mayor's nomination or election is~~  
11 ~~contested, the council shall elect one of its members other~~  
12 ~~than the mayor to serve as presiding officer.~~

13     Sec. 87. Sections 49.27, 49.29, and 49.42, Code 1997, are  
14 repealed.

15     Sec. 88. HOSPITAL BOARDS OF TRUSTEES. Any action taken  
16 prior to July 1, 1997, by the board of trustees of a county  
17 hospital appointed or elected pursuant to section 347A.1, is  
18 valid, legal, and binding if the action is challenged solely  
19 on the basis that a member or members of the board failed to  
20 take the oath of office within the time period provided in  
21 section 347.11 or 347A.1.

22     Sec. 89. IMMEDIATE EFFECTIVE DATE. New Code section 39.1A  
23 and amendments to Code sections 48A.22, 48A.26 through 48A.29,  
24 49.13, 49.16, 49.25, 50.48, 52.33, 52.35 through 52.38, 52.40,  
25 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 in  
26 this Act, being deemed of immediate importance, take effect  
27 upon enactment.

28                                   EXPLANATION

29     This bill makes a number of changes to the election laws of  
30 Iowa.

31     New Code section 39.1A prohibits county auditors from  
32 conducting elections which are not specifically authorized or  
33 required by state law.

34     Code sections 43.6, 43.79, 49.58, and 69.13 are amended to  
35 provide that a vacancy in the office of lieutenant governor



1 shall be filled by appointment by the governor. A vacancy on  
2 the ballot for that office shall be filled by nomination by  
3 the state convention of the candidate's party.

4 Code section 43.73 is amended to strike language which  
5 authorizes the secretary of state to prescribe party order on  
6 the ballot. Code section 49.31 gives that authority to the  
7 county auditors.

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

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

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

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

31 New Code section 47.4 provides that filings pertaining to  
32 an election, the deadline for which falls on a day the county  
33 or state commissioner of elections office is closed for  
34 business, shall be filed on the next day that the office of  
35 county or state commissioner is open for business to receive

1 the filing. This section does not apply to the deadline for  
2 voter registration.

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

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

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

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

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

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

29 Code section 49.16 is amended to prohibit a precinct  
30 election official, who has changed party affiliation from the  
31 party which designated the official, from working at the polls  
32 as a designee of the party with which the official was  
33 formerly registered.

34 Code sections 49.20 and 49.125 are amended to provide that  
35 the board of supervisors shall set the mileage rate for

1 election workers. Currently, they are paid at the rate set  
2 for state employees.

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

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

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

30 Code section 49.31, relating to the arrangement of names on  
31 the ballot, is amended to provide that the names of candidates  
32 shall be listed below the title of the office, and, for  
33 partisan offices, above the name of the political party or  
34 nonparty political organization which nominated the candidate.  
35 The amendment provides that the county commissioner shall

1 determine the order of political parties and nonparty  
2 political organizations on the ballot and that each ballot  
3 used in the county shall be identical.

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

9 Code section 49.35, relating to the order of arranging  
10 tickets on the ballot, is amended to pertain to lever voting  
11 machine ballots only.

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

22 Code section 49.42 is repealed and new Code section 49.42A  
23 is enacted to prescribe the form for general election ballots.

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

28 Code section 49.44 is amended to require that a summary of  
29 a proposed constitutional amendment or other public measure be  
30 placed on the ballot immediately before the full text of the  
31 amendment or measure on special paper ballots. If the full  
32 text of the amendment or measure will not fit on the ballot,  
33 it shall be posted inside the voting booth and included with  
34 absentee ballots.

35 Code section 49.45 is amended to more specifically

1 prescribe the general form of ballots containing  
2 constitutional amendments or other public measures.

3 Code section 49.46, relating to marking ballots on public  
4 measures, is amended to provide for making the appropriate  
5 mark on special paper ballots.

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

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

20 Code section 49.92 updates the voting mark descriptions and  
21 targets to account for the use of a voting system other than  
22 the paper ballot system.

23 Code section 49.93, relating to the number of votes allowed  
24 for each office, is reworded.

25 Code sections 49.94 and 49.95 are amended to change voting  
26 target description and voting mark description to include  
27 variations allowed by optical scan voting systems. Portions  
28 of sections 49.94 and 49.95, relating to straight ticket  
29 marking and voting only part of a ticket, respectively, are  
30 reworded.

31 Code sections 49.96 and 49.97, relating to voting for  
32 offices with more than one person to be elected and marking a  
33 mixed ticket, respectively, are reworded.

34 Code section 49.98, relating to the instructions for  
35 counting ballots; Code section 49.99, relating to write-in

1 votes; and Code section 49.100, relating to replacing spoiled  
2 ballots, are reworded.

3 Code section 50.13 is amended to remove the requirement  
4 that representatives of the political parties attend the  
5 destruction of ballots.

6 Code section 50.48 is amended to allow the envelope  
7 containing ballots counted without the unanimous agreement of  
8 the precinct election officials to be delivered to the recount  
9 board. The function of recounts is to reexamine the  
10 tabulation of votes at an election. Currently these ballots  
11 are returned to the auditor as "disputed ballots". The  
12 proposed amendment also requires that the tabulating program  
13 used on election day be used in the recount.

14 Code section 52.10 is amended to provide that lists of  
15 candidates of a political party or nonparty political  
16 organization may be arranged in horizontal rows or vertical  
17 columns if necessary to meet the physical requirements of the  
18 voting machine used.

19 Code section 52.12 is amended to require that voting  
20 machines have a single lever or switch to make a straight  
21 party vote.

22 Code section 52.33 is amended to require the absentee and  
23 special precinct board to follow the same procedure as the  
24 central count resolution board when tabulating optical scan  
25 ballots. This permits the board to make a duplicate of a  
26 damaged or unreadable ballot and include the duplicate ballot  
27 in the machine count.

28 Code section 52.35, and by reference section 52.38, are  
29 amended to eliminate the requirement that voting equipment  
30 test results be certified to the secretary of state.

31 Code section 52.36 is amended to require resolution boards  
32 to divide into two-person bipartisan teams. Resolution boards  
33 tabulate write-in votes and decide questions regarding ballots  
34 which cannot be tabulated by the machine. Resolution boards  
35 are currently required to divide into teams of three people.

1 Code section 52.37, relating to tabulation of electronic  
2 voting system ballots, is amended to allow the commissioner of  
3 elections to instruct the resolution board to mark over  
4 voters' marks unreadable by the machine, if possible, or to  
5 duplicate the ballot.

6 Code section 52.38 is amended to eliminate the requirement  
7 that portable tabulating devices be tested at the polling  
8 place where they are to be used.

9 Code section 52.40 is amended to allow precinct election  
10 officials to seal the ballot box at early ballot pick-up sites  
11 at a convenient time and to open a second ballot box when it  
12 is convenient. The early pick-up officers would no longer be  
13 required to do these tasks.

14 Code section 53.2 is amended to prohibit mailing an  
15 application for an absentee ballot to an address other than  
16 the county auditor or to an address designated by the auditor.

17 Code section 53.19 is amended to allow voters to surrender  
18 marked or unmarked absentee ballots on election day and vote  
19 unchallenged at the polls.

20 Code section 54.5 is amended to provide for substitution of  
21 candidates in a presidential election. A substitution is to  
22 be made by the state central committee of the party or by the  
23 governing committee of the national party. However, if there  
24 are differences, the state central committee substitution  
25 prevails. Nonparty political organizations may also  
26 substitute candidates in a presidential election.

27 Currently no statutory provision exists for contesting a  
28 special election to fill a vacancy in the general assembly.  
29 The proposed amendment to Code section 59.1 adds a method for  
30 contesting the outcome of a special election while the general  
31 assembly is in session. The contestant would file a notice of  
32 contest with the speaker of the house of representatives or  
33 with the president of the senate, as appropriate, not more  
34 than 20 days after the canvass of votes.

35 Code sections 62.1 and 62.2 are amended to change the

1 contest court chairperson from the chairperson of the county  
2 board of supervisors to a third person mutually agreed to by  
3 the judges selected by the incumbent and the contestant.

4 Code section 62.9 is amended to strike the limitation that  
5 the contest court may not begin for at least 20 days after the  
6 election.

7 Code sections 69.14A and 372.13 are amended to strike the  
8 words "whichever is later" from the description of the filing  
9 period for a petition requesting a special election to fill a  
10 vacancy on the county board of supervisors. The appointment  
11 will always be later than the publication of the notice of  
12 intent to appoint.

13 Code Section 69.14A is also amended to change the notice of  
14 election to fill a vacancy from 30 to 32 days, to be  
15 consistent with other special election notice requirements.  
16 Thirty days before a Tuesday election always falls on a  
17 Sunday. This amendment moves the deadline back to the  
18 preceding Friday.

19 Code section 277.4 is amended to specify the minimum  
20 signature requirements for school board candidates.

21 Code section 278.1 prescribes the procedure for changing  
22 the method of school elections which is similar to Code  
23 sections 275.35 and 275.36, except for petition filing  
24 deadlines and the thoroughness of the procedures. The more  
25 thorough language of Code sections 275.35 and 275.36 has been  
26 retained. The provision in Code section 278.1, subsection 8,  
27 allowing voters to redraw the director district boundaries at  
28 an election is stricken. Director district boundaries are  
29 drawn after the census on the basis of population.

30 Code sections 347.11 and 347A.1 are amended to provide that  
31 county hospital boards of trustees shall take the oath of  
32 office the first day of January which is not a Sunday or legal  
33 holiday.

34 Code section 372.2 is amended to specify the timing of a  
35 city special election date. The amendment requires



1 publication of intent to hold a special election on adoption  
2 of another form of government and notice that citizens may  
3 petition for appointment of a home rule charter commission,  
4 thereby delaying the election on adoption of another form of  
5 government.

6 Code section 372.3 is amended to establish a deadline for  
7 filing a petition for appointment of a home rule charter  
8 commission. Filing this petition will stay a special election  
9 on adoption of another form of government. Currently no  
10 deadline for filing the petition is prescribed.

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

21 Code section 376.10 is amended to change the contest court  
22 chairperson for city elections from the mayor to a third  
23 person mutually agreed to by the judges selected by the  
24 incumbent and the contestant, as provided in Code chapter 62  
25 as amended in this bill.

26 New Code section 39.1A and amendments to Code sections  
27 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25, 50.48,  
28 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2,  
29 62.9, 69.14A, 277.4, and 372.13 take effect upon enactment.

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**HOUSE FILE 636  
FISCAL NOTE**

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A fiscal note for **House File 636** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 636 amends various sections of the Code of Iowa pertaining to the conduct of elections and maintenance of voter registration records.

**FISCAL IMPACT**

House File 636 is estimated to have no fiscal impact on the State General Fund.

Counties, however, may experience reduced postage expenses. The Bill repeals the requirement that notices to registered voters who have moved to other Iowa counties include voter registration application forms. Inclusion of voter registration application forms currently costs counties approximately \$0.15 per piece for an estimated 75,000 to 100,000 pieces annually. Adoption of the Bill would result in a savings of up to \$20,000 annually.

House File 636 also eliminates the requirement that election materials be sent via first class mail. The amount of savings achieved would be determined by the quantity of mailings sent at a lower-cost postal rate.

Counties may also experience reduced staffing costs and reduced elections expenses. The amount of savings cannot be determined.

**SOURCES**

Department of General Services  
Office of the Secretary of State

(LSB 1178hv, DAA)

FILED MARCH 19, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 636

H-1256

1 Amend House File 636 as follows:

2 1. Page 33, by inserting after line 28 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 53.11, Code 1997, is amended by  
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A petition requesting a  
7 satellite absentee voting station must be filed by the  
8 following deadlines:

9 1. For a primary or general election, no later  
10 than five p.m. on the forty-seventh day before the  
11 election.

12 2. For the regular city election, no later than  
13 five p.m. on the thirtieth day before the election.

14 3. For the regular school election, no later than  
15 five p.m. on the thirtieth day before the election.

16 4. For a special election, no later than thirty-  
17 two days before the special election.

18 Sec. \_\_\_\_\_. Section 53.11, unnumbered paragraph 2,  
19 Code 1997, is amended to read as follows:

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

36 2. By renumbering as necessary.

By CHIODO of Polk

JACOBS of Polk

H-1256 FILED MARCH 19, 1997

*Adopted 3-25-97 (p. 771)*

## HOUSE FILE 636

H-1251

1 Amend House File 636 as follows:

2 1. Page 43, line 17, by inserting after the word  
3 "section" the following: "347.11 or".

By JACOBS of Polk

H-1251 FILED MARCH 19, 1997

*Adopted 3-25-97 (p. 772)*

## HOUSE FILE 636

H-1204

1 Amend House File 636 as follows:

2 1. Page 33, by inserting after line 28 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 53.11, Code 1997, is amended by  
5 adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A petition requesting a  
7 satellite absentee voting station must be filed by the  
8 following deadlines:

9 1. For a primary or general election, no later  
10 than five p.m. on the forty-seventh day before the  
11 election.

12 2. For the regular city election, no later than  
13 five p.m. on the thirtieth day before the election.

14 3. For the regular school election, no later than  
15 five p.m. on the thirtieth day before the election.

16 4. For a special election, no later than thirty-  
17 two days before the special election.

18 Sec. \_\_\_\_\_. Section 53.11, unnumbered paragraph 2,  
19 Code 1997, is amended to read as follows:

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

35 2. By renumbering as necessary.

By CHIODO of Polk

H-1204 FILED MARCH 17, 1997

*W/d 3-25-97*

## HOUSE FILE 636

H-1184

1 Amend House File 636 as follows:

2 1. Page 8, by striking lines 20 through 27.

3 2. By renumbering as necessary.

By JOCHUM of Dubuque

H-1184 FILED MARCH 17, 1997

*Spot 3-25-97 (p. 770)*

## HOUSE FILE 636

H-1323

1 Amend House File 636 as follows:

2 1. Page 34, by inserting before line 8 the  
3 following:

4 "Sec. \_\_\_\_ . Section 53.23, subsection 3, Code 1997,  
5 is amended to read as follows:

6 3. The commissioner shall set the convening time  
7 for the board, allowing a reasonable amount of time to  
8 complete counting all absentee ballots by ten p.m. on  
9 election day. The commissioner may direct the board  
10 to meet on the day ~~prior-to~~ before the election solely  
11 for the purpose of reviewing the absentee voters'  
12 affidavits appearing on the sealed ballot envelopes  
13 ~~if~~. If, in the commissioner's judgment this procedure  
14 is necessary due to the number of absentee ballots  
15 received, the members of the board may open the sealed  
16 ballot envelopes and remove the secrecy envelope  
17 containing the ballot, but under no circumstances  
18 shall a ~~sealed-ballot~~ secrecy envelope be opened  
19 before the board convenes on election day. If the  
20 ballot envelopes are opened before election day, two  
21 observers appointed by each of the two political  
22 parties referred to in section 49.13, subsection 2,  
23 shall witness the proceedings.

24 If the board finds any ballot not enclosed in a  
25 secrecy envelope, the two special precinct election  
26 officials, one from each of the two political parties  
27 referred to in section 49.13, subsection 2, shall  
28 place the ballot in a secrecy envelope and seal the  
29 envelope. No one shall examine the ballot. Each of  
30 the special precinct election officials shall sign the  
31 secrecy envelope."

By CHIODO of Polk  
JACOBS of Polk

H-1323 FILED MARCH 24, 1997  
*Adopted 3-25-97 (p. 772)*

## HOUSE FILE 636

H-1325

1 Amend House File 636 as follows:

2 1. Page 1, by inserting after line 8 the  
3 following:

4 "This section does not prohibit the governing body  
5 of a city or county from adopting an ordinance  
6 providing for elections on matters under the  
7 jurisdiction of the governing body."

By JACOBS of Polk  
CHURCHILL of Polk

BERNAU of Story  
CATALDO of Polk

H-1325 FILED MARCH 24, 1997  
*Adopted 3-25-97 (p. 769)*

## HOUSE FILE 636

H-1281

1 Amend House File 636 as follows:

2 1. Page 30, by inserting after line 3 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 50.50 ADMINISTRATIVE  
5 RECOUNTS.

6 The commissioner who was responsible for conducting  
7 an election may request an administrative recount when  
8 the commissioner suspects that voting equipment used  
9 in the election malfunctioned or that programming  
10 errors may have affected the outcome of the election.  
11 An administrative recount shall be conducted by the  
12 board of the special precinct established by section  
13 53.23. Bond shall not be required for an  
14 administrative recount. The state commissioner may  
15 adopt rules for administrative recounts.

16 If the recount board finds that there is an error  
17 in the programming of any voting equipment which may  
18 have affected the outcome of the election for any  
19 office or public measure on the ballot, the recount  
20 board shall describe the errors in its report to the  
21 commissioner. The commissioner shall notify the board  
22 of supervisors. The supervisors shall determine  
23 whether to order an administrative recount for any or  
24 all of the offices and public measures on the ballot."

25 2. By renumbering as necessary.

By JACOBS of Polk

H-1281 FILED MARCH 24, 1997

*Adopted 3-25-97 (p. 770)*

## HOUSE FILE 636

H-1287

1 Amend House File 636 as follows:

2 1. Page 1, by striking lines 1 through 8.

3 2. By renumbering as necessary.

