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HSB 26

STATE GOVERNMENT

Substituted by
SF/HF 656

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON MARTIN)

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

A BILL FOR

1 An Act relating to the office of secretary of state 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.

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

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1 Section 1. Section 39.2, subsection 1, unnumbered
2 paragraph 2, Code 1999, is amended to read as follows:

3 A special election shall not be held in conjunction with
4 the primary election. A special election shall not be held in
5 conjunction with a school election unless the special election
6 is for a school district or community college. A special
7 election shall not be held in conjunction with a regularly
8 scheduled election or special city primary or city runoff
9 election.

10 Sec. 2. Section 39.3, subsection 14, Code 1999, is amended
11 to read as follows:

12 14. "School election" means that election held pursuant to
13 section 277.1 or 277.2.

14 Sec. 3. NEW SECTION. 39.5 ELECTIONS AUTHORIZED.

15 The commissioner shall conduct only elections authorized or
16 required by state law.

17 Sec. 4. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

18 Any person seeking election to an elective office under the
19 laws of this state shall be an eligible elector at the time of
20 any election at which the person's name appears on the ballot.

21 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
22 OFFICE.

23 Any person elected to an office under the laws of this
24 state shall be an eligible elector. At the time an elected
25 official takes office the official shall be a resident of the
26 state, district, county, township, city, or ward by or for
27 which the person was elected, or in which the duties of the
28 office are to be exercised. An elected official shall
29 continue to be a resident of the state, district, county,
30 township, city, or ward by or for which the person was
31 elected, or in which the duties of the office are to be
32 exercised for the duration of the term of office. This
33 section shall not apply to United States senators or
34 representatives in Congress or to members of the general
35 assembly.

1 Sec. 6. Section 43.14, Code 1999, is amended by striking
2 the section and inserting in lieu thereof the following:

3 43.14 FORM OF NOMINATION PAPERS.

4 1. Nomination papers shall include a petition and an
5 affidavit of candidacy. All nomination petitions shall be
6 eight and one-half by fourteen inches in size and in
7 substantially the form prescribed by the commissioner of
8 elections. They shall include or provide spaces for the
9 following information:

10 a. A statement identifying the signers of the petition as
11 eligible electors of the appropriate county or legislative
12 district and of the state.

13 b. The name of the candidate nominated by the petition.

14 c. For nomination petitions for candidates for the general
15 assembly, a statement that the residence of the candidate is
16 within the appropriate legislative district, or if that is not
17 true that the candidate will reside there within sixty days
18 before the election. For other offices, a statement of the
19 name of the county where the candidate resides.

20 d. The political party with which the candidate is a
21 registered voter.

22 e. The office sought by the candidate, including the
23 district number, if any.

24 f. The date of the primary election for which the
25 candidate is nominated.

26 Signatures on a petition page shall be counted only if the
27 required form is written or printed at the top of the page and
28 properly completed information. Nomination papers on behalf
29 of candidates for seats in the general assembly need only
30 designate the number of the senatorial or representative
31 district, as appropriate, and not the county or counties, in
32 which the candidate and the petitioners reside. A signature
33 line shall not be counted if the line lacks the signature of
34 the eligible elector, the signer's address and city, and the
35 date the person signed the petition. The person examining the

1 petition shall mark any deficiencies on the petition and
2 affidavit.

3 2. Signed nomination petitions and the signed and
4 notarized affidavit of candidacy shall not be altered to
5 correct deficiencies noted during examination. If the
6 nomination petition lacks a sufficient number of acceptable
7 signatures, the nomination petition shall be rejected and
8 shall be returned to the candidate.

9 The nomination papers shall be rejected if the affidavit
10 lacks any of the following:

- 11 a. The candidate's name.
- 12 b. The name of the office sought, including the district,
13 if any.
- 14 c. The political party name.
- 15 d. The signature of the candidate.
- 16 e. The signature of a notary public or other officer
17 empowered to witness oaths.

18 The candidate may replace a deficient affidavit with a
19 corrected affidavit only if the replacement affidavit is filed
20 before the filing deadline. The candidate may resubmit a
21 nomination petition that has been rejected by adding a
22 sufficient number of pages or signatures to correct the
23 deficiency. A nomination petition and affidavit filed to
24 replace rejected nomination papers shall be filed together
25 before the deadline for filing.

26 Sec. 7. Section 43.15, subsection 4, Code 1999, is amended
27 to read as follows:

28 4. When more than one sheet is used, the sheets shall be
29 neatly arranged and securely fastened together before filing,
30 and shall be considered one nomination paper petition.
31 Nomination petitions which are not securely fastened together
32 shall be returned to the candidate or the candidate's designee
33 without examination. The state commissioner shall prescribe
34 by rule the acceptable methods for binding nomination
35 petitions.

1 Sec. 8. Section 43.27, Code 1999, is amended to read as
2 follows:

3 43.27 PRINTING OF BALLOTS.

4 The ballots of each political party shall be printed in
5 black ink, on separate sheets of paper, uniform in color,
6 quality, texture, and size, with the name of the political
7 party printed at the head of said ballots, which ballots shall
8 be prepared by the commissioner in the same manner as for the
9 general election, except as in this chapter provided. The
10 commissioner may print the ballots for each political party
11 using a different color for each party. If colored paper is
12 used, all of the ballots for each separate party shall be
13 uniform in color.

14 Sec. 9. Section 43.45, Code 1999, is amended by striking
15 the section and inserting in lieu thereof the following:

16 43.45 CANVASS OF VOTES.

17 1. Upon the closing of the polls the precinct election
18 officials shall immediately publicly canvass the vote. The
19 canvass shall be conducted using the procedures established in
20 subsection 2 or 3, whichever is appropriate for the voting
21 system used in the precinct.

22 2. In precincts where paper ballots are used, precinct
23 election officials shall do all of the following:

24 a. Place the ballots of the several political parties in
25 separate piles.

26 b. Separately count the ballots of each party, and make
27 the correct entries thereof on the tally sheets.

28 c. Certify to the number of votes cast upon the ticket of
29 each political party for each candidate for each office.

30 d. Place the ballots cast on behalf of each of the parties
31 in separate envelopes. Seal each envelope and place the
32 signature of all board members of the precinct across the seal
33 of the envelope so that it cannot be opened without breaking
34 the seal.

35 e. On the outside of each envelope enter the number of

1 ballots cast by each party in the precinct and contained in
2 the envelope.

3 f. Seal the tally sheets and certificates of the precinct
4 election officials in an envelope on the outside of which are
5 written or printed the names of the several political parties
6 with the names of the candidates for the different offices
7 under their party name, and opposite each candidate's name
8 enter the number of votes cast for such candidate in the
9 precinct.

10 g. Enter on the envelope the total number of voters of
11 each party who cast ballots in the precinct.

12 h. Communicate the results in the manner required by
13 section 50.11, to the commissioner of the county in which the
14 polls are located, who shall remain on duty until the results
15 are communicated to the commissioner from each polling place
16 in the county.

17 3. In precincts where voting machines are used, precinct
18 election officials shall do all of the following:

19 a. Close the machines to prevent additional voting, and
20 print the results for the precinct.

21 b. Tabulate all write-in votes. If necessary, add the
22 votes, including write-in votes, from all machines to obtain
23 the total number of votes cast in the precinct by the members
24 of each political party for each office on the ballot.