By CHURCHILL of Polk

CORMACK of Webster

BERNAU of Story

JACOBS of Polk

CATALDO of Polk

H-1287 FILED MARCH 24, 1997

*W/d 3-25-97 (p. 769)*

HOUSE FILE 636  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 124)

(As Amended and Passed by the House, March 25, 1997)

(P. 1637) Passed House, Date 4/28/97 (P. 1488) Passed Senate, Date 4.28.97  
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 1  
Approved May 19, 1997

A BILL FOR

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

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

6  
7 House Amendments \_\_\_\_\_  
8  
9  
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1 Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

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

9 This section does not prohibit the governing body of a city  
10 or county from adopting an ordinance providing for elections  
11 on matters under the jurisdiction of the governing body.

12 Sec. 2. Section 43.6, subsection 1, Code 1997, is amended  
13 to read as follows:

14 1. When a vacancy occurs in the office of senator in the  
15 Congress of the United States, lieutenant-governor, secretary  
16 of state, auditor of state, treasurer of state, secretary of  
17 agriculture, or attorney general and section 69.13 requires  
18 that the vacancy be filled for the balance of the unexpired  
19 term at a general election, candidates for the office shall be  
20 nominated in the preceding primary election if the vacancy  
21 occurs eighty-nine or more days before the date of that  
22 primary election. If the vacancy occurs less than one hundred  
23 four days before the date of that primary election, the state  
24 commissioner shall accept nomination papers for that office  
25 only until five o'clock p.m. on the seventy-fourth day before  
26 the primary election, the provisions of section 43.11  
27 notwithstanding. If the vacancy occurs later than eighty-nine  
28 days before the date of that primary election, but not less  
29 than eighty-nine days before the date of the general election,  
30 the nominations shall be made in the manner prescribed by this  
31 chapter for filling vacancies in nominations for offices to be  
32 voted for at the general election.

33 Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1997,  
34 is amended to read as follows:

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



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

11 Sec. 4. Section 43.79, Code 1997, is amended to read as  
12 follows:

13 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

14 The death of a candidate nominated as provided by law for  
15 any office to be filled at a general election, during the  
16 period beginning on the eighty-eighth day before the general  
17 election, in the case of any candidate whose nomination papers  
18 were filed with the state commissioner, or beginning on the  
19 seventy-third day before the general election, in the case of  
20 any candidate whose nomination papers were filed with the  
21 commissioner, and ending on the last day before the general  
22 election shall not operate to remove the deceased candidate's  
23 name from the general election ballot. If the deceased  
24 candidate was seeking the office of senator or representative  
25 in the Congress of the United States, governor, ~~lieutenant~~  
26 ~~governor~~, attorney general, senator or representative in the  
27 general assembly or county supervisor, section 49.58 shall  
28 control. If the deceased candidate was seeking any other  
29 office, and as a result of the candidate's death a vacancy is  
30 subsequently found to exist, the vacancy shall be filled as  
31 provided by chapter 69.

32 Sec. 5. Section 43.88, unnumbered paragraph 2, Code 1997,  
33 is amended to read as follows:

34 Nominations made to fill vacancies at a special election  
35 shall be certified to the proper official not less than twenty

1 twenty-five days prior to the date set for the special  
2 election. In the event the special election is to fill a  
3 vacancy in the general assembly while it is in session or  
4 within forty-five days of the convening of any session, the  
5 nomination shall be certified not less than fourteen days  
6 before the date of the special election.

7 Sec. 6. Section 43.116, Code 1997, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 3. If a special election is held to fill  
10 a vacancy in an elective city office, nominations by political  
11 parties shall be made following the provisions of subsection  
12 2.

13 Sec. 7. Section 44.4, unnumbered paragraph 1, Code 1997,  
14 is amended to read as follows:

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

1 the city clerk, who shall process them as provided by law.

2 Sec. 8. Section 44.11, Code 1997, is amended to read as  
3 follows:

4 44.11 VACANCIES FILLED.

5 If a candidate named under this chapter withdraws before  
6 the deadline established in section 44.9, declines a  
7 nomination, or dies before election day, or if a certificate  
8 of nomination is held insufficient or inoperative by the  
9 officer with whom it is required to be filed, or in case any  
10 objection made to a certificate of nomination, or to the  
11 eligibility of any candidate named in the certificate, is  
12 sustained by the board appointed to determine such questions,  
13 the vacancy or vacancies may be filled by the convention, or  
14 caucus, or in such manner as such convention or caucus has  
15 previously provided. The vacancy or vacancies shall be filled  
16 not less than seventy-four days before the election in the  
17 case of nominations required to be filed with the state  
18 commissioner, not less than sixty-four days before the  
19 election in the case of nominations required to be filed with  
20 the commissioner, not less than thirty-five days before the  
21 election in the case of nominations required to be filed in  
22 the office of the school board secretary, and not less than  
23 forty-two days before the election in the case of nominations  
24 required to be filed with the city clerk.

25 Sec. 9. NEW SECTION. 44.17 NONPARTY POLITICAL  
26 ORGANIZATIONS -- NOMINATIONS BY PETITION.

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

31 The nonparty political organization may also file with the  
32 appropriate commissioner a list of the names and addresses of  
33 the organization's central committee members, and the  
34 chairperson and secretary of the organization. The  
35 organization may also place on file a description of the

1 method that the organization will follow to fill any vacancies  
2 resulting from the death, withdrawal, or disqualification of  
3 any of its candidates that were nominated by petition. If  
4 this information is filed before the close of the filing  
5 period for the general election, substitutions may be made  
6 pursuant to section 44.11.

7 Sec. 10. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

8 If the deadline for a filing pertaining to an election  
9 falls on a day that the state or county commissioner's office  
10 is closed for business, the deadline shall be extended to the  
11 next day that the office of state commissioner or county  
12 commissioner is open for business to receive the filing. This  
13 section does not apply to the deadline for voter registration  
14 under section 48A.9, subsection 2.

15 Sec. 11. Section 47.5, subsection 1, Code 1997, is amended  
16 to read as follows:

17 1. The Except for legal services and printing of ballots,  
18 the commissioner shall take bids for goods and services which  
19 are needed in connection with registration of voters or  
20 preparation for or administration of elections and which will  
21 be performed or provided by persons who are not employees of  
22 the commissioner under the following circumstances:

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

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

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

35 Sec. 12. Section 47.5, subsection 2, Code 1997, is amended

1 to read as follows:

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

10 ~~The commissioner shall also file a copy of the bid~~  
11 ~~specifications in the office of the state commissioner for a~~  
12 ~~period of not less than twenty days prior to such final date.~~  
13 When competitive bidding procedures are used, the purchase of  
14 goods or services shall be made from the lowest responsible  
15 bidder which meets the specifications or description of the  
16 services needed or the commissioner may reject all bids and  
17 readvertise. In determining the lowest responsible bidder,  
18 various factors may be considered, including but not limited  
19 to the past performance of the bidder relative to quality of  
20 product or service, the past experience of the purchaser in  
21 relation to the product or service, the relative quality of  
22 products or services, the proposed terms of delivery and the  
23 best interest of the county.

24     Sec. 13. Section 47.6, subsection 1, unnumbered paragraph  
25 2, Code 1997, is amended to read as follows:

26     If the proposed date of the special election coincides with  
27 the date of a regularly scheduled election or previously  
28 scheduled special election, the notice shall be given no later  
29 than five p.m. on the last day on which nomination papers may  
30 be filed with the commissioner for the regularly scheduled  
31 election or previously scheduled special election, but in no  
32 case shall notice be less than thirty-two days before the  
33 election. Otherwise, the notice shall be given at least  
34 thirty-two days in advance of the date of the proposed special  
35 election. Upon receiving the notice, the commissioner shall

1 promptly give written approval of the proposed date unless it  
2 appears that the special election, if held on that date, would  
3 conflict with a regular election or with another special  
4 election previously scheduled for that date.

5 Sec. 14. Section 48A.22, Code 1997, is amended to read as  
6 follows:

7 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

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

11 Sec. 15. Section 48A.26, subsection 1, Code 1997, is  
12 amended to read as follows:

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

19 Sec. 16. Section 48A.27, subsection 4, paragraph b, Code  
20 1997, is amended to read as follows:

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

30 Sec. 17. Section 48A.27, subsection 4, paragraph c,  
31 unnumbered paragraph 2, Code 1997, is amended to read as  
32 follows:

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

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

23 Sec. 18. Section 48A.27, subsection 4, paragraph d, Code  
24 1997, is amended to read as follows:

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

31 Sec. 19. Section 48A.28, subsection 2, unnumbered  
32 paragraph 2, Code 1997, is amended to read as follows:

33 A commissioner participating in the national change of  
34 address program, in the first quarter of each calendar year,  
35 shall send a notice and preaddressed, postage paid return card

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

10 Sec. 20. Section 48A.28, subsection 3, unnumbered  
11 paragraph 1, Code 1997, is amended to read as follows:

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

21 Sec. 21. Section 48A.29, subsection 1, unnumbered  
22 paragraph 2, Code 1997, is amended to read as follows:

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



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

10 Sec. 22. Section 48A.29, subsection 3, unnumbered  
11 paragraph 2, Code 1997, is amended to read as follows:

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

1     Sec. 23. Section 49.13, subsection 4, Code 1997, is  
2 amended to read as follows:

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

12     Sec. 24. Section 49.16, Code 1997, is amended by adding  
13 the following new subsection:

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

26     Sec. 25. Section 49.20, Code 1997, is amended to read as  
27 follows:

28     49.20   COMPENSATION OF MEMBERS.

29     The members of election boards shall be deemed temporary  
30 state employees who are compensated by the county in which  
31 they serve, and shall receive compensation at a rate  
32 established by the board of supervisors, which shall be not  
33 less than three dollars and fifty cents per hour, while  
34 engaged in the discharge of their duties and shall be  
35 reimbursed for actual and necessary travel expense at a rate

1 determined by the board of supervisors, except that persons  
2 who have advised the commissioner prior to their appointment  
3 to the election board that they are willing to serve without  
4 pay at elections conducted for any school district or a city  
5 of three thousand five hundred or less population, shall  
6 receive no compensation for service at those elections.  
7 Compensation shall be paid to members of election boards only  
8 after the vote has been canvassed and it has been determined  
9 in the course of the canvass that the election record  
10 certificate has been properly executed by the election board.

11 Sec. 26. Section 49.25, subsection 3, Code 1997, is  
12 amended to read as follows:

13 3. The commissioner shall furnish to each precinct where  
14 voting is to be by paper ballot, special paper ballot, or  
15 ballot card, rather than by voting machine, the necessary  
16 ballot boxes, suitably equipped with seals or locks and keys,  
17 and voting booths. The voting booths shall be approved by the  
18 board of examiners for voting machines and electronic voting  
19 systems and shall provide for voting in secrecy. At least one  
20 voting booth in each precinct shall be accessible to persons  
21 with disabilities. If the lighting in the polling place is  
22 inadequate, the voting booths used in that precinct shall  
23 include lights. Ballot boxes shall be locked or sealed before  
24 the polls open and shall remain locked or sealed until the  
25 polls are closed, except as provided in sections 51.7 and  
26 52.40, or to provide necessary service to a malfunctioning  
27 portable vote tallying device. If a ballot box is opened  
28 prior to the closing of the polls, two precinct election  
29 officials not of the same party shall be present and observe  
30 the ballot box being opened.

31 Sec. 27. Section 49.25, Code 1997, is amended by adding  
32 the following new subsection:

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

1 Sec. 28. Section 49.26, Code 1997, is amended to read as  
2 follows:

3 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

4 1. In all elections regulated by this chapter, the voting  
5 shall be by ballots printed and distributed as provided by  
6 law, or by voting machines meeting the requirements of chapter  
7 52.

8 2. When voting machines are available for an election  
9 precinct, the commissioner shall determine in advance of each  
10 election conducted for a city of three thousand five hundred  
11 or less population or any school district in which voting  
12 occurs in that precinct whether voting there shall be by  
13 machine or paper ballot. If the commissioner concludes, on  
14 the basis of voter turnout for recent similar elections and  
15 factors considered likely to affect voter turnout for the  
16 forthcoming election, that voting will probably be so light as  
17 to make preparation and use of paper ballots less expensive  
18 than preparation and use of a voting machine, paper ballots  
19 shall be used.

20 3. In counties in which automatic tabulating equipment is  
21 available, the commissioner shall determine in advance of each  
22 election whether the ballots will be counted by the automatic  
23 tabulating equipment or by the precinct election officials.  
24 The commissioner may use ballots and instructions similar to  
25 those used when the ballots are counted by automatic  
26 tabulating equipment.

27 Sec. 29. Section 49.30, Code 1997, is amended to read as  
28 follows:

29 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

30 The names of all candidates, constitutional amendments, and  
31 public measures to be voted for in each election precinct,  
32 other than presidential electors, shall be printed on one  
33 ballot, except that separate ballots are authorized under the  
34 following circumstances:

35 ~~1.--For-judicial-elections,-separate-ballots-or-headings~~

1 ~~shall be used as required by section 46.22.~~

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

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

8 a. If it is impossible to place the names of all  
9 candidates on the machine ballot, the commissioner may provide  
10 a separate paper ballot for the candidates for judge of the  
11 district court, and the township offices, or either, one and  
12 the nonpartisan offices listed in section 39.21. One of the  
13 paper ballots shall be furnished to each registered voter.

14 b. When a precinct has one or more offices or questions on  
15 the ballot in any election that may not be legally voted upon  
16 by all registered voters of the precinct, the commissioner  
17 shall use lockout devices operated by the precinct election  
18 officials to restrict each voter to the appropriate parts of  
19 the ballot. However, if the voting machine does not have a  
20 lockout device, the commissioner may use one or more separate  
21 voting machines for each group of voters in the precinct. If  
22 neither of the foregoing procedures is feasible, the  
23 commissioner shall prepare separate ballots for the candidates  
24 or questions which may not be legally voted upon by all  
25 registered voters of the precinct, and shall furnish a  
26 separate ballot box into which only those ballots shall be  
27 deposited.

28 3. Separate Where paper ballots are used, separate paper  
29 ballots may shall be used for:

30 a. For the election of township officers in precincts  
31 including both incorporated and unincorporated areas or more  
32 than one township.

33 b. For public measures.

34 c. For judges.

35 Sec. 30. Section 49.31, subsection 1, Code 1997, is

1 amended by striking the subsection and inserting in lieu  
2 thereof the following:

3 1. All ballots shall be arranged with the names of  
4 candidates for each office listed below the office title. For  
5 partisan elections the name of the political party or  
6 organization which nominated each candidate shall be listed  
7 after or below each candidate's name.

8 The commissioner shall determine the order of political  
9 parties and nonparty political organizations on the ballot.  
10 The sequence shall be the same for each office on the ballot  
11 and for each precinct in the county voting in the election.

12 Sec. 31. Section 49.31, subsection 4, Code 1997, is  
13 amended to read as follows:

14 ~~4. If electors in any precinct are entitled to vote for~~  
15 ~~more than one nominee or candidate for a particular office,~~  
16 ~~the~~ The heading for that each office on the precinct ballot  
17 shall be immediately followed by a notation of stating, "Vote  
18 for no more than ", and indicating the maximum number of  
19 nominees or candidates for that office for whom each elector  
20 may vote. ~~Provision shall be made on the ballot to allow the~~  
21 ~~elector to write in the name of any person for whom the~~  
22 ~~elector desires to vote for any office or nomination on the~~  
23 ~~ballot.~~

24 Sec. 32. Section 49.31, Code 1997, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 4A. At the end of the list of candidates  
27 for each office listed on the ballot one or more blank lines  
28 and voting positions shall be printed to allow the elector to  
29 write in the name of any person for whom the elector desires  
30 to vote for any office or nomination on the ballot. The  
31 number of write-in lines shall equal the number of votes that  
32 can be cast for that office.

33 Sec. 33. Section 49.33, Code 1997, is amended to read as  
34 follows:

35 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED

## 1 OFFICES.

2 ~~Upon the left-hand margin of each separate column of the~~  
3 ~~ballot, immediately~~ Immediately opposite the names of the each  
4 pair of candidates for president and vice president, a single  
5 ~~square, the sides of which shall not be less than one-fourth~~  
6 ~~of an inch in length,~~ voting target shall be printed ~~in front~~  
7 ~~of next to~~ the bracket enclosing the names of the candidates  
8 for president and vice president, ~~and a separate square of the~~  
9 ~~same size.~~ A single voting target shall be printed ~~in front~~  
10 ~~of next to~~ the bracket enclosing the names of the candidates  
11 for governor and lieutenant governor. The votes for a team of  
12 candidates shall be counted and certified ~~to~~ by the election  
13 board as a team. Write-in votes may shall also be tabulated  
14 ~~for each office separately as a single vote for a pair of~~  
15 candidates.

16 Sec. 34. Section 49.35, Code 1997, is amended to read as  
17 follows:

18 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE  
19 BALLOT.

20 Each list of candidates nominated by a political party or a  
21 group of petitioners shall be termed a ticket. Each Where  
22 lever voting machines are used, each ticket shall be placed in  
23 a separate vertical column or horizontal row on the ballot, in  
24 the order determined pursuant to section 49.37 by the  
25 authorities charged with the printing of the ballots.  
26 However, if a total of more than seven tickets are to be  
27 placed on the ballot the state commissioner may authorize a  
28 method of placement in which the groups of petitioners are not  
29 all placed in separate individual columns or rows.

30 Sec. 35. Section 49.37, subsection 1, Code 1997, is  
31 amended by striking the subsection and inserting in lieu  
32 thereof the following:

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

1 Each political party or organization which has nominated  
2 candidates for more than one office shall be listed.  
3 Instructions to the voter for straight party or organization  
4 voting shall be in substantially the following form: "To vote  
5 for all candidates from a single party or organization, mark  
6 the voting target next to the party or organization name. Not  
7 all parties or organizations have nominated candidates for all  
8 offices. Marking a straight party or organization vote does  
9 not include votes for nonpartisan offices, judges, or  
10 questions." Political parties and nonparty political  
11 organizations which have nominated candidates for only one  
12 office shall be listed below the other political organizations  
13 under the heading "Other Political Organizations. The  
14 following organizations have nominated candidates for only one  
15 office:".

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

19 Sec. 36. Section 49.37, subsections 2 and 3, Code 1997,  
20 are amended to read as follows:

21 2. The commissioner shall arrange the ballot in conformity  
22 with the certificate issued by the state commissioner under  
23 section 43.73, in that the names of the respective candidates  
24 on for each political party ~~ticket~~ shall appear in the order  
25 they appeared on the certificate, above or to the left of the  
26 nonparty political organization ~~tickets~~ candidates.

27 3. The commissioner shall arrange the partisan county  
28 offices on the ballot with the board of supervisors first,  
29 followed by the other county offices and township offices in  
30 the same sequence in which they appear in sections 39.17 and  
31 39.22. Nonpartisan offices shall be listed ~~below-or-to-the~~  
32 ~~right-of~~ after partisan offices.

33 Sec. 37. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

34 The ballot for the general election shall be arranged in  
35 substantially the following form:



## 1 PARTISAN OFFICES

## 2 STRAIGHT PARTY VOTING

3 To vote for all candidates from a single party mark the  
4 voting target next to the party name. Not all parties have  
5 nominated candidates for all offices. Marking a straight  
6 party vote does not include votes for nonpartisan offices,  
7 judges, or questions.

8 POLITICAL PARTY NAME

9 POLITICAL PARTY NAME

10 POLITICAL ORGANIZATION NAME

11 POLITICAL ORGANIZATION NAME

## 12 OTHER POLITICAL ORGANIZATIONS

13 The following political organizations have nominated  
14 candidates for only one office.

15 POLITICAL ORGANIZATION NAME

16 POLITICAL ORGANIZATION NAME

## 17 FEDERAL OFFICES

18 For President and Vice President Vote for no more than one  
19 team.

20 CANDIDATE NAME, of State

21 CANDIDATE NAME, of State

22 Political Party

23 CANDIDATE NAME, of State

24 CANDIDATE NAME, of State

25 Political Party

26 CANDIDATE NAME, of State

27 CANDIDATE NAME, of State

28 Political Organization Name

29 CANDIDATE NAME, of State

30 CANDIDATE NAME, of State

31 Political Organization Name

32 CANDIDATE NAME, of State

33 CANDIDATE NAME, of State

34 Nominated by Petition

35 \_\_\_\_\_

1 Write-in for President, if any.

2

3 Write-in for Vice-President, if any.

4 For U.S. Senator

5 Vote for no more than one.

6 CANDIDATE NAME

7 Political Party

8 CANDIDATE NAME

9 Political Party

10 CANDIDATE NAME

11 Political Organization

12 CANDIDATE NAME

13 Political Organization

14 CANDIDATE NAME

15 Nominated by Petition

16

17 Write-in vote, if any.

18 For U.S. Representative

19 First District

20 Vote for no more than one.

21 CANDIDATE NAME

22 Political Party

23 CANDIDATE NAME

24 Political Party

25 CANDIDATE NAME

26 Political Organization

27 CANDIDATE NAME

28 Political Organization

29 CANDIDATE NAME

30 Nominated by Petition

31

32 Write-in vote, if any.

33

STATE OFFICES

34 For State Senator, District 2

35 Vote for no more than one.

1 CANDIDATE NAME  
2 Political Party  
3 CANDIDATE NAME  
4 Political Party  
5 CANDIDATE NAME  
6 Political Organization  
7 CANDIDATE NAME  
8 Political Organization  
9 CANDIDATE NAME  
10 Nominated by Petition

11 \_\_\_\_\_  
12 Write-in vote, if any.

13 Sec. 38. Section 49.43, Code 1997, is amended by adding  
14 the following new unnumbered paragraph before unnumbered para-  
15 graph 1:

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

22 Sec. 39. Section 49.43, unnumbered paragraph 2, Code 1997,  
23 is amended to read as follows:

24 Constitutional amendments and other public measures may be  
25 summarized by the commissioner as provided in section sections  
26 49.44 and 52.25.

27 Sec. 40. Section 49.44, unnumbered paragraph 1, Code 1997,  
28 is amended to read as follows:

29 When a proposed constitutional amendment or other public  
30 measure to be decided by the voters of the entire state is to  
31 be voted upon, the state commissioner shall prepare a written  
32 summary of the amendment or measure including the number of  
33 the amendment or statewide public measure assigned by the  
34 state commissioner. The summary shall be printed immediately  
35 preceding the text of the proposed amendment or measure on the

1 paper ballot or special paper ballot referred to in section  
2 49.43 ~~and~~ in. If the complete text of the public measure  
3 will not fit on the special paper ballot it shall be posted  
4 inside the voting booth. A copy of the full text shall be  
5 included with any absentee ballots.

6 PARAGRAPH DIVIDED. In precincts where the amendment or  
7 measure will be voted on by machine, the summary shall be  
8 placed in the voting machine inserts as required by section  
9 52.25.

10 Sec. 41. Section 49.45, Code 1997, is amended to read as  
11 follows:

12 49.45 GENERAL FORM OF BALLOT.

13 Ballots referred to in section 49.43 shall be substantially  
14 in the following form:

15 Shall the following amendment Yes  
16 to the Constitution (or public meas- No  
17 ure) be adopted?

18 ☐ Yes

19 ☐ No

20 (Here insert the summary, if it ~~be~~ is for a constitutional  
21 amendment or statewide public measure, and in full the  
22 proposed constitutional amendment or public measure. The  
23 number assigned by the state commissioner or the letter  
24 assigned by the county commissioner shall be included on the  
25 ballot centered above the question, "Shall the following  
26 amendment to the Constitution [or public measure] be  
27 adopted?").

28 Sec. 42. Section 49.46, Code 1997, is amended to read as  
29 follows:

30 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

35 Sec. 43. Section 49.47, Code 1997, is amended to read as

1 follows:

2 49.47 NOTICE ON BALLOTS.

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

5 [Notice to voters. ~~For-an-affirmative-vote-upon~~ To vote to  
6 approve any question submitted-upon on this ballot, make a  
7 cross {X} mark or check {/} in the square target after the  
8 word "Yes". ~~For-a-negative~~ To vote against a question make a  
9 similar mark in the square target following the word "No".]  
10 This notice shall be adapted to describe the proper mark where  
11 it is appropriate.

12 Sec. 44. Section 49.57, Code 1997, is amended to read as  
13 follows:

14 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

15 Ballots shall be prepared as follows:

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

18 2. ~~The~~ In the area of the general election ballot for  
19 straight-party voting, the party name names shall be printed  
20 in capital letters of uniform size, in not less than one-  
21 fourth-of-an-inch-in-height twelve point type. After the name  
22 of each candidate for a partisan office the name of the  
23 candidate's political party shall be printed in at least six  
24 point type.

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

29 4. ~~A~~ On ballots that will be counted by electronic  
30 tabulating equipment, ballots shall include a voting target  
31 next to the name of each candidate. The position, shape, and  
32 size of the targets shall be appropriate for the equipment to  
33 be used in counting the votes. Where paper ballots are used,  
34 a square, the sides of which shall not be less than one-fourth  
35 of an inch in length, shall may be printed at the beginning of

1 each line in which the name of a candidate is printed, except  
2 as otherwise provided.

3 5. ~~On-the-outside~~ A portion of the ballot, so-as-to-appear  
4 when-folded which can be shown to the precinct officials  
5 without revealing any of the marks made by the voter, shall be  
6 printed include the words "Official ballot", a designation of  
7 the ballot rotation, if any, the date of the election, and a  
8 facsimile of the signature of the commissioner who has caused  
9 the ballot to be printed pursuant to section 49.51.

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

13 Sec. 45. Section 49.58, unnumbered paragraph 1, Code 1997,  
14 is amended to read as follows:

15 If any candidate nominated by a political party, as defined  
16 in section 43.2, for the office of senator or representative  
17 in the Congress of the United States, governor, ~~lieutenant~~  
18 ~~governor~~, attorney general, or senator or representative in  
19 the general assembly dies during the period beginning on the  
20 eighty-eighth day and ending on the last day before the  
21 general election, or if any candidate so nominated for the  
22 office of county supervisor dies during the period beginning  
23 on the seventy-third day and ending on the last day before the  
24 general election, the vote cast at the general election for  
25 that office shall not be canvassed as would otherwise be  
26 required by chapter 50. Instead, a special election shall be  
27 held on the first Tuesday after the second Monday in December,  
28 for the purpose of electing a person to fill that office.

29 Sec. 46. Section 49.92, Code 1997, is amended to read as  
30 follows:

31 49.92 VOTING MARK.

32 The instructions appearing on the ballot shall describe the  
33 appropriate mark to be used by the voter. The mark shall be  
34 consistent with the requirements of the voting system in use  
35 in the precinct. The voting mark shall used on paper ballots

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

9 Sec. 47. Section 49.93, Code 1997, is amended by striking  
10 the section and inserting in lieu thereof the following:

11 49.93 NUMBER OF VOTES FOR EACH OFFICE.

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

19 Sec. 48. Section 49.94, Code 1997, is amended to read as  
20 follows:

21 49.94 HOW TO MARK A STRAIGHT TICKET.

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

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

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

4     3- 2. The voter may place-a-cross-or-check-in-the-circle  
5     at-the-top-of-such-ticket mark the voting target next to the  
6     name of the political party or nonparty political organization  
7     in the straight party or organization section of the ballot  
8     and also a-cross-or-check-in mark any or all of the squares  
9     beneath-said-circle voting targets next to the names of  
10    candidates nominated by that party or organization.

11    Sec. 49. Section 49.95, Code 1997, is amended to read as  
12    follows:

13    49.95 VOTING PART OF TICKET ONLY.

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

26    Sec. 50. Section 49.96, Code 1997, is amended to read as  
27    follows:

28    49.96 GROUP-CANDIDATES-FOR-OFFICES-OF-SAME-CLASS OFFICES  
29    WITH MORE THAN ONE PERSON TO BE ELECTED.

30    Where two-or-more-offices-of-the-same-class-are-to-be  
31    filled more than one person is to be elected to the same  
32    office at the same election, and all of the candidates for  
33    such-offices, that office for whom the voter desires to vote,  
34    appear-upon-the-voter's-party-ticket-at-the-top-of-which-the  
35    voter-has-marked-a-cross-or-check-in-the-circle were nominated



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

17 Sec. 51. Section 49.97, Code 1997, is amended to read as  
18 follows:

19 49.97 HOW TO MARK A MIXED TICKET.

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

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

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

6     Sec. 52. Section 49.98, Code 1997, is amended to read as  
7 follows:

8     49.98 COUNTING BALLOTS.

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

30     Sec. 53. Section 49.99, unnumbered paragraph 1, Code 1997,  
31 is amended to read as follows:

32     The voter may also ~~insert-in-writing-in-the-proper-place~~  
33 write on the line provided for write-in votes the name of any  
34 person for whom the voter desires to vote and ~~place-a-cross-or~~  
35 ~~check-in-the-square~~ mark the voting target opposite the name.

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

13 Sec. 54. Section 49.100, Code 1997, is amended to read as  
14 follows:

15 49.100 SPOILED BALLOTS.

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

23 Sec. 55. Section 49.125, Code 1997, is amended to read as  
24 follows:

25 49.125 COMPENSATION OF TRAINEES.

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

1 Sec. 56. Section 50.13, Code 1997, is amended to read as  
2 follows:

3 50.13 DESTRUCTION OF BALLOTS.

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

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

16 Sec. 57. Section 50.48, subsection 4, unnumbered paragraph  
17 1, Code 1997, is amended to read as follows:

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

35 PARAGRAPH DIVIDED. Any member of the recount board may at

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

7 Sec. 58. NEW SECTION. 50.50 ADMINISTRATIVE RECOUNTS.

8 The commissioner who was responsible for conducting an  
9 election may request an administrative recount when the  
10 commissioner suspects that voting equipment used in the  
11 election malfunctioned or that programming errors may have  
12 affected the outcome of the election. An administrative  
13 recount shall be conducted by the board of the special  
14 precinct established by section 53.23. Bond shall not be  
15 required for an administrative recount. The state  
16 commissioner may adopt rules for administrative recounts.

17 If the recount board finds that there is an error in the  
18 programming of any voting equipment which may have affected  
19 the outcome of the election for any office or public measure  
20 on the ballot, the recount board shall describe the errors in  
21 its report to the commissioner. The commissioner shall notify  
22 the board of supervisors. The supervisors shall determine  
23 whether to order an administrative recount for any or all of  
24 the offices and public measures on the ballot.

25 Sec. 59. Section 52.10, Code 1997, is amended to read as  
26 follows:

27 52.10 BALLOTS -- FORM.

28 All ballots shall be printed in black ink on clear, white  
29 material, of such size as will fit the ballot frame, and in as  
30 plain, clear type as the space will reasonably permit. The  
31 party name for each political party represented on the machine  
32 shall be prefixed to the list of candidates of such party.  
33 The order of the list of candidates of the several parties or  
34 organizations shall be arranged as provided in sections 49.30  
35 to 49.42 49.41, except that the lists may be arranged in

1 horizontal rows or vertical columns to meet the physical  
2 requirements of the voting machine used.

3 Sec. 60. Section 52.12, Code 1997, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

6 Voting machines shall have a single lever or switch which  
7 casts a vote for each candidate of a political party or non-  
8 party political organization which has nominated candidates  
9 for more than one partisan office on the ballot. Straight  
10 party voting shall be provided for all general elections.

11 Sec. 61. Section 52.33, Code 1997, is amended by adding  
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The absentee and special  
14 precinct board shall follow the process prescribed in section  
15 52.37, subsection 2, in handling damaged or defective ballots  
16 and in counting write-in votes on special paper ballots.

17 Sec. 62. Section 52.35, subsection 2, Code 1997, is  
18 amended to read as follows:

19 2. The test shall be conducted by processing a preaudited  
20 group of ballots punched or marked so as to record a  
21 predetermined number of valid votes for each candidate, and on  
22 each public question, on the ballot. The test group shall  
23 include for each office and each question one or more ballots  
24 having votes in excess of the number allowed by law for that  
25 office or question, in order to test the ability of the  
26 automatic tabulating equipment to reject such votes. The  
27 county chairperson of a political party may submit an  
28 additional test group of ballots which, if so submitted, shall  
29 also be tested. If any error is detected, its cause shall be  
30 ascertained and corrected and an errorless count obtained  
31 before the automatic tabulating equipment is approved. When  
32 so approved, a statement attesting to the fact shall be signed  
33 by the commissioner and ~~sent immediately to the state~~  
34 commissioner kept with the records of the election.

35 Sec. 63. Section 52.36, unnumbered paragraph 2, Code 1997,

1 is amended to read as follows:

2 The commissioner shall appoint from the lists provided by  
3 the county political party chairpersons a resolution board to  
4 tabulate write-in votes and to decide questions regarding  
5 damaged, defective, or other ballots which cannot be tabulated  
6 by machine. The commissioner shall appoint as many people to  
7 the resolution board as the commissioner believes are  
8 necessary. The resolution board shall be divided into ~~three-~~  
9 ~~person~~ two-person teams. Each team shall consist of ~~no-more~~  
10 ~~than-two~~ people who are not members of the same political  
11 party. If a team is unable to decide how to count one or more  
12 ballots, a third person shall be available to consult with the  
13 team and to resolve disputes. Ballots which were objected to  
14 shall be endorsed and separated as required by section 50.4.

15 Sec. 64. Section 52.37, subsection 2, unnumbered paragraph  
16 2, Code 1997, is amended to read as follows:

17 The resolution board shall also tabulate any write-in votes  
18 which were cast. Write-in votes cast for a candidate whose  
19 name appears on the ballot for the same office shall be  
20 counted as a vote for the candidate indicated, if the vote is  
21 otherwise properly cast.

22 PARAGRAPH DIVIDED. Ballots which are rejected by the  
23 tabulating equipment as blank because they have been marked  
24 with an unreadable marker shall be duplicated or tabulated as  
25 required by this subsection for damaged or defective ballots.  
26 The commissioner may instruct the resolution board to mark  
27 over voters' unreadable marks using a marker compatible with  
28 the tabulating equipment. The resolution board shall take  
29 care to leave part of the original mark made by the voter. If  
30 it is impossible to mark over the original marks made by the  
31 voter without completely obliterating them, the ballot shall  
32 be duplicated.