25 c. Put any forms used by voters to cast write-in votes in
26 an envelope with one copy of the printed results from each
27 voting machine. Seal the envelope and place the signature of
28 all board members of the precinct across the seal of the
29 envelope so that it cannot be opened without breaking the
30 seal.

31 d. On the outside of the envelope enter the number of
32 voters from each party in the precinct. Report the number of
33 votes cast for each office by the voters of each political
34 party. A copy of the printed tape from the voting machine may
35 be used to report vote totals.

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1 e. Communicate the results to the commissioner in the
2 manner required by section 50.11. The commissioner shall
3 remain on duty until the results are communicated to the
4 commissioner from each polling place in the county.

5 4. To perform the precinct count, precinct election
6 officials shall do all of the following:

7 a. Close and secure the ballot reader to prevent the
8 insertion of additional ballots.

9 b. Print the results for the precinct.

10 c. Open the ballot container. Secure all ballots counted
11 by the vote-tabulating device. Sort the remaining ballots by
12 party. Tally all write-in votes and any other ballots not yet
13 counted. Record the results in the tally list.

14 d. Put all ballots in an envelope or other package and
15 seal it. All members of the board shall sign their names
16 across the seal of the envelope. The seal shall be placed so
17 that the envelope or package cannot be opened without breaking
18 the seal.

19 5. To perform the central count, precinct election
20 officials shall follow the procedures in section 52.32.

21 Sec. 10. Section 43.48, Code 1999, is amended to read as
22 follows:

23 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

24 Any elector of the county shall have the right, before the
25 day fixed for canvassing the returns, to ascertain the vote
26 cast for any candidate in any precinct in the county, as shown
27 on the outside of the envelope containing the tally list or on
28 printed reports from voting machines or electronic voting
29 systems.

30 Sec. 11. Section 44.4, unnumbered paragraph 1, Code 1999,
31 is amended to read as follows:

32 Nominations made pursuant to this chapter and chapter 45
33 which are required to be filed in the office of the state
34 commissioner shall be filed in that office not more than
35 ninety-nine days nor later than five p.m. on the eighty-first

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

20 Sec. 12. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

21 Nomination papers shall include a petition and an affidavit
22 of candidacy. All nomination petitions shall be eight and
23 one-half by fourteen inches in size and shall be in
24 substantially the form prescribed by the state commissioner of
25 elections. They shall provide spaces for the following
26 information:

27 1. A statement identifying the signers of the petition as
28 eligible electors of the appropriate county or legislative
29 district and of the state of Iowa.

30 2. The name of the candidate nominated by the petition.

31 3. A statement that the candidate is a resident of the
32 appropriate ward, city, county, school district, or
33 legislative or other district as required by section 45.1.

34 4. The office sought by the candidate, including the
35 district number, if any.

1 5. The name and date of the election for which the
2 candidate is nominated.

3 Signatures on a petition page shall be counted only if the
4 required form is written or printed at the top of the page and
5 properly completed with all requested information. Nomination
6 papers on behalf of candidates for seats in the general
7 assembly need only designate the number of the senatorial or
8 representative district, as appropriate, and not the county or
9 counties, in which the candidate and the petitioners reside.
10 Signature lines on the nomination petitions shall not be
11 counted if the line lacks the signature of the eligible
12 elector, the signer's address and city, and the date the
13 person signed the petition. The person examining the petition
14 shall mark any deficiencies on the petition.

15 The pages of the petition shall be securely fastened
16 together to form a single bundle. Nomination petitions that
17 are not bound shall be returned without further examination.
18 The state commissioner shall prescribe by rule the acceptable
19 methods for binding nomination petitions.

20 Signed nomination petitions and the signed and notarized
21 affidavit of candidacy shall not be altered to correct
22 deficiencies noted during the examination. If the nomination
23 petition lacks a sufficient number of acceptable signatures,
24 the nomination papers shall be rejected and returned to the
25 candidate.

26 The nomination papers shall be rejected if the affidavit
27 lacks any of the following:

- 28 a. The candidate's name.
- 29 b. The name of the office sought, including the district,
30 if any.
- 31 c. The signature of the candidate.
- 32 d. The signature of a notary public or other officer
33 empowered to witness oaths.

34 The candidate may replace a deficient affidavit with a
35 corrected one only if the replacement is filed before the

1 filing deadline. The candidate may resubmit a nomination
2 petition that has been rejected by adding a sufficient number
3 of pages or signatures to correct the deficiency. A
4 nomination petition and affidavit filed to replace rejected
5 nomination papers shall be filed together before the deadline
6 for filing.

7 Sec. 13. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

8 The following requirements shall be observed in the signing
9 and preparation of nomination petitions:

10 1. A signer may sign nomination petitions for more than
11 one candidate for the same office, and the signature is not
12 invalid solely because the signer signed nomination petitions
13 for one or more other candidates for the office.

14 2. Each signer shall add the signer's residence, with
15 street and number, if any, and the date of signing.

16 3. All signers, for all nominations, of each separate part
17 of a nomination petition, shall reside in the appropriate
18 ward, city, county, school district, or legislative or other
19 district as required by section 45.1.

20 4. When more than one sheet is used, the sheets shall be
21 neatly arranged and securely fastened together before filing,
22 and shall be considered one nomination petition.

23 5. Only one candidate shall be petitioned for or nominated
24 in the same nomination petition, except for the offices of
25 governor and lieutenant governor, and president and vice
26 president.

27 Sec. 14. Section 48A.9, subsection 1, Code 1999, is
28 amended to read as follows:

29 1. Registration closes at five p.m. eleven days before
30 each election except ~~primary-and~~ general elections. For
31 ~~primary-and~~ general elections, registration closes at five
32 p.m. ten days before the election. An eligible elector may
33 register during the time registration is closed in the
34 elector's precinct but the registration shall not become
35 effective until registration opens again in the elector's

1 precinct.

2 Sec. 15. Section 48A.9, subsection 2, Code 1999, is
3 amended to read as follows:

4 2. The commissioner's office shall be open from eight a.m.
5 until at least five p.m. on the day registration closes before
6 each regularly scheduled election. However, if the last day
7 to register to vote for a regularly scheduled election falls
8 on the day after Thanksgiving, the deadline shall be the
9 following Monday.

10 Sec. 16. Section 48A.27, subsection 4, paragraph c,
11 unnumbered paragraph 2, Code 1999, is amended to read as
12 follows:

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

1 registration address and to your new address as reported by
2 the postal service."

3 Sec. 17. Section 48A.28, subsection 3, unnumbered
4 paragraph 2, Code 1999, is amended to read as follows:

5 The form and language of the confirmation notice and return
6 card shall be specified by the state voter registration
7 commission by rule.

8 Sec. 18. Section 48A.29, subsection 3, unnumbered
9 paragraph 2, Code 1999, is amended to read as follows:

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

34 Sec. 19. Section 49.30, subsection 1, Code 1999, is
35 amended to read as follows:

26

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

5 Sec. 20. Section 49.31, subsection 2, Code 1999, is
6 amended by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. On the general election ballot
8 the names of candidates for the nonpartisan offices listed in
9 section 39.21 shall be arranged by drawing lots for position.
10 The board of supervisors shall hold the drawing at its first
11 meeting following the deadline for receipt of objections and
12 withdrawals by candidates for the general election. The names
13 of candidates for nonpartisan offices on the general election
14 ballot shall not be rotated.

15 Sec. 21. Section 49.57, subsection 4, Code 1999, is
16 amended to read as follows:

17 4. 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~~7-the-sides-of-which-shall-not-be-less-than-one-fourth~~
23 ~~of-an-inch-in-length7~~ may be printed at the beginning of each
24 line in which the name of a candidate is printed, except as
25 otherwise provided.