33 Sec. 65. Section 52.38, unnumbered paragraph 1, Code 1997,  
34 is amended to read as follows:

35 All portable tabulating devices shall be tested before any

1 election in which they are to be used following the procedure  
2 in section 52.35, subsection 2. Testing shall be completed  
3 not later than twelve hours before the opening of the polls on  
4 the morning of the election. ~~The-portable-tabulating-devices~~  
5 ~~shall-be-tested-at-the-polling-place-where-they-are-to-be~~  
6 ~~used.~~ The chairperson of each political party shall be  
7 notified in writing of the time the devices will be tested so  
8 that the chairperson or a representative may be present.  
9 Those present for the test shall sign a certificate which  
10 shall read substantially as follows:

11 Sec. 66. Section 52.40, subsection 1, Code 1997, is  
12 amended to read as follows:

13 1. In counties where counting centers have been  
14 established under section 52.34, the commissioner may  
15 designate certain polling places as early ballot pick-up  
16 sites. At these sites, between the hours of one p.m. and four  
17 p.m. on the day of the election, two precinct election  
18 officials of different political parties shall seal the ballot  
19 container to prevent the addition or removal of ballots and  
20 replace it with an empty, locked ballot container. The sealed  
21 ballot container shall be kept in a safe place in view of the  
22 precinct election officials. The early pick-up officers shall  
23 receive the sealed ballot container containing the ballots  
24 which have been voted throughout-the-day along with a signed  
25 statement of the precinct officials attesting to the number of  
26 declarations of eligibility signed up to that time, excluding  
27 those declarations signed by voters who have had not yet  
28 placed their ballots in the ballot container when it was  
29 sealed. The-officers-shall-replace-the-ballot-container  
30 containing-the-voted-ballots-with-an-empty-ballot-container,  
31 to-be-sealed-in-the-presence-of-a-precinct-election-official.

32 Sec. 67. Section 53.2, unnumbered paragraph 1, Code 1997,  
33 is amended to read as follows:

34 Any registered voter, under the circumstances specified in  
35 section 53.1, may on any day, except election day, and not



1 more than seventy days prior to the date of the election,  
2 apply in person for an absentee ballot at the commissioner's  
3 office or at any location designated by the commissioner, or  
4 make written application to the commissioner for an absentee  
5 ballot. The state commissioner shall prescribe a form for  
6 absentee ballot applications. However, if a registered voter  
7 submits an application that includes all of the information  
8 required in this section, the prescribed form is not required.  
9 Absentee ballot applications may include instructions to send  
10 the application directly to the county commissioner of  
11 elections. However, no absentee ballot application shall be  
12 preaddressed or printed with instructions to send the  
13 applications to anyone other than the appropriate  
14 commissioner.

15 Sec. 68. Section 53.11, Code 1997, is amended by adding  
16 the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. A petition requesting a  
18 satellite absentee voting station must be filed by the  
19 following deadlines:

20 1. For a primary or general election, no later than five  
21 p.m. on the forty-seventh day before the election.

22 2. For the regular city election, no later than five p.m.  
23 on the thirtieth day before the election.

24 3. For the regular school election, no later than five  
25 p.m. on the thirtieth day before the election.

26 4. For a special election, no later than thirty-two days  
27 before the special election.

28 Sec. 69. Section 53.11, unnumbered paragraph 2, Code 1997,  
29 is amended to read as follows:

30 Satellite absentee voting stations shall be established  
31 throughout the cities and county at the direction of the  
32 commissioner or upon receipt of a petition signed by not less  
33 than one hundred eligible electors requesting that a satellite  
34 absentee voting station be established at a location to be  
35 described on the petition. A-petition-requesting-a-satellite

1 absentee-voting-station-must-be-filed-no-later-than-five-p.m.  
2 on-the-eleventh-day-before-the-election. A satellite absentee  
3 voting station established by petition must be open at least  
4 one day from-eight-a.m.--until-five-p.m for a minimum of six  
5 hours. A satellite absentee voting station established at the  
6 direction of the commissioner or by petition may remain open  
7 until five p.m. on the day before the election.

8 Sec. 70. Section 53.19, unnumbered paragraph 3, Code 1997,  
9 is amended to read as follows:

10 However, any registered voter who has received an absentee  
11 ballot and not voted returned it, may surrender the unmarked  
12 absentee ballot to the precinct officials and vote in person  
13 at the polls. The precinct officials shall mark the uncast  
14 absentee ballot "void" and return it to the commissioner. Any  
15 registered voter who has been sent an absentee ballot by mail  
16 but for any reason has not received it may appear at the  
17 voter's precinct polling place on election day and sign an  
18 affidavit to that effect, after which the voter shall be  
19 permitted to vote in person. The form of the affidavit for  
20 use in such cases shall be prescribed by the state  
21 commissioner.

22 Sec. 71. Section 53.23, subsection 3, Code 1997, is  
23 amended to read as follows:

24 3. The commissioner shall set the convening time for the  
25 board, allowing a reasonable amount of time to complete  
26 counting all absentee ballots by ten p.m. on election day.  
27 The commissioner may direct the board to meet on the day prior  
28 to before the election solely for the purpose of reviewing the  
29 absentee voters' affidavits appearing on the sealed ballot  
30 envelopes if. If, in the commissioner's judgment this  
31 procedure is necessary due to the number of absentee ballots  
32 received, the members of the board may open the sealed ballot  
33 envelopes and remove the secrecy envelope containing the  
34 ballot, but under no circumstances shall a sealed-ballot  
35 secrecy envelope be opened before the board convenes on

1 election day. If the ballot envelopes are opened before  
2 election day, two observers appointed by each of the two  
3 political parties referred to in section 49.13, subsection 2,  
4 shall witness the proceedings.

5 If the board finds any ballot not enclosed in a secrecy  
6 envelope, the two special precinct election officials, one  
7 from each of the two political parties referred to in section  
8 49.13, subsection 2, shall place the ballot in a secrecy  
9 envelope and seal the envelope. No one shall examine the  
10 ballot. Each of the special precinct election officials shall  
11 sign the secrecy envelope.

12 Sec. 72. Section 54.5, Code 1997, is amended by adding the  
13 following new unnumbered paragraph:

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

28 Sec. 73. Section 59.1, Code 1997, is amended by adding the  
29 following new unnumbered paragraph:

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

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

6 Sec. 74. Section 62.1, Code 1997, is amended to read as  
7 follows:

8 62.1 CONTEST COURT.

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

25 Sec. 75. Section 62.2, Code 1997, is amended to read as  
26 follows:

27 62.2 JUDGES.

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

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

3 Sec. 76. Section 62.9, Code 1997, is amended to read as  
4 follows:

5 62.9 TRIAL -- NOTICE.

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

14 Sec. 77. Section 69.13, unnumbered paragraph 1, Code 1997,  
15 is amended to read as follows:

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

27 Sec. 78. Section 69.14A, subsection 1, paragraph a,  
28 unnumbered paragraph 2, Code 1997, is amended to read as  
29 follows:

30 However, if within fourteen days after publication of the  
31 notice or within fourteen days after the appointment is made,  
32 ~~whichever-is-later,~~ a petition is filed with the county  
33 auditor requesting a special election to fill the vacancy, the  
34 appointment is temporary and a special election shall be  
35 called as provided in paragraph "b". The petition shall meet

1 the requirements of section 331.306, except that in counties  
2 where supervisors are elected under plan "three", the number  
3 of signatures calculated according to the formula in section  
4 331.306 shall be divided by the number of supervisor districts  
5 in the county.

6 Sec. 79. Section 69.14A, subsection 1, paragraph b,  
7 unnumbered paragraph 1, Code 1997, is amended to read as  
8 follows:

9 By special election held to fill the office for the  
10 remaining balance of the unexpired term. The committee of  
11 county officers designated to fill the vacancy in section 69.8  
12 may, on its own motion, or shall, upon receipt of a petition  
13 as provided in paragraph "a", call for a special election to  
14 fill the vacancy in lieu of appointment. The committee shall  
15 order the special election at the earliest practicable date,  
16 but giving at least thirty thirty-two days' notice of the  
17 election. A special election called under this section shall  
18 be held on a Tuesday and shall not be held on the same day as  
19 a school election within the county.

20 Sec. 80. Section 69.14A, subsection 2, paragraph a,  
21 unnumbered paragraph 2, Code 1997, is amended to read as  
22 follows:

23 However, if within fourteen days after publication of the  
24 notice or within fourteen days after the appointment is made,  
25 ~~whichever-is-later~~, a petition is filed with the county  
26 auditor requesting a special election to fill the vacancy, the  
27 appointment is temporary and a special election shall be  
28 called as provided in paragraph "b". The petition shall meet  
29 the requirements of section 331.306.

30 Sec. 81. Section 69.14A, subsection 2, paragraph b,  
31 unnumbered paragraph 1, Code 1997, is amended to read as  
32 follows:

33 By special election held to fill the office for the  
34 remaining balance of the unexpired term. The board of  
35 supervisors may, on its own motion, or shall, upon receipt of

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

8 Sec. 82. Section 277.4, unnumbered paragraph 2, Code 1997,  
9 is amended to read as follows:

10 Each candidate shall be nominated by petition. If the  
11 candidate is running for ~~an-at-large~~ a seat in the district  
12 which is voted for at-large, the petition must be signed by at  
13 least ten eligible electors, or a number of eligible electors  
14 equal in number to not less than one percent of the registered  
15 voters of the school district, whichever is more. If the  
16 candidate is running for a seat which is voted for only by the  
17 voters of a director district, the petition must be signed by  
18 at least ten eligible electors of the director district or a  
19 number of eligible electors equal in number to not less than  
20 one percent of the registered voters in the director district,  
21 whichever is more. A petition filed under this section shall  
22 not be required to have more than one hundred signatures.

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

1 also state that the candidate is aware that the candidate is  
2 disqualified from holding office if the candidate has been  
3 convicted, and never pardoned, of a felony or other infamous  
4 crime.

5 Sec. 83. Section 278.1, subsection 8, Code 1997, is  
6 amended to read as follows:

7 8. ~~Authorize the establishment or abandonment of director~~  
8 ~~districts or a change of boundaries of director districts a~~  
9 change in the method of conducting elections or in the number  
10 of directors as provided in sections 275.35 and 275.36. If a  
11 proposition submitted to the voters under this subsection or  
12 subsection 7 ~~of this section~~ is rejected, it may not be  
13 resubmitted to the voters of the district in substantially the  
14 same form within the next three years; if it is approved, no  
15 other proposal may be submitted to the voters of the district  
16 under this subsection or subsection 7 ~~of this section~~ within  
17 the next six years.

18 Sec. 84. Section 347.11, Code 1997, is amended to read as  
19 follows:

20 347.11 ORGANIZATION -- MEETINGS -- QUORUM.

21 Said trustees shall ~~within ten days after their~~  
22 ~~appointment or election~~, qualify by taking the usual oath of  
23 office as provided in chapter 63, but no bond shall be  
24 required of them, except as hereafter provided, and organize  
25 by the election of one of their number as chairperson and one  
26 as secretary, and one as treasurer. The secretary and  
27 treasurer shall each file with the chairperson of the board a  
28 surety bond in such penal sum as the board of trustees may  
29 require and with sureties to be approved by the board for the  
30 use and benefit of the county public hospital. The reasonable  
31 cost of such bonds shall be paid from operating funds of the  
32 hospital. The secretary shall report to the county auditor  
33 and treasurer the names of the chairperson, secretary and  
34 treasurer of the board of hospital trustees as soon as  
35 practicable after the qualification of each. Said board shall



1 meet at least once each month. Four members of said board  
2 shall constitute a quorum for the transaction of business.  
3 The secretary shall keep a complete record of its proceedings.

4 Sec. 85. Section 347A.1, unnumbered paragraph 2, Code  
5 1997, is amended to read as follows:

6 The trustees shall hold office until the next succeeding  
7 election, at which time their successors shall be elected, two  
8 for a term of two years, two for a term of four years and one  
9 for a term of six years, and thereafter their successors shall  
10 be elected for regular terms of six years each. Vacancies in  
11 the board of trustees may be filled in the same manner as  
12 original appointments, to hold office until the vacancies are  
13 filled pursuant to section 69.12. The trustees, ~~within ten~~  
14 ~~days after their appointment or election,~~ shall qualify by  
15 taking the usual oath of office as provided in chapter 63, but  
16 no bond shall be required of them. The trustees shall receive  
17 no compensation but shall be reimbursed for all expenses  
18 incurred by them with the approval of the board of trustees in  
19 the performance of their duties. The board first appointed  
20 shall organize promptly following its appointment, and shall  
21 serve until successors are elected and qualified; thereafter  
22 no later than December 1 of each year the board shall  
23 reorganize by the appointment of a chairperson, secretary, and  
24 treasurer. The secretary and treasurer shall each file with  
25 the chairperson of the board a surety bond in the amount the  
26 board of trustees requires, with sureties to be approved by  
27 the board of trustees, for the use and benefit of the county  
28 hospital. The reasonable cost of the bonds shall be paid from  
29 the operating funds of the hospital. The secretary shall  
30 report to the county auditor and the county treasurer the  
31 names of the chairperson, secretary, and treasurer of the  
32 board as soon as practicable after the appointment of each.

33 Sec. 86. Section 372.2, subsection 2, Code 1997, is  
34 amended to read as follows:

35 2. Within fifteen days after receiving a valid petition,

1 the council shall ~~proclaim~~ publish notice of the date that a  
2 special city election to will be held within-sixty-days to  
3 determine whether the city shall change to a different form of  
4 government. The election date shall be not more than sixty  
5 days after the publication. The notice shall include a  
6 statement that the filing of a petition for appointment of a  
7 home rule charter commission will delay the election until  
8 after the home rule charter commission has filed a proposed  
9 charter. Petition requirements and filing deadlines shall  
10 also be included in the notice.

11 PARAGRAPH DIVIDED. The council shall notify the county  
12 commissioner of elections to publish notice of the election  
13 and conduct the election pursuant to chapters 39 to 53. The  
14 county commissioner of elections shall certify the results of  
15 the election to the council.

16 Sec. 87. Section 372.3, Code 1997, is amended by striking  
17 the section and inserting in lieu thereof the following:

18 372.3 HOME RULE CHARTER.

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

27 Sec. 88. Section 372.13, subsection 2, paragraph a,  
28 unnumbered paragraph 1, Code 1997, is amended to read as  
29 follows:

30 By appointment by the remaining members of the council,  
31 except that if the remaining members do not constitute a  
32 quorum of the full membership, paragraph "b" shall be  
33 followed. The appointment shall be for the period until the  
34 next pending election as defined in section 69.12, and shall  
35 be made within forty days after the vacancy occurs. If the

1 council chooses to proceed under this paragraph, it shall  
2 publish notice in the manner prescribed by section 362.3,  
3 stating that the council intends to fill the vacancy by  
4 appointment but that the electors of the city or ward, as the  
5 case may be, have the right to file a petition requiring that  
6 the vacancy be filled by a special election. The council may  
7 publish notice in advance if an elected official submits a  
8 resignation to take effect at a future date. The council may  
9 make an appointment to fill the vacancy after the notice is  
10 published or after the vacancy occurs, whichever is later.  
11 However, if within fourteen days after publication of the  
12 notice or within fourteen days after the appointment is made,  
13 ~~whichever-is-later~~, there is filed with the city clerk a  
14 petition which requests a special election to fill the  
15 vacancy, an appointment to fill the vacancy is temporary and  
16 the council shall call a special election to fill the vacancy  
17 permanently, under paragraph "b". The number of signatures of  
18 eligible electors of a city for a valid petition shall be  
19 determined as follows:

20 Sec. 89. Section 376.4, unnumbered paragraph 1, Code 1997,  
21 is amended to read as follows:

22 An eligible elector of a city may become a candidate for an  
23 elective city office by filing with the city clerk a valid  
24 petition requesting that the elector's name be placed on the  
25 ballot for that office. The petition must be filed not more  
26 than seventy-one days ~~nor~~ and not less than forty-seven days  
27 before the date of the election, and must be signed by  
28 eligible electors equal in number to at least two percent of  
29 those who voted to fill the same office at the last regular  
30 city election, but not less than ten persons. However, for  
31 those cities which may be required to hold a primary election,  
32 the petition must be filed not more than eighty-five days and  
33 not less than sixty-eight days before the date of the regular  
34 city election. A person may sign nomination petitions for  
35 more than one candidate for the same office, and the signature

1 is not invalid solely because the person signed nomination  
2 petitions for one or more other candidates for the office.  
3 Nomination petitions shall be filed not later than five  
4 o'clock p.m. on the last day for filing.

5 Sec. 90. Section 376.10, Code 1997, is amended to read as  
6 follows:

7 376.10 CONTEST.

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

17 Sec. 91. Sections 49.27, 49.29, and 49.42, Code 1997, are  
18 repealed.

19 Sec. 92. HOSPITAL BOARDS OF TRUSTEES. Any action taken  
20 prior to July 1, 1997, by the board of trustees of a county  
21 hospital appointed or elected pursuant to section 347.11 or  
22 347A.1, is valid, legal, and binding if the action is  
23 challenged solely on the basis that a member or members of the  
24 board failed to take the oath of office within the time period  
25 provided in section 347.11 or 347A.1.

26 Sec. 93. IMMEDIATE EFFECTIVE DATE. New Code section 39.1A  
27 and amendments to Code sections 48A.22, 48A.26 through 48A.29,  
28 49.13, 49.16, 49.25, 50.48, 52.33, 52.35 through 52.38, 52.40,  
29 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 in  
30 this Act, being deemed of immediate importance, take effect  
31 upon enactment.

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S-3457

1 Amend House File 636, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 34, by inserting before line 15 the  
4 following:

5 "No absentee ballot application shall be  
6 preaddressed or printed with instructions to send the  
7 ballot to anyone other than the voter."

8 2. Page 34, by inserting before line 15 the  
9 following:

10 "Sec. \_\_\_\_ . Section 53.8, subsection 1, Code 1997,  
11 is amended to read as follows:

12 1. Upon receipt of an application for an absentee  
13 ballot and immediately after the absentee ballots are  
14 printed, the commissioner shall mail an absentee  
15 ballot to the applicant within twenty-four hours,  
16 except as otherwise provided in subsection 3. The  
17 ballot shall be mailed to the applicant at the address  
18 listed on the applicant's voter registration, unless  
19 the applicant indicates that the applicant is away  
20 from the county. The absentee ballot shall be  
21 enclosed in an unsealed envelope bearing a serial  
22 number and affidavit. The absentee ballot and  
23 unsealed envelope shall be enclosed in or with a  
24 carrier envelope which bears the same serial number as  
25 the unsealed envelope. The absentee ballot, unsealed  
26 envelope, and carrier envelope shall be enclosed in a  
27 third envelope to be sent to the registered voter."