26 Sec. 22. Section 49.64, Code 1999, is amended to read as
27 follows:

28 49.64 NUMBER OF BALLOTS DELIVERED.

29 The commissioner shall ~~cause ballots of the kind to be~~
30 ~~voted in each precinct7-to-be-delivered~~ deliver to the
31 precinct election officials ~~as follows:--in general elections~~
32 ~~which are presidential elections seventy-five ballots for~~
33 ~~every fifty votes7-or-fraction thereof7-cast in said precinct~~
34 ~~at the last preceding general election which was also a~~
35 ~~presidential election7-and in general elections which are not~~

1 ~~presidential-elections, seventy-five ballots for every fifty~~
2 ~~votes, or fraction thereof, cast therein at the last preceding~~
3 ~~general election which was not a presidential election a~~
4 sufficient number of ballots of each kind to be voted in the
5 precinct. In determining the number of ballots, the
6 commissioner shall take into consideration the number of
7 active and inactive registered voters in the precinct, the
8 number of people who voted in the precinct in previous similar
9 elections, the number of contested and uncontested races on
10 the ballot, public measures appearing on the ballot, and the
11 local political conditions that may affect participation in
12 the election.

13 Sec. 23. Section 49.70, Code 1999, is amended to read as
14 follows:

15 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

16 The commissioner shall cause copies of the foregoing
17 instructions to be printed in large, clear type, under the
18 heading of "Card of Instructions for Voters", and shall
19 furnish the precinct election officials with a sufficient
20 number of such cards instructions as will enable them to
21 comply with section 49.71.

22 Sec. 24. Section 49.73, subsection 1, paragraph b, Code
23 1999, is amended to read as follows:

24 b. Any election conducted for a city of three thousand
25 five hundred or less population, including a local option
26 sales and services tax election conducted pursuant to section
27 422B.1. At elections conducted pursuant to chapter 422B,
28 contiguous cities shall have the same voting hours.

29 Sec. 25. Section 49.73, subsection 1, is amended by adding
30 the following new paragraph:

31 NEW PARAGRAPH. e. The unincorporated area of any county
32 voting on a local option sales and services tax pursuant to
33 section 422B.1.

34 Sec. 26. Section 49.79, Code 1999, is amended to read as
35 follows:

26

1 49.79 CHALLENGES.

2 Any person offering to vote may be challenged as
3 unqualified by any precinct election official or ~~elector~~; ~~and~~
4 it registered voter. It is the duty of each official to
5 challenge any person offering to vote whom the official knows
6 or suspects is not duly qualified. A ballot shall be received
7 from a voter who is challenged, but only in accordance with
8 section 49.81.

9 Sec. 27. Section 49.81. subsection 2, unnumbered paragraph
10 2, Code 1999, is amended to read as follows:

11 Your qualifications as a registered voter have been
12 challenged for the following reasons:

- 13 I.
- 14 II.
- 15 III.

16 Your right to vote will be reviewed by the special precinct
17 counting board on You have the right and are
18 encouraged to make a written statement and submit additional
19 written evidence to this board supporting your qualifications
20 as a registered voter. This written statement and evidence
21 may be given to an election official of this precinct on
22 election day or mailed or delivered to the county commissioner
23 of elections, but must be received ~~prior-to-noon~~ before
24 a.m./p.m. on at If your ballot is not counted
25 you will receive notification of this fact.

26 Sec. 28. Section 49.96, Code 1999, is amended to read as
27 follows:

28 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

29 Where more than one person is to be elected to the same
30 office at the same election, and all of the candidates for
31 that office for whom the voter desires to vote were nominated
32 by the political party or nonparty political organization for
33 which the voter has marked a straight party or organization
34 vote, the voter need not otherwise indicate the vote for that
35 office. However, if a voter who has marked a straight party

1 or organization ticket also marks the voting targets next to
2 the names of one or more candidates of the same party or
3 organization, only the votes cast separately for individual
4 candidates for that office shall be counted. If the voter
5 wishes to vote for candidates who were nominated by different
6 political parties or nonparty political organizations, the
7 voter must mark the voting target for each candidate the voter
8 has chosen, whether or not the voter has also marked a
9 straight party or organization vote.

10 Sec. 29. Section 50.11, Code 1999, is amended to read as
11 follows:

12 50.11 PROCLAMATION OF RESULT.

13 When the canvass is completed one of the precinct election
14 officials shall publicly announce the total number of votes
15 received by each of the persons voted for, the office for
16 which the person is designated, as announced by the designated
17 tally keepers, and the number of votes for, and the number of
18 votes against, any proposition which shall have been submitted
19 to a vote of the people;~~and the.~~ A precinct election
20 official shall communicate ~~said information~~ the election
21 results by telephone ~~or telegraph~~ or in person to the
22 commissioner who is conducting the election immediately upon
23 completion of the canvass;~~and the.~~

24 Election results may be transmitted electronically from
25 voting equipment to the commissioner's office only after the
26 precinct election officials have produced a written report of
27 the election results. The devices used for the electronic
28 transmission of election results shall be approved for use by
29 the board of examiners pursuant to section 52.41. The state
30 commissioner of elections shall adopt rules establishing
31 procedures for the electronic transmission of election
32 results.

33 The commissioner shall remain on duty until such
34 information is communicated to the commissioner from each
35 polling place in the commissioner's county.

1 Sec. 30. Section 50.12, Code 1999, is amended to read as
2 follows:

3 50.12 RETURN AND PRESERVATION OF BALLOTS.

4 Immediately after making the proclamation, and before
5 separating, the board members of each precinct in which votes
6 have been received by paper ballot shall enclose in an
7 envelope or other container all ballots which have been
8 counted by them, except those endorsed "Rejected as double",
9 "Defective", or "Objected to", and securely seal the envelope.
10 The signatures of all board members of the precinct shall be
11 placed across the seal or the opening of the container so that
12 it cannot be opened without breaking the seal. The precinct
13 election officials shall return all the ballots to the
14 commissioner, who shall carefully preserve them for six
15 months. Ballots from elections for federal offices shall be
16 preserved for twenty-two months. The sealed packages
17 containing voted ballots shall be opened only for an official
18 recount authorized by section 50.49 or 50.50, for an election
19 contest held pursuant to chapters 57 through 62, or to destroy
20 the ballots pursuant to section 50.19.

21 Sec. 31. Section 50.48, subsection 2, unnumbered paragraph
22 1, Code 1999, is amended to read as follows:

23 The candidate requesting a recount under this section shall
24 post a bond, unless the abstracts prepared pursuant to section
25 50.24, or section 43.49 in the case of a primary election,
26 indicate that the difference between the total number of votes
27 cast for the apparent winner and the total number of votes
28 cast for the candidate requesting the recount is less than the
29 greater of fifty votes or one percent of the total number of
30 votes cast for the office or nomination in question. If a
31 recount is requested for an office to which more than one
32 person was elected, the vote difference calculations shall be
33 made using the difference between the number of votes received
34 by the person requesting the recount and the number of votes
35 received by the apparent winner who received the fewest votes.