28 3. Page 34, by inserting before line 15 the  
29 following:

30 "Sec. \_\_\_\_ . NEW SECTION. 53.9 PROHIBITED PERSONS.

31 No person required to file reports under chapter  
32 56, and no person acting as an actual or implied agent  
33 for a person required to file reports under chapter  
34 56, shall receive absentee ballots on behalf of  
35 voters."

36 4. By renumbering as necessary.

By ALLEN BORLAUG  
DICK L. DEARDEN

S-3457 FILED APRIL 9, 1997

*adopted 4-28-97 (R1488)*

## HOUSE FILE 636

S-3652

1 Amend the amendment, S-3457, to House File 636, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 8 through 27.

5 2. Page 1, line 35, by inserting after the word  
6 "voters." the following: "This prohibition does not  
7 apply to section 53.17."

8 3. By renumbering as necessary.

By ALLEN BORLAUG

S-3652 FILED APRIL 21, 1997

*adopted*  
*4/28/97 (R 1488)*

HOUSE FILE 636

S-3725

1 Amend House File 636, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 22 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 49.104, Code 1997, is amended  
6 by adding the following new subsection:

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

11 2. By renumbering as necessary.

By ROBERT E. DVORSKY  
MARY NEUHAUSER

*Adopted 4/28/97  
(P. 1488)*

S-3725 FILED APRIL 23, 1997

HOUSE FILE 636

S-3806

1 Amend House File 636, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 36, line 2, by inserting after the word  
4 "observers" the following: ", one".

5 2. Page 36, line 9, by striking the words "and  
6 seal the envelope".

By MARY A. LUNDBY

S-3806 FILED APRIL 28, 1997  
ADOPTED *(P. 1488)*

## SENATE AMENDMENT TO HOUSE FILE 636

H-1955

1 Amend House File 636, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 28, by inserting after line 22 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 49.104, Code 1997, is amended  
6 by adding the following new subsection:

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

11 2. Page 34, by inserting before line 15 the  
12 following:

13 "No absentee ballot application shall be  
14 preaddressed or printed with instructions to send the  
15 ballot to anyone other than the voter."

16 3. Page 34, by inserting before line 15 the  
17 following:

18 "Sec. \_\_\_\_\_. NEW SECTION. 53.9 PROHIBITED PERSONS.

19 No person required to file reports under chapter  
20 56, and no person acting as an actual or implied agent  
21 for a person required to file reports under chapter  
22 56, shall receive absentee ballots on behalf of  
23 voters. This prohibition does not apply to section  
24 53.17."

25 4. Page 36, line 2, by inserting after the word  
26 "observers" the following: ", one".

27 5. Page 36, line 9, by striking the words "and  
28 seal the envelope".

29 6. By renumbering, relettering, or redesignating  
30 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1955 FILED APRIL 28, 1997

CONCURRED

(P.1636)

Jacobs, chair  
Jochum  
Houser  
Nelson  
Whitead

HSB/24

STATE GOVERNMENT

Succeeded by  
SE/HF 636

SENATE/HOUSE FILE  
BY (PROPOSED SECRETARY OF  
STATE BILL)

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

### A BILL FOR

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

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

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

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

9 Sec. 2. Section 43.73, unnumbered paragraph 1, Code 1997,  
10 is amended to read as follows:

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

22 Sec. 3. Section 43.88, unnumbered paragraph 2, Code 1997,  
23 is amended to read as follows:

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

32 Sec. 4. Section 43.116, Code 1997, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 3. If a special election is held to fill  
35 a vacancy in an elective city office, nominations by political

1 parties shall be made following the provisions of subsection  
2 2.

3 Sec. 5. Section 44.4, unnumbered paragraph 1, Code 1997,  
4 is amended to read as follows:

5 Nominations made pursuant to this chapter and chapter 45  
6 which are required to be filed in the office of the state  
7 commissioner shall be filed in that office not more than  
8 ninety-nine days nor later than five p.m. on the eighty-first  
9 day before the date of the general election to be held in  
10 November. Nominations made for a special election called  
11 pursuant to section 69.14 shall be filed by five p.m. not less  
12 than ~~twenty~~ twenty-five days before the date of an election  
13 called upon at least forty days' notice and not less than  
14 fourteen days before the date of an election called upon at  
15 least eighteen days' notice. Nominations made for a special  
16 election called pursuant to section 69.14A shall be filed by  
17 five p.m. not less than twenty days before the date of the  
18 election. Nominations made pursuant to this chapter and  
19 chapter 45 which are required to be filed in the office of the  
20 commissioner shall be filed in that office not more than  
21 ninety-two days nor later than five p.m. on the sixty-ninth  
22 day before the date of the general election. Nominations made  
23 pursuant to this chapter or chapter 45 for city office shall  
24 be filed not more than seventy-two days nor later than five  
25 p.m. on the forty-seventh day before the city election with  
26 the city clerk, who shall process them as provided by law.

27 Sec. 6. Section 44.11, Code 1997, is amended to read as  
28 follows:

29 44.11 VACANCIES FILLED.

30 If a candidate named under this chapter withdraws before  
31 the deadline established in section 44.9, declines a  
32 nomination, or dies before election day, or if a certificate  
33 of nomination is held insufficient or inoperative by the  
34 officer with whom it is required to be filed, or in case any  
35 objection made to a certificate of nomination, or to the

1 eligibility of any candidate named in the certificate, is  
2 sustained by the board appointed to determine such questions,  
3 the vacancy or vacancies may be filled by the convention, or  
4 caucus, or in such manner as such convention or caucus has  
5 previously provided. The vacancy or vacancies shall be filled  
6 not less than seventy-four days before the election in the  
7 case of nominations required to be filed with the state  
8 commissioner, not less than sixty-four days before the  
9 election in the case of nominations required to be filed with  
10 the commissioner, not less than thirty-five days before the  
11 election in the case of nominations required to be filed in  
12 the office of the school board secretary, and not less than  
13 forty-two days before the election in the case of nominations  
14 required to be filed with the city clerk.

15 Sec. 7. NEW SECTION. 44.17 NONPARTY POLITICAL  
16 ORGANIZATIONS -- NOMINATIONS BY PETITION.

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

21 The nonparty political organization may also file with the  
22 appropriate commissioner a list of the names and addresses of  
23 the organization's central committee members, and the  
24 chairperson and secretary of the organization. The  
25 organization may also place on file a description of the  
26 method that the organization will follow to fill any vacancies  
27 resulting from the death, withdrawal, or disqualification of  
28 any of its candidates that were nominated by petition. If  
29 this information is filed before the close of the filing  
30 period for the general election, substitutions may be made  
31 pursuant to section 44.11.

32 Sec. 8. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

33 If the deadline for a filing pertaining to an election  
34 falls on a day that the state or county commissioner's office  
35 is closed for business, the deadline shall be extended to the

1 next day that the office of state commissioner or county  
2 commissioner is open for business to receive the filing.

3 Sec. 9. Section 47.5, subsection 1, Code 1997, is amended  
4 to read as follows:

5 1. The Except for legal services and printing of ballots,  
6 the commissioner shall take bids for goods and services which  
7 are needed in connection with registration of voters or  
8 preparation for or administration of elections and which will  
9 be performed or provided by persons who are not employees of  
10 the commissioner under the following circumstances:

11 a. In any case where it is proposed to purchase data  
12 processing services. The commissioner shall give the  
13 registrar written notice in advance on each occasion when it  
14 is proposed to have data processing services, necessary in  
15 connection with the administration of elections, performed by  
16 any person other than the registrar or an employee of the  
17 county. Such notice shall be made at least thirty days prior  
18 to publication of the specifications.

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

21 ~~c.--Bids-shall-not-be-required-for-legal-services-or-the~~  
22 ~~printing-of-ballots-~~

23 Sec. 10. Section 47.5, subsection 2, Code 1997, is amended  
24 to read as follows:

25 2. When it is proposed to purchase any goods or services,  
26 other than data processing services, in connection with  
27 administration of elections, the commissioner shall publish  
28 notice to bidders, including specifications regarding the  
29 goods or services to be purchased or a description of the  
30 nature and object of the services to be retained, in a  
31 newspaper of general circulation in the county not less than  
32 fifteen days before the final date for submission of bids.

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

1 When competitive bidding procedures are used, the purchase of  
2 goods or services shall be made from the lowest responsible  
3 bidder which meets the specifications or description of the  
4 services needed or the commissioner may reject all bids and  
5 readvertise. In determining the lowest responsible bidder,  
6 various factors may be considered, including but not limited  
7 to the past performance of the bidder relative to quality of  
8 product or service, the past experience of the purchaser in  
9 relation to the product or service, the relative quality of  
10 products or services, the proposed terms of delivery and the  
11 best interest of the county.

12 Sec. 11. Section 47.6, subsection 1, unnumbered paragraph  
13 2, Code 1997, is amended to read as follows:

14 If the proposed date of the special election coincides with  
15 the date of a regularly scheduled election or previously  
16 scheduled special election, the notice shall be given no later  
17 than five p.m. on the last day on which nomination papers may  
18 be filed with the commissioner for the regularly scheduled  
19 election or previously scheduled special election, but in no  
20 case shall notice be less than thirty-two days before the  
21 election. Otherwise, the notice shall be given at least  
22 thirty-two days in advance of the date of the proposed special  
23 election. Upon receiving the notice, the commissioner shall  
24 promptly give written approval of the proposed date unless it  
25 appears that the special election, if held on that date, would  
26 conflict with a regular election or with another special  
27 election previously scheduled for that date.

28 Sec. 12. Section 48A.22, Code 1997, is amended to read as  
29 follows:

30 48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.

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

34 Sec. 13. Section 48A.26, subsection 1, Code 1997, is  
35 amended to read as follows:

1 1. Within seven working days of receipt of a voter  
2 registration form or change of information in a voter  
3 registration record the commissioner shall send an  
4 acknowledgment to the registrant at the mailing address shown  
5 on the registration form. The acknowledgment shall be sent by  
6 **first-class** nonforwardable mail.

7 Sec. 14. Section 48A.27, subsection 4, paragraph b, Code  
8 1997, is amended to read as follows:

9 b. If the information provided by the vendor indicates  
10 that a registered voter has moved to another address within  
11 the county, the commissioner shall change the registration  
12 records to show the new residence address, and shall also mail  
13 a notice of that action to both the former and new addresses.  
14 The notice shall be sent by forwardable **first-class** mail, and  
15 shall include a postage prepaid preaddressed return form by  
16 which the registered voter may verify or correct the address  
17 information.

18 Sec. 15. Section 48A.27, subsection 4, paragraph c,  
19 unnumbered paragraph 2, Code 1997, is amended to read as  
20 follows:

21 The notice shall be sent by forwardable **first-class** mail,  
22 and shall include a postage paid preaddressed return card on  
23 which the registered voter may state the registered voter's  
24 current address. The notice shall contain a statement in  
25 substantially the following form: "Information received from  
26 the United States postal service indicates that you are no  
27 longer a resident of, and therefore not eligible to vote in  
28 (name of county) County, Iowa. If this information is not  
29 correct, and you still live in (name of county) County, please  
30 complete and mail the attached postage paid card at least ten  
31 days before the primary or general election and at least  
32 eleven days before any other election at which you wish to  
33 vote. If the information is correct and you have moved,  
34 please contact a local official in your new area for  
35 assistance in registering there. If you do not mail in the

1 card, you may be required to show identification proving your  
2 residence in (name of county) County before being allowed to  
3 vote in (name of county) County. If you do not return the  
4 card, and you do not vote in an election in (name of county)  
5 County, Iowa, on or before (date of second general election  
6 following the date of the notice) your name will be removed  
7 from the list of voters in that county. To ensure you receive  
8 this notice, it is being sent to both your most recent  
9 registration address and to your new address as reported by  
10 the postal service."

11 Sec. 16. Section 48A.27, subsection 4, paragraph d, Code  
12 1997, is amended to read as follows:

13 d. If the information provided by the vendor indicates the  
14 registered voter has moved to another county within the state,  
15 the notice required by paragraph "c" shall include a statement  
16 that registration in the county of the person's current  
17 residence is required, ~~and shall provide a mail registration~~  
18 ~~form for the person to use.~~

19 Sec. 17. Section 48A.28, subsection 2, unnumbered  
20 paragraph 2, Code 1997, is amended to read as follows:

21 A commissioner participating in the national change of  
22 address program, in the first quarter of each calendar year,  
23 shall send a notice and preaddressed, postage paid return card  
24 by ~~first-class~~ forwardable mail to each registered voter whose  
25 name was not reported by the national change of address  
26 program and who has not voted, registered again, or reported a  
27 change to an existing registration during the preceding four  
28 calendar years. The form and language of the notice and  
29 return card shall be specified by the state voter registration  
30 commission by rule. A registered voter shall not be sent a  
31 notice and return card under this subsection more frequently  
32 than once in a four-year period.

33 Sec. 18. Section 48A.28, subsection 3, unnumbered  
34 paragraph 1, Code 1997, is amended to read as follows:

35 For a commissioner who is not participating in the national

1 change of address program, in February of each year the  
2 commissioner shall mail a confirmation notice to each  
3 registered voter in the county. The notice shall be sent by  
4 ~~first-class~~ forwardable mail. The notice shall include a  
5 preaddressed, postage paid return card for the use of the  
6 registered voter or the recipient of the notice. The card  
7 shall contain boxes for the recipient to check to indicate one  
8 of the following:

9     Sec. 19. Section 48A.29, subsection 1, unnumbered  
10 paragraph 2, Code 1997, is amended to read as follows:

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

33     Sec. 20. Section 48A.29, subsection 3, unnumbered  
34 paragraph 2, Code 1997, is amended to read as follows:

35     The notice shall be sent by forwardable ~~first-class~~ mail,



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

24 Sec. 21. Section 49.13, subsection 4, Code 1997, is  
25 amended to read as follows:

26 4. The commissioner shall designate one member of each  
27 precinct election board as chairperson of that board~~7--and-also~~  
28 ~~of-the.~~ If a counting board authorized by chapter 51 if-one  
29 is appointed, with the chairperson shall have authority over  
30 the mechanics of the work of both boards. At the discretion  
31 of the commissioner, two people who are members of different  
32 political parties may be appointed as co-chairpersons. The  
33 co-chairpersons shall have joint authority over the work of  
34 the precinct election board.

35 Sec. 22. Section 49.16, Code 1997, is amended by adding

1 the following new subsection:

2     NEW SUBSECTION. 5. A person shall not serve on the  
3 precinct election board as a representative of a political  
4 party if the person has changed political party affiliation  
5 from that of the political party which selected the person to  
6 serve as a precinct election official. If a precinct election  
7 official records a change of political party, the official's  
8 name shall be removed from the list of precinct election  
9 officials for that political party. The chairperson of the  
10 political party shall be notified of the vacancy and may  
11 designate a replacement. If the chairperson of another  
12 political party later designates the person as a precinct  
13 election official, the person may serve, if qualified.

14     Sec. 23. Section 49.20, Code 1997, is amended to read as  
15 follows:

16     49.20 COMPENSATION OF MEMBERS:

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

34     Sec. 24. Section 49.25, subsection 3, Code 1997, is  
35 amended to read as follows:

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

19     Sec. 25. Section 49.25, Code 1997, is amended by adding  
20 the following new subsection:

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

24     Sec. 26. Section 49.26, Code 1997, is amended to read as  
25 follows:

26     49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

27     1. In all elections regulated by this chapter, the voting  
28 shall be by ballots printed and distributed as provided by  
29 law, or by voting machines meeting the requirements of chapter  
30 52.

31     2. When voting machines are available for an election  
32 precinct, the commissioner shall determine in advance of each  
33 election conducted for a city of three thousand five hundred  
34 or less population or any school district in which voting  
35 occurs in that precinct whether voting there shall be by

1 machine or paper ballot. If the commissioner concludes, on  
2 the basis of voter turnout for recent similar elections and  
3 factors considered likely to affect voter turnout for the  
4 forthcoming election, that voting will probably be so light as  
5 to make preparation and use of paper ballots less expensive  
6 than preparation and use of a voting machine, paper ballots  
7 shall be used.

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

15 Sec. 27. Section 49.30, Code 1997, is amended to read as  
16 follows:

17 49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

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

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

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

29 2. At an election where voting machines are used, and-it  
30 the following exceptions apply:

31 a. If it is impossible to place the names of all  
32 candidates on the machine ballot, the commissioner may provide  
33 a separate paper ballot for the candidates for judge of the  
34 district court, and the township offices, or-either,--one and  
35 the nonpartisan offices listed in section 39.21. One of the

1 paper ballots shall be furnished to each registered voter.

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

16 3. Separate Where paper ballots are used, separate paper  
17 ballots may shall be used for:

18 a. For the election of township officers in precincts  
19 including both incorporated and unincorporated areas or more  
20 than one township.

21 b. For public measures.

22 c. For judges.

23 Sec. 28. Section 49.31, subsection 1, Code 1997, is  
24 amended by striking the subsection and inserting in lieu  
25 thereof the following:

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

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

35 Sec. 29. Section 49.31, subsection 4, Code 1997, is

1 amended to read as follows:

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

12 Sec. 30. Section 49.31, Code 1997, is amended by adding  
13 the following new subsection:

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

21 Sec. 31. Section 49.33, Code 1997, is amended to read as  
22 follows:

23 49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED  
24 OFFICES.