1 Where votes cast for that office or nomination were canvassed
2 in more than one county, the abstracts prepared by the county
3 boards in all of those counties shall be totaled for purposes
4 of this subsection. If a bond is required, it shall be filed
5 with the state commissioner for recounts involving a state
6 office, including a seat in the general assembly, or a seat in
7 the United States Congress, and with the commissioner
8 responsible for conducting the election in all other cases,
9 and shall be in the following amount:

10 Sec. 32. Section 50.48, subsection 3, paragraph b, Code
11 1999, is amended to read as follows:

12 b. A designee of the apparent winning candidate, who shall
13 be named by that candidate at or before the time the board is
14 required to convene. If a recount is requested for an office
15 to which more than one person was elected, every person who
16 was declared elected may name a member of the recount board.

17 Sec. 33. Section 50.49, unnumbered paragraph 4, Code 1999,
18 is amended to read as follows:

19 The petitioners requesting the recount shall post a bond as
20 required by section 50.48, subsection 2. The amount of the
21 bond shall be one thousand dollars for a public measure
22 appearing on the ballot statewide or one hundred dollars for
23 any other public measure. If the difference between the
24 affirmative and negative votes cast on the public measure is
25 less than the greater of fifty votes or one percent of the
26 total number of votes cast for and against the question, a
27 bond is not required. If approval by sixty percent of the
28 votes cast is required for adoption of the public measure, no
29 bond is required if the difference between sixty percent of
30 the total votes cast for and against the question and the
31 number of votes cast for the losing side is less than the
32 greater of fifty votes or one percent of the total number of
33 votes cast.

34 Sec. 34. Section 50.50, unnumbered paragraph 1, Code 1999,
35 is amended to read as follows:

1 The commissioner who was responsible for conducting an
 2 election may request an administrative recount when the
 3 commissioner suspects that voting equipment used in the
 4 election malfunctioned or that programming errors may have
 5 affected the outcome of the election, or if the precinct
 6 election officials report counting errors to the commissioner
 7 after the conclusion of the canvass of votes in the precinct.

8 An administrative recount shall be conducted by the board of
 9 the special precinct established by section 53.23. Bond shall
 10 not be required for an administrative recount. The state
 11 commissioner may adopt rules for administrative recounts.

12 Sec. 35. Section 52.37, subsection 1, Code 1999, is
 13 amended to read as follows:

14 1. The sealed ballot container from each precinct shall be
 15 delivered to the counting center by two ~~of-the~~ election
 16 officials ~~of-that-precinct~~, not members of the same political
 17 party, who shall travel together in the same vehicle and shall
 18 have the container under their immediate joint control until
 19 they surrender it to the commissioner or the commissioner's
 20 designee in charge of the counting center. The commissioner
 21 may designate two precinct election officials of different
 22 political parties to collect the sealed ballot containers from
 23 more than one precinct to deliver to the counting center. The
 24 commissioner or designee shall, in the presence of the two
 25 precinct election officials who delivered the container, enter
 26 on a record kept for the purpose that the container was
 27 received, the time the container was received, and the
 28 condition of the seal upon receipt.

29 Sec. 36. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
 30 ELECTION RESULTS.

31 With the advice of the board of examiners for voting
 32 machines and electronic voting systems, the state commissioner
 33 shall adopt by rule standards for the examination and testing
 34 of devices for the electronic transmission of election
 35 results. All voting systems which contain devices for the

1 electronic transmission of election results submitted to the
2 examiners for examination and testing after January 1, 2000,
3 shall comply with these standards.

4 Sec. 37. Section 53.8, subsection 1, Code 1999, is amended
5 to read as follows:

6 1. Upon receipt of an application for an absentee ballot
7 and immediately after the absentee ballots are printed, the
8 commissioner shall mail an absentee ballot to the applicant
9 within twenty-four hours, except as otherwise provided in
10 subsection 3. The absentee ballot shall be enclosed in an
11 unsealed envelope bearing a serial number and affidavit. The
12 absentee ballot and unsealed envelope shall be enclosed in or
13 with a carrier envelope which bears the same serial number as
14 the unsealed envelope. The absentee ballot, unsealed
15 envelope, and carrier envelope shall be enclosed in a third
16 envelope to be sent to the registered voter. If the ballot
17 cannot be folded so that all of the votes cast on the ballot
18 will be hidden, the commissioner shall also enclose a secrecy
19 envelope with the absentee ballot.

20 Sec. 38. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
21 COMMISSIONER'S OFFICE.

22 Not more than forty days before the date of the primary
23 election or the general election, the commissioner shall
24 provide facilities for absentee voting in person at the
25 commissioner's office. This service shall also be provided
26 for other elections as soon as the ballots are ready.

27 Each person who wishes to vote by absentee ballot at the
28 commissioner's office shall first sign an application for a
29 ballot including the following information: name, current
30 address, and the election for which the ballot is requested.
31 The person may report a change of address or other information
32 on the person's voter registration record at that time. The
33 registered voter shall immediately mark the ballot, enclose
34 the ballot in a secrecy envelope, if necessary, and seal it in
35 a ballot envelope, subscribe to the affidavit on the reverse

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

5 During the hours when absentee ballots are available in the
6 office of the commissioner, the posting of political signs is
7 prohibited within thirty feet of the absentee voting site. No
8 electioneering shall be allowed within the sight or hearing of
9 voters at the absentee voting site.

10 Sec. 39. Section 53.11, unnumbered paragraph 1, Code 1999,
11 is amended by striking the unnumbered paragraph.

12 Sec. 40. Section 53.11, unnumbered paragraph 2, Code 1999,
13 is amended to read as follows:

14 Satellite absentee voting stations ~~shall~~ may be established
15 throughout the cities and county at the direction of the
16 commissioner ~~or~~ and shall be established upon receipt of a
17 petition signed by not less than one hundred eligible electors
18 requesting that a satellite absentee voting station be
19 established at a location to be described on the petition. A
20 satellite absentee voting station established by petition must
21 be open at least one day for a minimum of six hours. A
22 satellite absentee voting station established at the direction
23 of the commissioner or by petition may remain open until five
24 p.m. on the day before the election.

25 Sec. 41. Section 53.11, Code 1999, is amended by adding
26 the following new unnumbered paragraphs:

27 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting
28 at satellite absentee voting stations shall be the same as
29 specified in section 53.10 for voting at the commissioner's
30 office. Additional procedures shall be prescribed by rule by
31 the state commissioner.

32 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
33 ballots are available at a satellite absentee voting station,
34 the posting of political signs is prohibited within thirty
35 feet of the satellite absentee voting station. No

1 electioneering shall be allowed within the sight or hearing of
2 voters at the satellite absentee voting station.

3 Sec. 42. Section 53.18, Code 1999, is amended to read as
4 follows:

5 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

6 Upon receipt of the absentee ballot, the commissioner shall
7 at once record the number appearing on the application and
8 return carrier envelope and time of receipt of such ballot and
9 attach the elector's application to the unopened envelope.
10 Absentee ballots shall be stored in a secure place until they
11 are delivered to the absentee and special voters precinct
12 board.

13 Sec. 43. Section 53.19, unnumbered paragraph 3, Code 1999,
14 is amended to read as follows:

15 However, any registered voter who has received an absentee
16 ballot and not returned it, may surrender the absentee ballot
17 to the precinct officials and vote in person at the polls.
18 The precinct officials shall mark the uncast absentee ballot
19 "void" and return it to the commissioner. Any registered
20 voter who has been sent an absentee ballot by mail but for any
21 reason has not received it or who has not brought the ballot
22 to the polls, may appear at the voter's precinct polling place
23 on election day and ~~sign-an-affidavit-to-that-effect,-after~~
24 ~~which-the-voter-shall-be-permitted-to-vote-in-person.--Such~~
25 ~~voter~~ shall cast a ballot in accordance with section 49.81.
26 ~~The-form-of-the-affidavit-for-use-in-such-cases-shall-be~~
27 ~~prescribed-by-the-state-commissioner-~~

28 Sec. 44. Section 53.30, Code 1999, is amended to read as
29 follows:

30 53.30 BALLOT ENVELOPE PRESERVED.

31 At the conclusion of each meeting of the absentee and
32 special voter's precinct board, the board shall securely seal
33 all ballots counted by them in the manner prescribed in
34 section 50.12. The ballot envelopes, including the envelope
35 having the registered voter's affidavit thereon on it, the

1 return carrier envelope, and secrecy envelope bearing the
 2 signatures of precinct election officials, as required by
 3 section 53.23, shall be preserved. All applications for
 4 absentee ballots, ballots rejected without being opened,
 5 absentee ballot logs, and any other documents pertaining to
 6 the absentee ballot process shall be preserved until such time
 7 as the documents may be destroyed pursuant to section 50.19.

8 Sec. 45. Section 53.38, Code 1999, is amended to read as
 9 follows:

10 53.38 ~~AFFIDAVIT~~ WHAT CONSTITUTES REGISTRATION.

11 Whenever a ballot is requested pursuant to section 53.39 or
 12 53.45 on behalf of a voter in the armed forces of the United
 13 States, the affidavit upon the ballot envelope of such voter,
 14 if the voter is found to be an eligible elector of the county
 15 to which the ballot is submitted, shall constitute a
 16 sufficient registration under ~~the provisions of~~ chapter 48A
 17 ~~and the.~~ A completed federal postcard registration and
 18 federal absentee ballot request form submitted by such
 19 eligible elector shall also constitute a sufficient
 20 registration under chapter 48A. The commissioner shall place
 21 the voter's name on the registration record as a registered
 22 voter, if it does not already appear there.

23 Sec. 46. Section 53.40, unnumbered paragraph 1, Code 1999,
 24 is amended to read as follows:

25 A request in writing for a ballot may be made by any member
 26 of the armed forces of the United States who is or will be a
 27 qualified voter on the day of the election at which the ballot
 28 is to be cast, at any time before the election. Any member of
 29 the armed forces of the United States may request ballots for
 30 all elections to be held within a calendar year. The request
 31 may be made by using the federal postcard application form and
 32 indicating that the applicant wishes to receive ballots for
 33 all elections as permitted by state law. The county auditor
 34 commissioner shall send the applicant a ballot for each
 35 election held during the calendar year in which the

1 application is received. The commissioner shall forward a
2 copy of the absentee ballot request to other commissioners who
3 are responsible under section 47.2, subsection 2, for
4 conducting elections in which the applicant is eligible to
5 vote.

6 Sec. 47. Section 57.1, subsection 2, is amended by adding
7 the following new paragraph after paragraph f and relettering
8 the subsequent paragraphs:

9 NEW PARAGRAPH. g. That the public measure or office was
10 not authorized or required by state law to appear on the
11 ballot at the election being contested.

12 Sec. 48. NEW SECTION. 62.5A STATEMENT OF INTENT TO
13 CONTEST.

14 1. Within twenty days after the board of supervisors
15 declares a winner from the canvass of an election, the
16 contestant shall file with the commissioner a written
17 statement of intention to contest the election. If a recount
18 is held for the office in question, and the recount board
19 finds that the winner was someone other than the person
20 declared at the original canvass of votes, a contest may be
21 filed within twenty days after the board of supervisors
22 declares a winner from the recount of votes.

23 2. The contestant's statement shall include the following:

24 a. The name of the contestant and that the contestant is
25 qualified to hold such office.

26 b. The name of the incumbent.

27 c. The office contested.

28 d. The date of the election.

29 e. The particular causes of the contest pursuant to
30 section 57.1, subsection 2. If a cause of the contest is an
31 allegation that illegal votes were received or that legal
32 votes were rejected, a statement shall be included setting
33 forth the names of the persons who are alleged to have voted
34 illegally or whose votes were rejected and the precinct where
35 they voted or offered to vote.

1 f. The affidavit of the contestant, or some elector of the
2 county, affirming the causes set forth are true.

3 Sec. 49. Section 69.2, Code 1999, is amended to read as
4 follows:

5 69.2 WHAT CONSTITUTES VACANCY.

6 1. Every civil office shall be vacant if any of the
7 following events occur:

8 ~~1-~~ a. A failure to elect at the proper election, or to
9 appoint within the time fixed by law, unless the incumbent
10 holds over.

11 ~~2-~~ b. A failure of the incumbent or holdover officer to
12 qualify within the time prescribed by law.

13 ~~3-~~ c. The incumbent ceasing to be a resident of the state,
14 district, county, township, city, or ward by or for which the
15 incumbent was elected or appointed, or in which the duties of
16 the office are to be exercised. This subsection shall not
17 apply to appointed city officers.

18 ~~4-~~ d. The resignation or death of the incumbent, or of the
19 officer-elect before qualifying.

20 ~~5-~~ e. The removal of the incumbent from, or forfeiture of,
21 the office, or the decision of a competent tribunal declaring
22 the office vacant.

23 ~~6-~~ f. The conviction of the incumbent of a felony, an
24 aggravated misdemeanor, or of any public offense involving the
25 violation of the incumbent's oath of office.

26 ~~7-~~ g. The board of supervisors declares a vacancy in an
27 elected county office upon finding that the county officer has
28 been physically absent from the county for sixty consecutive
29 days except in the case of a medical emergency; temporary
30 active military duty; or temporary service with another
31 government service, agency, or department.

32 ~~8-~~ h. The incumbent simultaneously holding more than one
33 elective office at the same level of government. This
34 subsection does not apply to the following offices: county
35 agricultural extension council, soil and water conservation

1 district commission, or regional library board of trustees.

2 9- i. An incumbent statewide elected official or member of
3 the general assembly simultaneously holding more than one
4 elective office.

5 2. If the status of an officeholder is in question, the
6 entity or officer responsible for making an appointment to
7 fill the vacancy shall decide whether a vacancy exists. The
8 appointing entity or officer may act upon its own motion. If
9 a petition signed by twenty-five registered voters of the
10 jurisdiction is received, the appointing entity or officer
11 shall convene within thirty days to consider whether a vacancy
12 exists. The appointing entity or officer shall publish notice
13 that a public hearing will be held to determine whether a
14 vacancy exists. The notice shall include the time and place
15 of the hearing and the name of the office and the officeholder
16 whose status is in question. The public hearing shall be held
17 not less than four nor more than fourteen days after
18 publication of the notice. The officer whose status is in
19 question shall be notified of the time and place of the
20 hearing. Notice shall be sent by certified mail and must be
21 postmarked at least fourteen days before the hearing. No
22 later than seven days after the public hearing, the appointing
23 entity or officer shall publish its decision. If the
24 appointing entity or officer decides that the office is
25 vacant, the publication shall state the date the vacancy
26 occurred and what action will be taken to fill the vacancy.

27 3. The officer against whom the judgment was rendered may
28 appeal to the district court no later than twenty days after
29 official publication of the decision. However, the appeal
30 will not supersede the execution of the judgment of the
31 appointing entity or officer, unless the party gives a bond,
32 with security to be approved by the district judge in a sum to
33 be fixed by the judge. The amount of the bond shall be at
34 least double the probable compensation of such officer for six
35 months, which bond shall be conditioned that the officer will

1 prosecute the appeal without delay, and that, if the judgment
2 appealed from is affirmed, the party will pay over to the
3 successful party all compensation received by the party while
4 in possession of the office after the judgment appealed from
5 was rendered. The court shall hear the appeal in equity and
6 determine anew all questions arising in the case.