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

1 board as a team. Write-in votes ~~may~~ shall also be tabulated  
2 ~~for each office separately~~ as a single vote for a pair of  
3 candidates.

4 Sec. 32. Section 49.35, Code 1997, is amended to read as  
5 follows:

6 49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE  
7 BALLOT.

8 Each list of candidates nominated by a political party or a  
9 group of petitioners shall be termed a ticket. Each Where  
10 lever voting machines are used, each ticket shall be placed in  
11 a separate vertical column or horizontal row on the ballot, in  
12 the order determined pursuant to section 49.37 by the  
13 authorities charged with the printing of the ballots.  
14 However, if a total of more than seven tickets are to be  
15 placed on the ballot the state commissioner may authorize a  
16 method of placement in which the groups of petitioners are not  
17 all placed in separate individual columns or rows.

18 Sec. 33. Section 49.37, subsection 1, Code 1997, is  
19 amended by striking the subsection and inserting in lieu  
20 thereof the following:

21 1. For general elections, and for other elections in which  
22 more than one partisan office will be filled, the first  
23 section of the ballot shall be for straight party voting.  
24 Each political party or organization which has nominated  
25 candidates for more than one office shall be listed.  
26 Instructions to the voter for straight party or organization  
27 voting shall be in substantially the following form: "To vote  
28 for all candidates from a single party or organization, mark  
29 the voting target next to the party or organization name. Not  
30 all parties or organizations have nominated candidates for all  
31 offices. Marking a straight party or organization vote does  
32 not include votes for nonpartisan offices, judges, or  
33 questions." Political parties and nonparty political  
34 organizations which have nominated candidates for only one  
35 office shall be listed below the other political organizations

1 under the heading "Other Political Organizations. The  
2 following organizations have nominated candidates for only one  
3 office:".

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

7 Sec. 34. Section 49.37, subsections 2 and 3, Code 1997,  
8 are amended to read as follows:

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

15 3. The commissioner shall arrange the partisan county  
16 offices on the ballot with the board of supervisors first,  
17 followed by the other county offices and township offices in  
18 the same sequence in which they appear in sections 39.17 and  
19 39.22. Nonpartisan offices shall be listed ~~below-or-to-the~~  
20 right-of after partisan offices.

21 Sec. 35. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

22 The ballot for the general election shall be arranged in  
23 substantially the following form:

24 PARTISAN OFFICES

25 STRAIGHT PARTY VOTING

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

31 POLITICAL PARTY NAME

32 POLITICAL PARTY NAME

33 POLITICAL ORGANIZATION NAME

34 POLITICAL ORGANIZATION NAME

35 OTHER POLITICAL ORGANIZATIONS



S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 The following political organizations have nominated  
2 candidates for only one office.

3 POLITICAL ORGANIZATION NAME

4 POLITICAL ORGANIZATION NAME

5 FEDERAL OFFICES

6 For President and Vice President Vote for no more than one  
7 team.

8 CANDIDATE NAME, of State

9 CANDIDATE NAME, of State

10 Political Party

11 CANDIDATE NAME, of State

12 CANDIDATE NAME, of State

13 Political Party

14 CANDIDATE NAME, of State

15 CANDIDATE NAME, of State

16 Political Organization Name

17 CANDIDATE NAME, of State

18 CANDIDATE NAME, of State

19 Political Organization Name

20 CANDIDATE NAME, of State

21 CANDIDATE NAME, of State

22 Nominated by Petition

23

24 Write-in for President, if any.

25

26 Write-in for Vice-President, if any.

27 For U.S. Senator

28 Vote for no more than one.

29 CANDIDATE NAME

30 Political Party

31 CANDIDATE NAME

32 Political Party

33 CANDIDATE NAME

34 Political Organization

35 CANDIDATE NAME

1 Political Organization

2 CANDIDATE NAME

3 Nominated by Petition

4

5 Write-in vote, if any.

6

For U.S. Representative

7

First District

8

Vote for no more than one.

9

CANDIDATE NAME

10

Political Party

11

CANDIDATE NAME

12

Political Party

13

CANDIDATE NAME

14

Political Organization

15

CANDIDATE NAME

16

Political Organization

17

CANDIDATE NAME

18

Nominated by Petition

19

20 Write-in vote, if any.

21

STATE OFFICES

22

For State Senator, District 2

23

Vote for no more than one.

24

CANDIDATE NAME

25

Political Party

26

CANDIDATE NAME

27

Political Party

28

CANDIDATE NAME

29

Political Organization

30

CANDIDATE NAME

31

Political Organization

32

CANDIDATE NAME

33

Nominated by Petition

34

35 Write-in vote, if any.

1     Sec. 36. Section 49.43, Code 1997, is amended by adding  
2 the following new unnumbered paragraph before unnumbered para-  
3 graph 1:

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

10    Sec. 37. Section 49.43, unnumbered paragraph 2, Code 1997,  
11 is amended to read as follows:

12    Constitutional amendments and other public measures may be  
13 summarized by the commissioner as provided in section sections  
14 49.44 and 52.25.

15    Sec. 38. Section 49.44, unnumbered paragraph 1, Code 1997,  
16 is amended to read as follows:

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

29    PARAGRAPH DIVIDED. In precincts where the amendment or  
30 measure will be voted on by machine, the summary shall be  
31 placed in the voting machine inserts as required by section  
32 52.25.

33    Sec. 39. Section 49.45, Code 1997, is amended to read as  
34 follows:

35    49.45 GENERAL FORM OF BALLOT.

1 Ballots referred to in section 49.43 shall be substantially  
2 in the following form:

3 Shall the following amendment Yes  
4 to the Constitution (or public meas- No  
5 ure) be adopted?

6 ☐ Yes

7 ☐ No

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

16 Sec. 40. Section 49.46, Code 1997, is amended to read as  
17 follows:

18 49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

23 Sec. 41. Section 49.47, Code 1997, is amended to read as  
24 follows:

25 49.47 NOTICE ON BALLOTS.

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

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

35 Sec. 42. Section 49.57, Code 1997, is amended to read as

1 follows:

2 49.57 METHOD AND STYLE OF PRINTING BALLOTS.

3 Ballots shall be prepared as follows:

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

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

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

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

26 5. ~~On-the-outside~~ A portion of the ballot, so-as-to-appear  
27 when-folded which can be shown to the precinct officials  
28 without revealing any of the marks made by the voter, shall be  
29 printed include the words "Official ballot", a designation of  
30 the ballot rotation, if any, the date of the election, and a  
31 facsimile of the signature of the commissioner who has caused  
32 the ballot to be printed pursuant to section 49.51.

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

1     Sec. 43. Section 49.92, Code 1997, is amended to read as  
2 follows:

3     49.92 VOTING MARK.

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

16     Sec. 44. Section 49.93, Code 1997, is amended by striking  
17 the section and inserting in lieu thereof the following:

18     49.93 NUMBER OF VOTES FOR EACH OFFICE.

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

26     Sec. 45. Section 49.94, Code 1997, is amended to read as  
27 follows:

28     49.94 HOW TO MARK A STRAIGHT TICKET.

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

1     1. The voter may ~~place-a-cross-or-check-in-the-circle-at~~  
2 ~~the-top-of-such-ticket~~ mark the voting target next to the name  
3 of the political party or nonparty political organization in  
4 the straight party or organization section of the ballot  
5 without ~~making-a-cross-or-check-in~~ marking any square-beneath  
6 ~~said-circle~~ voting target next to the name of a candidate  
7 nominated by the party or organization.

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

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

18     Sec. 46. Section 49.95, Code 1997, is amended to read as  
19 follows:

20     49.95 VOTING PART OF TICKET ONLY.

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

33     Sec. 47. Section 49.96, Code 1997, is amended to read as  
34 follows:

35     49.96 ~~GROUP-CANDIDATES-FOR-OFFICES-OF-SAME-CLASS~~ OFFICES

1 WITH MORE THAN ONE PERSON TO BE ELECTED.

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

24 Sec. 48. Section 49.97, Code 1997, is amended to read as  
25 follows:

26 49.97 HOW TO MARK A MIXED TICKET.

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

32 1. The voter may ~~place a cross or check in the circle at~~  
33 ~~the top of a ticket on~~ mark a straight party or organization  
34 vote for the party or nonparty political organization which  
35 the names of nominated some of the candidates for whom the



1 voter desires to vote ~~appear-and-also-a-cross-or-check-in-the~~  
2 ~~square-opposite-the-name-of-each-other-candidate-of-the~~  
3 ~~voter's-choice, whose name appears upon some ticket other than~~  
4 ~~the one in which the voter has marked the circle at the top~~  
5 and vote for candidates of other parties or nonparty political  
6 organizations by marking the voting targets next to their  
7 names.

8 2. The voter may ~~place-a-cross-or-check-in-the-square~~  
9 ~~opposite-the-name-of-each-candidate-for-whom-the-voter-desires~~  
10 to vote for each candidate separately without placing any  
11 cross-or-check-in-any-circle marking any straight party or  
12 organization vote.

13 Sec. 49. Section 49.98, Code 1997, is amended to read as  
14 follows:

15 49.98 COUNTING BALLOTS.

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

1 to identify the voter's ballot~~7-shall-be-rejected.~~

2 Sec. 50. Section 49.99, unnumbered paragraph 1, Code 1997,  
3 is amended to read as follows:

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

20 Sec. 51. Section 49.100, Code 1997, is amended to read as  
21 follows:

22 49.100 SPOILED BALLOTS.

23 Any A voter who ~~shall-spoil~~ spoils a ballot may~~7-on~~  
24 ~~returning-the-same~~ return the spoiled ballot to the precinct  
25 election officials~~7~~ and receive another ~~in-place-thereof~~~~7-but~~  
26 ballot. However, no a voter shall not receive more than three  
27 ballots, including the one first delivered. ~~None-but~~ Only  
28 ballots provided in accordance with the provisions of this  
29 chapter shall be counted.

30 Sec. 52. Section 49.125, Code 1997, is amended to read as  
31 follows:

32 49.125 COMPENSATION OF TRAINEES.

33 All election personnel attending such training course shall  
34 be paid for attending such course for a period not to exceed  
35 two hours, and shall be reimbursed for travel to and from the

1 place where the training is given at the rate ~~specified in~~  
2 ~~section-70A-9~~ determined by the board of supervisors if the  
3 distance involved is more than five miles. The wages shall be  
4 computed at the hourly rate established pursuant to section  
5 49.20 and payment of wages and mileage for attendance shall be  
6 made at the time that payment is made for duties performed on  
7 election day.

8 Sec. 53. Section 50.13, Code 1997, is amended to read as  
9 follows:

10 50.13 DESTRUCTION OF BALLOTS.

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

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

23 Sec. 54. Section 50.48, subsection 4, unnumbered paragraph  
24 1, Code 1997, is amended to read as follows:

25 When all members of the recount board have been selected,  
26 the board shall undertake and complete the required recount as  
27 expeditiously as reasonably possible. The commissioner or the  
28 commissioner's designee shall supervise the handling of  
29 ballots or voting machine documents to ensure that the ballots  
30 and other documents are protected from alteration or damage.  
31 The board shall open only the sealed ballot containers from  
32 the precincts specified to be recounted in the request or by  
33 the recount board. The board shall recount only the ballots  
34 which were voted and counted for the office in question,  
35 including any disputed ballots returned as required in section

1 50.5. If an electronic tabulating system was used to count  
2 the ballots, the recount board may request the commissioner to  
3 retabulate the ballots using the electronic tabulating system.  
4 The same program used for tabulating the votes on election day  
5 shall be used at the recount unless the program is believed or  
6 known to be flawed.

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

14 Sec. 55. Section 52.10, Code 1997, is amended to read as  
15 follows:

16 52.10 BALLOTS -- FORM.

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

27 Sec. 56. Section 52.12, Code 1997, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

30 Voting machines shall have a single lever or switch which  
31 casts a vote for each candidate of a political party or non-  
32 party political organization which has nominated candidates  
33 for more than one partisan office on the ballot. Straight  
34 party voting shall be provided for all general elections.

35 Sec. 57. Section 52.33, Code 1997, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The absentee and special  
3 precinct board shall follow the process prescribed in section  
4 52.37, subsection 2, in handling damaged or defective ballots  
5 and in counting write-in votes on special paper ballots.

6 Sec. 58. Section 52.35, subsection 2, Code 1997, is  
7 amended to read as follows:

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

24 Sec. 59. Section 52.36, unnumbered paragraph 2, Code 1997,  
25 is amended to read as follows:

26 The commissioner shall appoint from the lists provided by  
27 the county political party chairpersons a resolution board to  
28 tabulate write-in votes and to decide questions regarding  
29 damaged, defective, or other ballots which cannot be tabulated  
30 by machine. The commissioner shall appoint as many people to  
31 the resolution board as the commissioner believes are  
32 necessary. The resolution board shall be divided into three-  
33 person two-person teams. Each team shall consist of ~~no more~~  
34 than two people who are not members of the same political  
35 party. If a team is unable to decide how to count one or more

1 ballots, a third person shall be available to consult with the  
2 team and to resolve disputes. Ballots which were objected to  
3 shall be endorsed and separated as required by section 50.4.

4 Sec. 60. Section 52.37, subsection 2, unnumbered paragraph  
5 2, Code 1997, is amended to read as follows:

6 The resolution board shall also tabulate any write-in votes  
7 which were cast. Write-in votes cast for a candidate whose  
8 name appears on the ballot for the same office shall be  
9 counted as a vote for the candidate indicated, if the vote is  
10 otherwise properly cast.

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

22 Sec. 61. Section 52.38, unnumbered paragraph 1, Code 1997,  
23 is amended to read as follows:

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

35 Sec. 62. Section 52.40, subsection 1, Code 1997, is

1 amended to read as follows:

2 1. In counties where counting centers have been  
3 established under section 52.34, the commissioner may  
4 designate certain polling places as early ballot pick-up  
5 sites. At these sites, between the hours of one p.m. and four  
6 p.m. on the day of the election, two precinct election  
7 officials of different political parties shall seal the ballot  
8 container to prevent the addition or removal of ballots and  
9 replace it with an empty, locked ballot container. The sealed  
10 ballot container shall be kept in a safe place in view of the  
11 precinct election officials. The early pick-up officers shall  
12 receive the sealed ballot container containing the ballots  
13 which have been voted throughout-the-day along with a signed  
14 statement of the precinct officials attesting to the number of  
15 declarations of eligibility signed up to that time, excluding  
16 those declarations signed by voters who have had not yet  
17 placed their ballots in the ballot container when it was  
18 sealed. The-officers-shall-replace-the-ballot-container  
19 containing-the-voted-ballots-with-an-empty-ballot-container,  
20 to-be-sealed-in-the-presence-of-a-precinct-election-official.

21 Sec. 63. Section 53.2, unnumbered paragraph 1, Code 1997,  
22 is amended to read as follows:

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

1 preaddressed or printed with instructions to send the  
2 applications to anyone other than the appropriate  
3 commissioner.

4 Sec. 64. Section 53.19, unnumbered paragraph 3, Code 1997,  
5 is amended to read as follows:

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

18 Sec. 65. Section 54.5, Code 1997, is amended by adding the  
19 following new unnumbered paragraph:

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

34 Sec. 66. Section 59.1, Code 1997, is amended by adding the  
35 following new unnumbered paragraph:



1     NEW UNNUMBERED PARAGRAPH. A special election for a seat in  
2 either house of the general assembly may be contested. The  
3 contestant shall serve notice on the incumbent in the manner  
4 described in this section not later than twenty days after the  
5 state canvass of votes for the election. A copy of the notice  
6 shall also be filed with the presiding officer of the house in  
7 which the contest is to be tried, if the general assembly is  
8 in session. If the general assembly is not in session, a copy  
9 of the notice shall be filed with the secretary of state. The  
10 secretary of state shall notify the presiding officer of the  
11 house in which the contest will be tried.

12     Sec. 67. Section 62.1, Code 1997, is amended to read as  
13 follows:

14     62.1 CONTEST COURT.

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

31     Sec. 68. Section 62.2, Code 1997, is amended to read as  
32 follows:

33     62.2 JUDGES.

34     ~~The contestant and incumbent shall each file in the~~  
35 ~~auditor's office, on or before the day of trial, a written~~

1 ~~nomination-of-one-associate-judge-of-the-contested-election,~~  
2 who Judges shall be sworn in the same manner and form as trial  
3 jurors are sworn in trials of civil actions;~~-if-either-the~~  
4 ~~contestant-or-the-incumbent-fails-to-nominate,-the-presiding~~  
5 ~~judge-shall-appoint-for-that-person.~~ When either-of-the  
6 ~~nominated-judges~~ a judge fails to appear on the day of trial,  
7 that judge's place may be filled by another appointment under  
8 the same rule.

9 Sec. 69. Section 62.9, Code 1997, is amended to read as  
10 follows:

11 62.9 TRIAL -- NOTICE.

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

20 Sec. 70. Section 69.14A, subsection 1, paragraph a,  
21 unnumbered paragraph 2, Code 1997, is amended to read as  
22 follows:

23 However, if within fourteen days after publication of the  
24 notice or within fourteen days after the appointment is made,  
25 ~~whichever-is-later,~~ a petition is filed with the county  
26 auditor requesting a special election to fill the vacancy, the  
27 appointment is temporary and a special election shall be  
28 called as provided in paragraph "b". The petition shall meet  
29 the requirements of section 331.306, except that in counties  
30 where supervisors are elected under plan "three", the number  
31 of signatures calculated according to the formula in section  
32 331.306 shall be divided by the number of supervisor districts  
33 in the county.