7 4. If, upon appeal, the judgment is affirmed, the district
8 court may render judgment upon the bond for the amount of
9 damages awarded against the appellant and the sureties on the
10 bond.

11 Sec. 50. Section 69.12, subsection 1, paragraph a, Code
12 1999, is amended to read as follows:

13 a. A vacancy shall be filled at the next pending election
14 if it occurs:

15 (1) Seventy-four or more days prior-to before the
16 election, if it is a general or-primary election.

17 (2) Fifty-two or more days prior-to before the election,
18 if it is a regularly scheduled or special city election.

19 However, for those cities which may be required to hold a
20 primary election, the vacancy shall be filled at the next
21 pending election if it occurs seventy-three or more days
22 before a regularly scheduled or special city election.

23 (3) Forty-five or more days prior-to before the election,
24 if it is a regularly scheduled school election.

25 (4) Forty or more days prior-to before the election, if it
26 is a special election.

27 Sec. 51. Section 69.12, subsection 1, paragraph b, Code
28 1999, is amended to read as follows:

29 b. Nomination papers on behalf of candidates for a vacant
30 office to be filled pursuant to paragraph "a" of this
31 subsection shall be filed, in the form and manner prescribed
32 by applicable law, by five o'clock p.m. on:

33 (1) The final filing date for candidates filing with the
34 state commissioner or commissioner, as the case may be, for a
35 general or-primary election.

1 (2) The ~~forty-seventh-day-prior-to~~ candidate filing
2 deadline specified in section 376.4 for regularly scheduled or
3 special city election.

4 (3) The fortieth day ~~prior-to~~ before a regularly scheduled
5 school election.

6 (4) The twenty-fifth day ~~prior-to~~ before a special
7 election.

8 Sec. 52. Section 69.14A, Code 1999, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,
11 if a nomination has been made at the primary election for an
12 office in which a vacancy has been filled by appointment, the
13 office shall be filled at the next general election, and not
14 at any special election in the same political subdivision.

15 Sec. 53. Section 176A.8, subsection 4, Code 1999, is
16 amended by striking the subsection.

17 Sec. 54. Section 256.63, unnumbered paragraph 2, Code
18 1999, is amended to read as follows:

19 The votes cast in the election shall be canvassed and
20 abstracts of the votes cast shall be promptly certified by the
21 commissioner to the commissioner of elections who is
22 responsible under section 47.2 for conducting elections for
23 that regional library board district. In each county whose
24 commissioner of elections is responsible under section 47.2
25 for conducting elections held for a regional library board
26 district, the county board of supervisors shall convene at
27 nine a.m. on the third Monday or Tuesday in November, canvass
28 the abstracts of votes cast and declare the results of the
29 voting. The commissioner shall at once issue certificates of
30 election to each person declared elected.

31 Sec. 55. Section 256.64, Code 1999, is amended to read as
32 follows:

33 256.64 TERMS.

34 Regional library trustees shall take office on the first
35 day of January following the general election and shall serve

1 terms of four years. A vacancy shall be filled when-it-occurs
2 not-less-than-ninety-days-before-the-next-general-election by
3 appointment by the regional board for the unexpired term. No
4 trustee shall serve on a local library board or be employed by
5 a library during the trustee's term of office as a regional
6 library trustee.

7 Sec. 56. Section 275.12, subsections 3 and 4, Code 1999,
8 are amended to read as follows:

9 3. If the petition proposes the division of the school
10 district into director districts, the boundaries of the
11 proposed director districts shall not be ~~described-in-the~~
12 ~~petition-and-shall-be~~ drawn until the question is approved by
13 the voters. If the question is approved by the voters, the
14 directors of the new school district shall draw the boundaries
15 of the director districts according to the standards described
16 in section 275.23A, subsection 1. Following adoption by the
17 school board, the plan shall be submitted to the state
18 commissioner of elections for approval.

19 4. The area education agency board in reviewing the
20 petition as provided in sections 275.15 and 275.16 shall
21 review the proposed method of election of school directors and
22 may change or amend the plan in any manner, including the
23 ~~changing-of-boundaries-of-director-districts-if-proposed,-or~~
24 to specify a different method of electing school directors as
25 may be required by law, justice, equity, and the interest of
26 the people. In the action, the area education agency board
27 shall follow the same procedure as is required by sections
28 275.15 and 275.16 for other action on the petition by the area
29 education agency board. ~~The-area-education-agency-shall~~
30 ~~ascertain-that-director-district-boundary-lines-comply-with~~
31 ~~the-provisions-of-section-275.23A,-subsection-1,-and-shall~~
32 ~~make-adjustments-as-necessary.~~

33 Sec. 57. Section 275.25, subsection 1, unnumbered
34 paragraph 1, Code 1999, is amended to read as follows:

35 If the proposition to establish a new school district

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

25 Sec. 58. Section 275.35, Code 1999, is amended to read as
26 follows:

27 275.35 CHANGE OF METHOD OF ELECTIONS.

28 Any existing or hereafter created or enlarged school
29 district may change the number of directors to either five or
30 seven and may also change its method of election of school
31 directors to any method authorized by section 275.12 by
32 submission of a proposal, stating the proposed new method of
33 election ~~and describing the boundaries of the proposed~~
34 ~~director districts if any~~, by the school board of such
35 district to the electors at any regular or special school

1 election. The school board shall notify the county
 2 commissioner of elections who shall publish notice of the
 3 election in the manner provided in section 49.53. The
 4 election shall be conducted pursuant to chapters 39 to 53 by
 5 the county commissioner of elections. Such proposal shall be
 6 adopted if it is approved by a majority of the votes cast on
 7 the proposition.

8 If the proposal adopted by the voters requires the
 9 establishment of or change in director district boundaries,
 10 the school board shall draw the necessary boundaries within
 11 forty days after the date of the election. The boundaries
 12 shall be drawn according to the requirements of section
 13 275.23A. Following adoption by the school board, the plan
 14 shall be submitted to the state commissioner of elections for
 15 approval.

16 Sec. 59. Section 275.36, Code 1999, is amended to read as
 17 follows:

18 275.36 SUBMISSION OF CHANGE TO ELECTORS.

19 If a petition for a change in the number of directors or in
 20 the method of election of school directors~~7-describing-the~~
 21 ~~boundaries-of-the-proposed-director-districts7-if-any7-signed~~
 22 ~~by-eligible-electors-of-the-school-district-equal-in-number-to~~
 23 ~~at-least-thirty-percent-of-those-who-voted-in-the-last~~
 24 ~~previous-annual-school-election-in-the-school-district7-but~~
 25 ~~not-less-than-one-hundred-persons7-and-accompanied-by~~
 26 ~~affidavit-as-required-by-section-275-13-be~~ is filed with the
 27 school board of a school district~~7-not-earlier-than-six-months~~
 28 ~~and-not-later-than-sixty-seven-days-before-a-regular-or~~
 29 ~~special-school-election~~ pursuant to the requirements of
 30 section 278.2, the school board shall submit such proposition
 31 to the voters at the regular school election or a special
 32 election held not later than February 1. The petition shall
 33 be accompanied by an affidavit as required by section 278.13.

34 If a proposition for a change in the number of directors or in
 35 the method of election of school directors submitted to the

1 voters under this section is rejected, it shall not be
2 resubmitted to the voters of the district in substantially the
3 same form within the next three years; if it is approved, no
4 other proposal may be submitted to the voters of the district
5 under this section within the next six years.

6 If the proposal adopted by the voters requires the
7 establishment of or a change in director district boundaries
8 pursuant to section 275.12, subsection 2, paragraph "b", "c",
9 "d", or "e", the school board shall draw the necessary
10 boundaries within forty days after the date of the election.
11 The boundaries shall be drawn according to the requirements of
12 section 275.23A. Following adoption by the school board, the
13 plan shall be submitted to the state commissioner of elections
14 for approval. The new boundaries shall become effective on
15 July 1 following approval.

16 Sec. 60. Section 275.37, Code 1999, is amended to read as
17 follows:

18 275.37 INCREASE IN NUMBER OF DIRECTORS.

19 At the next succeeding annual school election in a district
20 where the number of directors has been increased from five to
21 seven, and directors are elected at large, there shall be
22 elected a director to succeed each incumbent director whose
23 term is expiring in that year, and two additional directors.
24 Upon organizing as required by section 279.1, the newly
25 elected director who received the fewest votes in the election
26 shall be assigned a term of either one year or two years if
27 necessary in order that as nearly as possible one-third of the
28 members of the board shall be elected each year. If some or
29 all directors are elected from director districts, the board
30 shall assign terms appropriate for the method of election used
31 by the district.

32 Sec. 61. NEW SECTION. 275.37A DECREASE IN NUMBER OF
33 DIRECTORS.

34 1. A change from seven to five directors shall be effected
35 in a district at the first regular school election after

1 authorization by the voters in the following manner:

2 a. If at the first election in the district there are
3 three terms expiring, one director shall be elected. At the
4 second election in that district, if two terms are expiring,
5 two directors shall be elected. At the third election in that
6 district, if there are two terms expiring, two directors shall
7 be elected.

8 b. If at the first election there are two terms expiring,
9 no directors shall be elected. At the second election in that
10 district, if two terms are expiring, two directors shall be
11 elected. At the third election in that district, if there are
12 three terms expiring, three directors shall be elected, two
13 for three years and one for one year. The newly elected
14 director who received the fewest votes in the election shall
15 be assigned a term of one year.

16 c. If at the first election there are two terms expiring,
17 no directors shall be elected. At the second election in that
18 district, if three terms are expiring, three directors shall
19 be elected, two for three years and one for two years. The
20 newly elected director who received the fewest votes in the
21 election shall be assigned a term of two years. At the third
22 election in that district, if there are two terms expiring,
23 two directors shall be elected.

24 2. If some or all of the directors are elected from
25 director districts, the board shall devise a plan to reduce
26 the number of members so that as nearly as possible one-third
27 of the members of the board shall be elected each year and so
28 that each district will be continuously represented.

29 Sec. 62. Section 275.55, unnumbered paragraph 1, Code
30 1999, is amended to read as follows:

31 The board of the school district shall call a special
32 election to be held not later than forty days following the
33 date of the final hearing on the dissolution proposal. The
34 special election may be held at the same time as the regular
35 school election. The proposition submitted to the voters

1 residing in the school district at the special election shall
2 describe each separate area to be attached to a contiguous
3 school district and shall name the school district to which it
4 will be attached. In addition to the description, a map may
5 be included in the summary of the question on the ballot.

6 Sec. 63. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
7 BOUNDARIES FOLLOWING DISSOLUTION.

8 1. If a school district accepting attachments of a
9 dissolved district is currently divided into director
10 districts as provided in section 275.12, subsection 2,
11 paragraph "b", "c", "d", or "e", the board of directors of the
12 district shall draft a proposal to incorporate the newly
13 received territory into existing contiguous director
14 districts. If the attached territory is contiguous to more
15 than one director district, the board may divide the territory
16 and attach it to more than one director district. If
17 necessary to comply with the population equality standards
18 prescribed in section 275.23A, the board shall redraw the
19 boundaries of all director districts according to the
20 standards provided in section 275.23A, subsection 1,
21 paragraphs "a", "c", and "d".

22 2. A public hearing on the proposed changes to director
23 districts shall be held no later than May 15 following the
24 dissolution. Not less than ten nor more than twenty days
25 before the public hearing, the board shall publish notice of
26 the time and place of the hearing.

27 3. The final plan for the assignment of attached lands and
28 any other boundary changes made shall be adopted by resolution
29 of the board. The resolution shall contain a legal
30 description of the new director district boundaries and a map
31 of the director district boundaries changed by the resolution.
32 A copy of the resolution shall be filed with the county
33 commissioners of elections of each county in which a portion
34 of the school district is located. The resolution shall also
35 be filed with the state commissioner of elections not later

1 than June 15. The boundary changes shall take effect upon
2 approval by the sate commissioner of elections for the next
3 regular school election, but not later than July 1.

4 Sec. 64. Section 277.4, unnumbered paragraph 2, Code 1999,
5 is amended to read as follows:

6 Each candidate shall be nominated by petition. If the
7 candidate is running for a seat in the district which is voted
8 for at-large, the petition must be signed by at least ten
9 eligible electors, or a number of eligible electors equal in
10 number to not less than one percent of the registered number
11 of voters of the school district who cast ballots at the last
12 regular school election, whichever is more. If the candidate
13 is running for a seat which is voted for only by the voters of
14 a director district, the petition must be signed by at least
15 ten eligible electors of the director district or a number of
16 eligible electors equal in number to not less than one percent
17 of the registered number of voters in of the director district
18 who cast ballots at the last regular school election,
19 whichever is more. A petition filed under this section shall
20 be in the form required by sections 45.5 and 45.6, but shall
21 not be required to have more than one hundred signatures.

22 Sec. 65. Section 277.23, unnumbered paragraph 2, Code
23 1999, is amended to read as follows:

24 A change from five to seven directors shall be effected in
25 a district at the first regular election after authorization
26 by the voters or when a district becomes wholly or in part
27 within a city of fifteen thousand population or more in the
28 following manner:~~---If the term of one director of the five-~~
29 ~~member board expires at the time of said regular election,~~
30 ~~three directors shall be elected to serve until the third~~
31 ~~regular election thereafter, if the terms of two directors~~
32 ~~expire at the time of said regular election, three directors~~
33 ~~shall be elected to serve until the third regular election~~
34 ~~thereafter and one director shall be elected to serve a term~~
35 ~~the expiration of which coincides with the expiration of the~~

1 ~~term-of-the-director-heretofore-singly-elected~~ described in
2 section 275.37.

3 Sec. 66. Section 278.1, subsection 8, Code 1999, is
4 amended to read as follows:

5 8. Authorize a change in the method of conducting
6 elections or in the number of directors as provided in
7 sections 275.35 and 275.36. If a proposition submitted to the
8 voters under this subsection or subsection 7 is rejected, it
9 may not be resubmitted to the voters of the district in
10 substantially the same form within the next three years; if it
11 is approved, no other proposal may be submitted to the voters
12 of the district under this subsection or subsection 7 within
13 the next six years. The establishment or abandonment of
14 director districts or a change in the boundaries of director
15 districts shall be implemented as prescribed in section
16 275.37.