34 Sec. 71. Section 69.14A, subsection 1, paragraph b,  
35 unnumbered paragraph 1, Code 1997, is amended to read as

1 follows:

2 By special election held to fill the office for the  
3 remaining balance of the unexpired term. The committee of  
4 county officers designated to fill the vacancy in section 69.8  
5 may, on its own motion, or shall, upon receipt of a petition  
6 as provided in paragraph "a", call for a special election to  
7 fill the vacancy in lieu of appointment. The committee shall  
8 order the special election at the earliest practicable date,  
9 but giving at least ~~thirty~~ thirty-two days' notice of the  
10 election. A special election called under this section shall  
11 be held on a Tuesday and shall not be held on the same day as  
12 a school election within the county.

13 Sec. 72. Section 69.14A, subsection 2, paragraph a,  
14 unnumbered paragraph 2, Code 1997, is amended to read as  
15 follows:

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

23 Sec. 73. Section 69.14A, subsection 2, paragraph b,  
24 unnumbered paragraph 1, Code 1997, is amended to read as  
25 follows:

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

1     Sec. 74. Section 277.4, unnumbered paragraph 2, Code 1997,  
2 is amended to read as follows:

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

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

33     Sec. 75. Section 278.1, subsection 8, Code 1997, is  
34 amended to read as follows:

35     8. Authorize ~~the-establishment-or-abandonment-of-director~~

1 ~~districts-or-a-change-of-boundaries-of-director-districts a~~  
2 change in the method of conducting elections or in the number  
3 of directors as provided in sections 275.35 and 275.36. If a  
4 proposition submitted to the voters under this subsection or  
5 subsection 7 ~~of-this-section~~ is rejected, it may not be  
6 resubmitted to the voters of the district in substantially the  
7 same form within the next three years; if it is approved, no  
8 other proposal may be submitted to the voters of the district  
9 under this subsection or subsection 7 ~~of-this-section~~ within  
10 the next six years.

11 Sec. 76. Section 372.2, subsection 2, Code 1997, is  
12 amended to read as follows:

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

24 PARAGRAPH DIVIDED. The council shall notify the county  
25 commissioner of elections to publish notice of the election  
26 and conduct the election pursuant to chapters 39 to 53. The  
27 county commissioner of elections shall certify the results of  
28 the election to the council.

29 Sec. 77. Section 372.3, Code 1997, is amended by striking  
30 the section and inserting in lieu thereof the following:

31 372.3 HOME RULE CHARTER.

32 If a petition for appointment of a home rule charter com-  
33 mission is filed with the city clerk not more than ten days  
34 after the council has published notice announcing the date of  
35 the special election on adoption of another form of

1 government, the special election shall not be held until the  
2 charter proposed by the home rule charter commission is filed.  
3 Both forms must be published as provided in section 372.9 and  
4 submitted to the voters at the special election.

5 Sec. 78. Section 372.13, subsection 2, paragraph a,  
6 unnumbered paragraph 1, Code 1997, is amended to read as  
7 follows:

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

33 Sec. 79. Section 376.4, unnumbered paragraph 1, Code 1997,  
34 is amended to read as follows:

35 An eligible elector of a city may become a candidate for an

1 elective city office by filing with the city clerk a valid  
 2 petition requesting that the elector's name be placed on the  
 3 ballot for that office. The petition must be filed not more  
 4 than seventy-one days ~~nor~~ and not less than forty-seven days  
 5 before the date of the election, and must be signed by  
 6 eligible electors equal in number to at least two percent of  
 7 those who voted to fill the same office at the last regular  
 8 city election, but not less than ten persons. However, for  
 9 those cities which may be required to hold a primary election,  
 10 the petition must be filed not more than eighty-five days and  
 11 not less than sixty-eight days before the date of the regular  
 12 city election. A person may sign nomination petitions for  
 13 more than one candidate for the same office, and the signature  
 14 is not invalid solely because the person signed nomination  
 15 petitions for one or more other candidates for the office.  
 16 Nomination petitions shall be filed not later than five  
 17 o'clock p.m. on the last day for filing.

18 Sec. 80. Section 376.10, Code 1997, is amended to read as  
 19 follows:

20 376.10 CONTEST.

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

30 Sec. 81. Sections 49.27, 49.29, and 49.42, Code 1997, are  
 31 repealed.

32 Sec. 82. IMMEDIATE EFFECTIVE DATE. New Code section 39.1A  
 33 and amendments to Code sections 48A.22, 48A.26 through 48A.29,  
 34 49.13, 49.16, 49.25, 50.48, 52.33, 52.35 through 52.38, 52.40,  
 35 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 in

1 this Act, being deemed of immediate importance, take effect  
2 upon enactment.

3 EXPLANATION

4 This bill makes a number of changes to the election laws of  
5 Iowa.

6 New Code section 39.1A prohibits county auditors from  
7 conducting elections which are not specifically authorized or  
8 required by state law.

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

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

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

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

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



1 New Code section 47.4 provides that filings pertaining to  
2 an election, the deadline for which falls on a day the county  
3 or state commissioner of elections office is closed for  
4 business, shall be filed on the next day that the office of  
5 county or state commissioner is open for business to receive  
6 the filing.

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

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

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

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

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

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

33 Code section 49.16 is amended to prohibit a precinct  
34 election official, who has changed party affiliation from the  
35 party which designated the official, from working at the polls

1 as a designee of the party with which the official was  
2 formerly registered.

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

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

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

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

34 Code section 49.31, relating to the arrangement of names on  
35 the ballot, is amended to provide that the names of candidates

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

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

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

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

26 Code section 49.42 is repealed and new Code section 49.42A  
27 is enacted to prescribe the form for general election ballots.

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

32 Code section 49.44 is amended to require that a summary of  
33 a proposed constitutional amendment or other public measure be  
34 placed on the ballot immediately before the full text of the  
35 amendment or measure on special paper ballots. If the full

1 text of the amendment or measure will not fit on the ballot,  
2 it shall be posted inside the voting booth and included with  
3 absentee ballots.

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

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

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

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

24 Code section 49.73 is amended to increase the city  
25 population threshold at which a city is allowed to shorten  
26 voting hours on election day. The threshold is increased from  
27 any city of more than 3,500 population to more than 10,000  
28 population. For those cities in which there are only  
29 uncontested elections and no public questions on the ballot,  
30 the threshold is raised from more than 3,500 to more than  
31 10,000.

32 Code section 49.92 updates the voting mark descriptions and  
33 targets to account for the use of a voting system other than  
34 the paper ballot system.

35 Code section 49.93, relating to the number of votes allowed

1 for each office, is reworded.

2 Code sections 49.94 and 49.95 are amended to change voting  
3 target description and voting mark description to include  
4 variations allowed by optical scan voting systems. Portions  
5 of sections 49.94 and 49.95, relating to straight ticket  
6 marking and voting only part of a ticket, respectively, are  
7 reworded.

8 Code sections 49.96 and 49.97, relating to voting for  
9 offices with more than one person to be elected and marking a  
10 mixed ticket, respectively, are reworded.

11 Code section 49.98, relating to the instructions for  
12 counting ballots; Code section 49.99, relating to write-in  
13 votes; and Code section 49.100, relating to replacing spoiled  
14 ballots, are reworded.

15 Code section 50.13 is amended to remove the requirement  
16 that representatives of the political parties attend the  
17 destruction of ballots.

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

26 Code section 52.10 is amended to provide that lists of  
27 candidates of a political party or nonparty political  
28 organization may be arranged in horizontal rows or vertical  
29 columns if necessary to meet the physical requirements of the  
30 voting machine used.

31 Code section 52.12 is amended to require that voting  
32 machines have a single lever or switch to make a straight  
33 party vote.

34 Code section 52.33 is amended to require the absentee and  
35 special precinct board to follow the same procedure as the

1 central count resolution board when tabulating optical scan  
2 ballots. This permits the board to make a duplicate of a  
3 damaged or unreadable ballot and include the duplicate ballot  
4 in the machine count.

5 Code section 52.35, and by reference section 52.38, are  
6 amended to eliminate the requirement that voting equipment  
7 test results be certified to the secretary of state.

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

13 Code section 52.37, relating to tabulation of electronic  
14 voting system ballots, is amended to allow the commissioner of  
15 elections to instruct the resolution board to mark over  
16 voters' marks unreadable by the machine, if possible, or to  
17 duplicate the ballot.

18 Code section 52.38 is amended to eliminate the requirement  
19 that portable tabulating devices be tested at the polling  
20 place where they are to be used.

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

26 Code section 53.2 is amended to prohibit mailing an  
27 application for an absentee ballot to an address other than  
28 the county auditor or to an address designated by the auditor.

29 Code section 53.19 is amended to allow voters to surrender  
30 marked or unmarked absentee ballots on election day and vote  
31 unchallenged at the polls.

32 Code section 54.5 is amended to provide for substitution of  
33 candidates in a presidential election. A substitution is to  
34 be made by the state central committee of the party or by the  
35 governing committee of the national party. However, if there

1 are differences, the state central committee substitution  
2 prevails. Nonparty political organizations may also  
3 substitute candidates in a presidential election.

4 Currently no statutory provision exists for contesting a  
5 special election to fill a vacancy in the general assembly.  
6 The proposed amendment to Code section 59.1 adds a method for  
7 contesting the outcome of a special election while the general  
8 assembly is in session. The contestant would file a notice of  
9 contest with the speaker of the house of representatives or  
10 with the president of the senate, as appropriate, not more  
11 than 20 days after the canvass of votes.

12 Code sections 62.1 and 62.2 are amended to change the  
13 contest court chairperson from the chairperson of the county  
14 board of supervisors to a third person mutually agreed to by  
15 the judges selected by the incumbent and the contestant.

16 Code section 62.9 is amended to strike the limitation that  
17 the contest court may not begin for at least 20 days after the  
18 election.

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

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

31 Code section 277.4 is amended to specify the minimum  
32 signature requirements for school board candidates.

33 Code section 278.1 prescribes the procedure for changing  
34 the method of school elections which is similar to Code  
35 sections 275.35 and 275.36, except for petition filing

1 deadlines and the thoroughness of the procedures. The more  
2 thorough language of Code sections 275.35 and 275.36 has been  
3 retained. The provision in Code section 278.1, subsection 8,  
4 allowing voters to redraw the director district boundaries at  
5 an election is stricken. Director district boundaries are  
6 drawn after the census on the basis of population.

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

14 Code section 372.3 is amended to establish a deadline for  
15 filing a petition for appointment of a home rule charter  
16 commission. Filing this petition will stay a special election  
17 on adoption of another form of government. Currently no  
18 deadline for filing the petition is prescribed.

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

29 Code section 376.10 is amended to change the contest court  
30 chairperson for city elections from the mayor to a third  
31 person mutually agreed to by the judges selected by the  
32 incumbent and the contestant, as provided in Code chapter 62  
33 as amended in this bill.

34 New Code section 39.1A and amendments to Code sections  
35 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25, 50.48,



S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2,  
2 62.9, 69.14A, 277.4, and 372.13 take effect upon enactment.

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subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

Sec. 5. Section 43.88, unnumbered paragraph 2, Code 1997, 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 twenty-five 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 nomination shall be certified not less than fourteen days before the date of the special election.

Sec. 6. Section 43.116, Code 1997, is amended by adding the following new subsection:

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

Sec. 7. Section 44.4, unnumbered paragraph 1, Code 1997, 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 twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least 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. 8. Section 44.11, Code 1997, is amended to read as follows:

#### 44.11 VACANCIES FILLED.

If a candidate named under this chapter withdraws before the deadline established in section 44.9, declines a nomination, or dies before election day, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-four days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-four days before the election in the case of nominations required to be filed with the commissioner, not less than thirty-five days before the election in the case of nominations required to be filed in the office of the school board secretary, and not less than forty-two days before the election in the case of nominations required to be filed with the city clerk.

Sec. 9. NEW SECTION. 44.17 NONPARTY POLITICAL ORGANIZATIONS -- NOMINATIONS BY PETITION.

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

The nonparty political organization may also file with the appropriate commissioner a list of the names and addresses of the organization's central committee members, and the

HOUSE FILE 636

AN ACT

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

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

Section 1. NEW SECTION. 39.1A ELECTIONS AUTHORIZED.

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

This section does not prohibit the governing body of a city or county from adopting an ordinance providing for elections on matters under the jurisdiction of the governing body.

Sec. 2. Section 43.6, subsection 1, Code 1997, is amended to read as follows:

1. When a vacancy occurs in the office of senator in the Congress of the United States, lieutenant-governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and section 69.13 requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs eighty-nine or more days before the date of that primary election. If the vacancy occurs less than one hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office only until five o'clock p.m. on the seventy-fourth day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than eighty-nine

days before the date of that primary election, but not less than eighty-nine days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

Sec. 3. Section 43.73, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Not less than sixty-nine days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which the tickets-of-the-several-political-parties federal and state offices, judges, constitutional amendments, and state public measures shall appear on the official ballot.

Sec. 4. Section 43.79, Code 1997, is amended to read as follows:

43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-eighth day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the seventy-third day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending on the last day before the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, lieutenant governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is

chairperson and secretary of the organization. The organization may also place on file a description of the method that the organization will follow to fill any vacancies resulting from the death, withdrawal, or disqualification of any of its candidates that were nominated by petition. If this information is filed before the close of the filing period for the general election, substitutions may be made pursuant to section 44.11.

Sec. 10. NEW SECTION. 47.4 ELECTION FILING DEADLINES.

If the deadline for a filing pertaining to an election falls on a day that the state or county commissioner's office is closed for business, the deadline shall be extended to the next day that the office of state commissioner or county commissioner is open for business to receive the filing. This section does not apply to the deadline for voter registration under section 48A.9, subsection 2.

Sec. 11. Section 47.5, subsection 1, Code 1997, is amended to read as follows:

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

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

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

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

Sec. 12. Section 47.5, subsection 2, Code 1997, is amended to read as follows:

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. ~~The commissioner shall also file a copy of the bid specifications in the office of the state commissioner for a period of not less than twenty days prior to such final date.~~ When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interest of the county.

Sec. 13. Section 47.6, subsection 1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than five p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least thirty-two days in advance of the date of the proposed special election. Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it

appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

Sec. 14. Section 48A.22, Code 1997, is amended to read as follows:

**48A.22 VOTER REGISTRATION BY VOLUNTEER ORGANIZATIONS.**

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

Sec. 15. Section 48A.26, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 16. Section 48A.27, subsection 4, paragraph b, Code 1997, is amended to read as follows:

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

Sec. 17. Section 48A.27, subsection 4, paragraph c, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no

longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county. To ensure you receive this notice, it is being sent to both your most recent registration address and to your new address as reported by the postal service."

Sec. 18. Section 48A.27, subsection 4, paragraph d, Code 1997, is amended to read as follows:

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

Sec. 19. Section 48A.28, subsection 2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by ~~first-class~~ forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted, registered again, or reported a change to an existing registration during the preceding four calendar years. The form and language of the notice and

return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period.

Sec. 20. Section 48A.28, subsection 3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 21. Section 48A.29, subsection 1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The notice shall be sent by forwardable ~~first-class~~ mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address. The notice shall contain a statement in substantially the following form: "Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least ten days before the primary or general election and at least eleven days before any other election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification proving your residence in (name of county) County before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the

notice) your name will be removed from the list of voters in that county."

Sec. 22. Section 48A.29, subsection 3, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 23. Section 49.13, subsection 4, Code 1997, is amended to read as follows:

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

co-chairpersons shall have joint authority over the work of the precinct election board.

Sec. 24. Section 49.16, Code 1997, is amended by adding the following new subsection:

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

Sec. 25. Section 49.20, Code 1997, is amended to read as follows:

#### 49.20 COMPENSATION OF MEMBERS.

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

Sec. 26. Section 49.25, subsection 3, Code 1997, is amended to read as follows:

3. The commissioner shall furnish to each precinct where voting is to be by paper ballot, special paper ballot, or ballot card, rather than by voting machine, the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall be approved by the board of examiners for voting machines and electronic voting systems and shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. If the lighting in the polling place is inadequate, the voting booths used in that precinct shall include lights. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except as provided in sections 51.7 and 52.40, or to provide necessary service to a malfunctioning portable vote tallying device. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

Sec. 27. Section 49.25, Code 1997, is amended by adding the following new subsection:

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

Sec. 28. Section 49.26, Code 1997, is amended to read as follows:

#### 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING.

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

2. When voting machines are available for an election precinct, the commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or any school district in which voting occurs in that precinct whether voting there shall be by

machine or paper ballot. If the commissioner concludes, on the basis of voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election, that voting will probably be so light as to make preparation and use of paper ballots less expensive than preparation and use of a voting machine, paper ballots shall be used.

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

Sec. 29. Section 49.30, Code 1997, is amended to read as follows:

49.30 ALL CANDIDATES ON ONE BALLOT -- EXCEPTIONS.

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

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

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

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

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

b. When a precinct has one or more offices or questions on the ballot in any election that may not be legally voted upon by all registered voters of the precinct, the commissioner shall use lockout devices operated by the precinct election officials to restrict each voter to the appropriate parts of the ballot. However, if the voting machine does not have a lockout device, the commissioner may use one or more separate voting machines for each group of voters in the precinct. If neither of the foregoing procedures is feasible, the commissioner shall prepare separate ballots for the candidates or questions which may not be legally voted upon by all registered voters of the precinct, and shall furnish a separate ballot box into which only those ballots shall be deposited.