17 Sec. 67. Section 279.6, unnumbered paragraph 2, Code 1999,
18 is amended to read as follows:

19 However, A vacancy shall be filled at the next regular
20 school election if a member of a school board resigns from the
21 board ~~prior-to-the-time-for-filing-nomination-papers-for~~
22 ~~office-as-a-school-board-member, as provided in section 277.4,~~
23 not later than forty-five days before the election and the
24 notice of resignation specifies in the resignation that the
25 resignation will be an effective on the date at the beginning
26 of the next term of office for elective school officials
27 ~~begins, the.~~ The president of the board shall declare the
28 office vacant as of that the date and nomination of the next
29 organizational meeting. Nomination papers shall be received
30 for the unexpired term of the resigning member. The person
31 elected at the next regular school election to fill the
32 vacancy shall take office at the same time and place as the
33 other elected school board members.

34 Sec. 68. Section 296.3, Code 1999, is amended to read as
35 follows:

1 296.3 ELECTION CALLED.

2 The Within ten days of receipt of a petition filed under
3 section 296.2, the president of the board of directors, within
4 ten-days-of-receipt-of-a-petition-under-section-296-2, shall
5 call a meeting of the board which shall. The meeting shall be
6 held within thirty days after the petition was received. At
7 the meeting, the board shall call the election, fixing the
8 time of the election, which may be at the time and place of
9 holding the regular school election, ~~unless.~~ However, if the
10 board determines by unanimous vote that the proposition or
11 propositions requested by a petition to be submitted at an
12 election are grossly unrealistic or contrary to the needs of
13 the school district, no election shall be called. If more
14 than one petition has been received by the time the board
15 meets to consider the petition triggering the meeting, the
16 board shall act upon the petitions in the order they were
17 received at the meeting called to consider the initial
18 petition. The decision of the board may be appealed to the
19 state board of education as provided in chapter 290. The
20 president shall notify the county commissioner of elections of
21 the time of the election.

22 Sec. 69. Section 331.207, subsection 2, Code 1999, is
23 amended to read as follows:

24 2. The petition shall be filed with the auditor county
25 commissioner by January June 1 of a general election an odd-
26 numbered year, subject to subsection 5. The special election
27 shall be held at-least-one-hundred-days-before-the-primary
28 election within sixty days after the day the petition was
29 received. Notice of the special election shall be published
30 once each week for three successive weeks in an official
31 newspaper of the county, shall state the representation plans
32 to be submitted to the electors, and shall state the date of
33 the special election which shall be held not less than five
34 nor more than twenty days from the date of last publication.

35 Sec. 70. Section 331.207, Code 1999, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
3 the ballots cast in the special election represents a change
4 from plan "one" to plan "two" or "three", or from plan "two"
5 to plan "three", as each plan is defined in section 331.206,
6 the temporary county redistricting commission shall divide the
7 county into districts as provided in sections 331.209 and
8 331.210. The plan shall be completed not later than September
9 15 following the special election and shall be submitted to
10 the state commissioner of elections. The plan shall become
11 effective January 1.

12 Sec. 71. Section 331.651, subsection 1, unnumbered
13 paragraph 1, Code 1999, is amended to read as follows:

14 The office of sheriff is an elective office ~~except that,~~
15 However, if a vacancy occurs in the office, the first deputy
16 shall assume the office after qualifying as provided in this
17 section and. The first deputy shall hold the office until a
18 successor is appointed or elected to the unexpired term as
19 provided in chapter 69. If a sheriff is suspended from
20 office, the district court may appoint a sheriff until a
21 temporary appointment is made by the board as provided in
22 section 66.19.

23 Sec. 72. Section 336.2, unnumbered paragraphs 3, 4, and 5,
24 Code 1999, are amended to read as follows:

25 The board of supervisors of each county containing area
26 within the proposed district shall submit the proposition
27 question to the registered voters within their respective
28 counties at any the next general or-primary election provided
29 said-election-occurs. The petition shall be filed not less
30 than forty eighty-two days after-the-filing-of-the-petition
31 before the election.

32 A county library district shall be established, if a
33 majority of the electors voting on the proposition question
34 and residing outside of cities maintaining a free public
35 library favor it.

1 The result of the election within cities maintaining a free
2 public library shall be considered separately, and no city
3 shall be included within the county library district unless a
4 majority of its electors, voting on the proposition question,
5 favor its inclusion. In such cases the boundaries of an
6 established district may vary from those of the proposed
7 district.

8 Sec. 73. Section 336.16, unnumbered paragraph 4, Code
9 1999, is amended to read as follows:

10 A county library district may be terminated if a majority
11 of the electors of the unincorporated area of the county and
12 the cities included in the county library district voting on
13 the issue favor the termination. The election shall be held
14 upon motion of the board of supervisors and simultaneously
15 with a primary, general, or other county election. If the
16 vote favors termination, the termination shall be effective on
17 the succeeding July 1.

18 Sec. 74. Section 336.18, subsection 2, Code 1999, is
19 amended to read as follows:

20 2. a. Contracts shall provide for the amount to be
21 contributed. They may, by mutual consent of the contracting
22 parties, be terminated at any time. They may also be
23 terminated by a majority of the voters represented by either
24 of the contracting parties, voting on a proposition the
25 question to terminate which shall be submitted by the
26 governing body upon a written petition of qualified voters in
27 a number not less than five percent of those who voted in the
28 area for president of the United States or governor at the
29 last general election.

30 b. The proposition question may be submitted at any
31 election provided by law which covers the area of the unit
32 seeking to terminate the contract. The petition shall be
33 presented to the governing body not less than forty ten days
34 before the last day candidates may file nomination petitions
35 for the election at which the question is to be submitted.

1 Sec. 75. Section 336.18, subsection 4, paragraphs a, b,
2 and c, Code 1999, are amended to read as follows:

3 a. Qualified electors of that part of any county outside
4 of cities in a number of not less than twenty-five percent of
5 those in the area who voted for president of the United States
6 or governor at the last general election may petition the
7 board of supervisors to submit the proposition question of
8 requiring the board to provide library service for them and
9 their area by contract as provided by this section.

10 b. The board of supervisors shall submit the proposition
11 question to the voters of the county residing outside of
12 cities at the next general election, ~~primary or general,~~
13 ~~provided that the petition has been.~~ The petition shall be
14 filed not less than forty ten days prior to the date of before
15 the last day candidates may file nomination petitions for the
16 election at which the question is to be submitted.

17 c. If a majority of those voting upon the proposition
18 question favors it, the board of supervisors shall within
19 thirty days appoint a board of library trustees from residents
20 of the petitioning area. Vacancies shall be filled by the
21 board.

22 Sec. 76. Section 346.27, subsection 10, Code 1999, is
23 amended to read as follows:

24 10. After the incorporation of an authority, and before
25 the sale of any issue of revenue bonds, except refunding
26 bonds, the authority shall ~~submit in a single countywide call~~
27 an election to ~~the registered voters of the city and county,~~
28 ~~at a general, primary, or special election called for that~~
29 ~~purpose,~~ decide the question of whether an the authority shall
30 issue and sell revenue bonds, stating. The ballot shall state
31 the amount, for any of the bonds and the purposes for which it
32 the authority is incorporated. Registered voters of the city
33 and the unincorporated area of the county shall be entitled to
34 vote on the question. The question may be submitted at a
35 general election or at a special election. An affirmative

1 vote of a majority of the votes cast on the proposition
2 question is required to authorize the issuance and sale of
3 revenue bonds.

4 PARAGRAPH DIVIDED. A In addition to the notice required by
5 section 49.53, a notice of the election shall be published
6 