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

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

b. For public measures.

c. For judges.

Sec. 30. Section 49.31, subsection 1, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

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

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

Sec. 31. Section 49.31, subsection 4, Code 1997, is amended to read as follows:

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



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

Sec. 32. Section 49.31, Code 1997, is amended by adding the following new subsection:

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

Sec. 33. Section 49.33, Code 1997, is amended to read as follows:

49.33 SINGLE SQUARE VOTING TARGET FOR CERTAIN PAIRED OFFICES.

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

Sec. 34. Section 49.35, Code 1997, is amended to read as follows:

49.35 ORDER OF ARRANGING TICKETS ON LEVER VOTING MACHINE BALLOT.

Each list of candidates nominated by a political party or a group of petitioners shall be termed a ticket. ~~Each~~ Where lever voting machines are used, each ticket shall be placed in a separate vertical column or horizontal row on the ballot, in the order determined pursuant to section 49.37 by the authorities charged with the printing of the ballots. However, if a total of more than seven tickets are to be placed on the ballot the state commissioner may authorize a method of placement in which the groups of petitioners are not all placed in separate individual columns or rows.

Sec. 35. Section 49.37, subsection 1, Code 1997, is amended by striking the subsection and inserting in lieu thereof the following:

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

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

Sec. 36. Section 49.37, subsections 2 and 3, Code 1997, are amended to read as follows:

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

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

Sec. 37. NEW SECTION. 49.42A FORM OF OFFICIAL BALLOT.

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

PARTISAN OFFICES

STRAIGHT PARTY VOTING

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

POLITICAL PARTY NAME

POLITICAL PARTY NAME

POLITICAL ORGANIZATION NAME

POLITICAL ORGANIZATION NAME

OTHER POLITICAL ORGANIZATIONS

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

POLITICAL ORGANIZATION NAME

POLITICAL ORGANIZATION NAME

FEDERAL OFFICES

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

CANDIDATE NAME, of State

CANDIDATE NAME, of State

Political Party

CANDIDATE NAME, of State

CANDIDATE NAME, of State

Political Party

CANDIDATE NAME, of State

CANDIDATE NAME, of State

Political Organization Name

CANDIDATE NAME, of State

CANDIDATE NAME, of State

Political Organization Name

CANDIDATE NAME, of State

CANDIDATE NAME, of State

Nominated by Petition

---

Write-in for President, if any.

---

Write-in for Vice President, if any.

For U.S. Senator

Vote for no more than one.

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Nominated by Petition

---

Write-in vote, if any.

For U.S. Representative

First District

Vote for no more than one.

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Nominated by Petition

Write-in vote, if any.

STATE OFFICES

For State Senator, District 2

Vote for no more than one.

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Party

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Political Organization

CANDIDATE NAME

Nominated by Petition

Write-in vote, if any.

Sec. 38. Section 49.43, Code 1997, is amended by adding the following new unnumbered paragraph before unnumbered paragraph 1:

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

Sec. 39. Section 49.43, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 40. Section 49.44, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

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

Sec. 41. Section 49.45, Code 1997, is amended to read as follows:

49.45 GENERAL FORM OF BALLOT.

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

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

☐ Yes

☐ No

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

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

Sec. 42. Section 49.46, Code 1997, is amended to read as follows:

49.46 MARKING BALLOTS ON PUBLIC MEASURES.

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

Sec. 43. Section 49.47, Code 1997, is amended to read as follows:

49.47 NOTICE ON BALLOTS.

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

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

Sec. 44. Section 49.57, Code 1997, is amended to read as follows:

49.57 METHOD AND STYLE OF PRINTING BALLOTS.

Ballots shall be prepared as follows:

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

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

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

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

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

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

Sec. 45. Section 49.58, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the Congress of the United States, governor, ~~lieutenant governor,~~ attorney general, or senator or representative in the general assembly dies during the period beginning on the eighty-eighth day and ending on the last day before the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the seventy-third day and ending on the last day before the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

Sec. 46. Section 49.92, Code 1997, is amended to read as follows:

49.92 VOTING MARK.

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

Sec. 47. Section 49.93, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

49.93 NUMBER OF VOTES FOR EACH OFFICE.

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

Sec. 48. Section 49.94, Code 1997, is amended to read as follows:

49.94 HOW TO MARK A STRAIGHT TICKET.

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

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

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

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

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

Sec. 49. Section 49.95, Code 1997, is amended to read as follows:

49.95 VOTING PART OF TICKET ONLY.

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

Sec. 50. Section 49.96, Code 1997, is amended to read as follows:

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

Where two or more offices of the same class are to be filled more than one person is to be elected to the same office at the same election, and all of the candidates for such offices, that office for whom the voter desires to vote, appear upon the voter's party ticket at the top of which the voter has marked a cross or check in the circle were nominated

by the political party or nonparty political organization for which the voter has marked a straight party or organization vote, the voter need not otherwise indicate the vote for such candidate, but if the name of any candidate for whom the voter desires to vote for such office appears upon a different ticket, then as to such group of candidates the cross or check in the circle does not apply and to indicate the voter's choice the voter must place a cross or check in the square opposite the name of each such candidate for whom the voter desires to vote whether the same appears under such marked circle or not that office. If the voter wishes to vote for candidates who were nominated by different political parties or nonparty political organizations, the voter must mark the voting target for each candidate the voter has chosen, whether or not the voter has also marked a straight party or organization vote.

Sec. 51. Section 49.97, Code 1997, is amended to read as follows:

49.97 HOW TO MARK A MIXED TICKET.

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

1. The voter may place a cross or check in the circle at the top of a ticket on mark a straight party or organization vote for the party or nonparty political organization which the names of nominated some of the candidates for whom the voter desires to vote appear and also a cross or check in the square opposite the name of each other candidate of the voter's choice, whose name appears upon some ticket other than the one in which the voter has marked the circle at the top and vote for candidates of other parties or nonparty political organizations by marking the voting targets next to their names.

2. The voter may place a cross or check in the square opposite the name of each candidate for whom the voter desires

to vote for each candidate separately without placing any cross or check in any circle marking any straight party or organization vote.

Sec. 52. Section 49.98, Code 1997, is amended to read as follows:

49.98 COUNTING BALLOTS.

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

Sec. 53. Section 49.99, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The voter may also insert in writing in the proper place write on the line provided for write-in votes the name of any person for whom the voter desires to vote and place a cross or check in the square mark the voting target opposite the name. If the voter is using a voting system other than an electronic voting system, as defined in section 52.1, the writing of the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the

voter has made a ~~cross-or-check~~ mark opposite the name. However, when a write-in vote is cast using an electronic voting system, the ballot must also be marked in the corresponding space in order to be counted. ~~The making-of-a cross-or-check-in-a-square~~ Marking the voting target opposite a ~~blank write-in line~~ without writing a name in on the ~~blank~~ line shall not affect the validity of the remainder of the ballot.

Sec. 54. Section 49.100, Code 1997, is amended to read as follows:

49.100 SPOILED BALLOTS.

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

Sec. 55. Section 49.104, Code 1997, is amended by adding the following new subsection:

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

Sec. 56. Section 49.125, Code 1997, is amended to read as follows:

49.125 COMPENSATION OF TRAINEES.

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

Sec. 57. Section 50.13, Code 1997, is amended to read as follows:

50.13 DESTRUCTION OF BALLOTS.

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

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

Sec. 58. Section 50.48, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

PARAGRAPH DIVIDED. Any member of the recount board may at any time during the recount proceedings extend the recount of votes cast for the office or nomination in question to any

other precinct or precincts in the same county, or from which the returns were reported to the commissioner responsible for conducting the election, without the necessity of posting additional bond.

Sec. 59. NEW SECTION. 50.50 ADMINISTRATIVE RECOUNTS.

The commissioner who was responsible for conducting an election may request an administrative recount when the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election. An administrative recount shall be conducted by the board of the special precinct established by section 53.23. Bond shall not be required for an administrative recount. The state commissioner may adopt rules for administrative recounts.

If the recount board finds that there is an error in the programming of any voting equipment which may have affected the outcome of the election for any office or public measure on the ballot, the recount board shall describe the errors in its report to the commissioner. The commissioner shall notify the board of supervisors. The supervisors shall determine whether to order an administrative recount for any or all of the offices and public measures on the ballot.

Sec. 60. Section 52.10, Code 1997, is amended to read as follows:

52.10 BALLOTS -- FORM.

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

Sec. 61. Section 52.12, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

52.12 EXCEPTION -- STRAIGHT PARTY VOTING.

Voting machines shall have a single lever or switch which casts a vote for each candidate of a political party or non-party political organization which has nominated candidates for more than one partisan office on the ballot. Straight party voting shall be provided for all general elections.

Sec. 62. Section 52.33, Code 1997, is amended by adding the following new unnumbered paragraph:

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

Sec. 63. Section 52.35, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 64. Section 52.36, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The commissioner shall appoint from the lists provided by the county political party chairpersons a resolution board to tabulate write-in votes and to decide questions regarding damaged, defective, or other ballots which cannot be tabulated by machine. The commissioner shall appoint as many people to the resolution board as the commissioner believes are



necessary. The resolution board shall be divided into three-person two-person teams. Each team shall consist of no more than two people who are not members of the same political party. If a team is unable to decide how to count one or more ballots, a third person shall be available to consult with the team and to resolve disputes. Ballots which were objected to shall be endorsed and separated as required by section 50.4.

Sec. 65. Section 52.37, subsection 2, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The resolution board shall also tabulate any write-in votes which were cast. Write-in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast.

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

Sec. 66. Section 52.38, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 67. Section 52.40, subsection 1, Code 1997, is amended to read as follows:

1. In counties where counting centers have been established under section 52.34, the commissioner may designate certain polling places as early ballot pick-up sites. At these sites, between the hours of one p.m. and four p.m. on the day of the election, two precinct election officials of different political parties shall seal the ballot container to prevent the addition or removal of ballots and replace it with an empty, locked ballot container. The sealed ballot container shall be kept in a safe place in view of the precinct election officials. The early pick-up officers shall receive the sealed ballot container containing the ballots which have been voted throughout the day along with a signed statement of the precinct officials attesting to the number of declarations of eligibility signed up to that time, excluding those declarations signed by voters who have had not yet placed their ballots in the ballot container when it was sealed. The officers shall replace the ballot container containing the voted ballots with an empty ballot container, to be sealed in the presence of a precinct election official.

Sec. 68. Section 53.2, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

applications to anyone other than the appropriate commissioner.

No absentee ballot application shall be preaddressed or printed with instructions to send the ballot to anyone other than the voter.

Sec. 69. NEW SECTION. 53.9 PROHIBITED PERSONS.

No person required to file reports under chapter 56, and no person acting as an actual or implied agent for a person required to file reports under chapter 56, shall receive absentee ballots on behalf of voters. This prohibition does not apply to section 53.17.

Sec. 70. Section 53.11, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A petition requesting a satellite absentee voting station must be filed by the following deadlines:

1. For a primary or general election, no later than five p.m. on the forty-seventh day before the election.
2. For the regular city election, no later than five p.m. on the thirtieth day before the election.
3. For the regular school election, no later than five p.m. on the thirtieth day before the election.
4. For a special election, no later than thirty-two days before the special election.

Sec. 71. Section 53.11, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

direction of the commissioner or by petition may remain open until five p.m. on the day before the election.

Sec. 72. Section 53.19, unnumbered paragraph 3, Code 1997, is amended to read as follows:

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

Sec. 73. Section 53.23, subsection 3, Code 1997, is amended to read as follows:

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten p.m. on election day. The commissioner may direct the board to meet on the day prior to before the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes ~~if~~. If, in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed ballot envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a ~~sealed ballot~~ secrecy envelope be opened before the board convenes on election day. If the ballot envelopes are opened before election day, two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings.

If the board finds any ballot not enclosed in a secrecy envelope, the two special precinct election officials, one from each of the two political parties referred to in section

49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot. Each of the special precinct election officials shall sign the secrecy envelope.

Sec. 74. Section 54.5, Code 1997, is amended by adding the following new unnumbered paragraph:

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

Sec. 75. Section 59.1, Code 1997, is amended by adding the following new unnumbered paragraph:

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

Sec. 76. Section 62.1, Code 1997, is amended to read as follows:

#### 62.1 CONTEST COURT.

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

Sec. 77. Section 62.2, Code 1997, is amended to read as follows:

#### 62.2 JUDGES.

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

Sec. 78. Section 62.9, Code 1997, is amended to read as follows:

#### 62.9 TRIAL -- NOTICE.

The chairperson of the board of supervisors presiding judge shall thereupon fix a day for the trial, not more than thirty nor less than twenty days thereafter, and shall cause a notice of such trial to be served on the incumbent, with a copy of the contestant's statement, at least ten days before the day

set for trial. If the trial date is set for less than twenty days from the day notice is given and either party is not ready, the presiding judge shall delay the trial.

Sec. 79. Section 69.13, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a vacancy occurs in the office of senator in the Congress of the United States, lieutenant-governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general eighty-nine or more days before a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

Sec. 80. Section 69.14A, subsection 1, paragraph a, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 81. Section 69.14A, subsection 1, paragraph b, unnumbered paragraph 1, Code 1997, is amended to read as follows:

By special election held to fill the office for the remaining balance of the unexpired term. The committee of county officers designated to fill the vacancy in section 69.8 may, on its own motion, or shall, upon receipt of a petition

as provided in paragraph "a", call for a special election to fill the vacancy in lieu of appointment. The committee shall order the special election at the earliest practicable date, but giving at least thirty thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

Sec. 82. Section 69.14A, subsection 2, paragraph a, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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

Sec. 83. Section 69.14A, subsection 2, paragraph b, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 84. Section 277.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Each candidate shall be nominated by petition. If the candidate is running for ~~an-at-large~~ a seat in the district which is voted for at-large, 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 registered

voters of the school district, whichever is more. If the candidate is running for a seat 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 registered voters in the director district, whichever is more. A petition filed under this section shall not be required to have more than one hundred signatures.

PARAGRAPH DIVIDED. 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. 85. Section 278.1, subsection 8, Code 1997, is amended to read as follows:

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

Sec. 86. Section 347.11, Code 1997, is amended to read as follows:

347.11 ORGANIZATION -- MEETINGS -- QUORUM.

Said trustees shall, ~~within ten days after their appointment or election,~~ qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them, except as hereafter provided, and organize by the election of one of their number as chairperson and one as secretary, and one as treasurer. The secretary and treasurer shall each file with the chairperson of the board a surety bond in such penal sum as the board of trustees may require and with sureties to be approved by the board for the use and benefit of the county public hospital. The reasonable cost of such bonds shall be paid from operating funds of the hospital. The secretary shall report to the county auditor and treasurer the names of the chairperson, secretary and treasurer of the board of hospital trustees as soon as practicable after the qualification of each. Said board shall meet at least once each month. Four members of said board shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings.

Sec. 87. Section 347A.1, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years, two for a term of four years and one for a term of six years, and thereafter their successors shall be elected for regular terms of six years each. Vacancies in the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. The trustees, ~~within ten days after their appointment or election,~~ shall qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them. The trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them with the approval of the board of trustees in the performance of their duties. The board first appointed

shall organize promptly following its appointment, and shall serve until successors are elected and qualified; thereafter no later than December 1 of each year the board shall reorganize by the appointment of a chairperson, secretary, and treasurer. The secretary and treasurer shall each file with the chairperson of the board a surety bond in the amount the board of trustees requires, with sureties to be approved by the board of trustees, for the use and benefit of the county hospital. The reasonable cost of the bonds shall be paid from the operating funds of the hospital. The secretary shall report to the county auditor and the county treasurer the names of the chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

Sec. 88. Section 372.2, subsection 2, Code 1997, is amended to read as follows:

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

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

Sec. 89. Section 372.3, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

#### 372.3 HOME RULE CHARTER.

If a petition for appointment of a home rule charter commission is filed with the city clerk not more than ten days after the council has published notice announcing the date of

the special election on adoption of another form of government, the special election shall not be held until the charter proposed by the home rule charter commission is filed. Both forms must be published as provided in section 372.9 and submitted to the voters at the special election.

Sec. 90. Section 372.13, subsection 2, paragraph a, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 91. Section 376.4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

An eligible elector of a city may become a candidate for an elective city office by filing with the city clerk a valid

petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days ~~nor and not~~ less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. 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. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing.

Sec. 92. Section 376.10, Code 1997, is amended to read as follows:

376.10 CONTEST.

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

Sec. 93. Sections 49.27, 49.29, and 49.42, Code 1997, are repealed.

Sec. 94. HOSPITAL BOARDS OF TRUSTEES. Any action taken prior to July 1, 1997, by the board of trustees of a county hospital appointed or elected pursuant to section 347.11 or 347A.1, is valid, legal, and binding if the action is challenged solely on the basis that a member or members of the board failed to take the oath of office within the time period provided in section 347.11 or 347A.1.

Sec. 95. IMMEDIATE EFFECTIVE DATE. New Code section 39.1A and amendments to Code sections 48A.22, 48A.26 through 48A.29, 49.13, 49.16, 49.25, 50.48, 52.33, 52.35 through 52.38, 52.40, 53.2, 53.19, 62.1, 62.2, 62.9, 69.14A, 277.4, and 372.13 in this Act, being deemed of immediate importance, take effect upon enactment.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 636, Seventy-seventh General Assembly.

Approved May 19, 1997

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ELIZABETH ISAACSON  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor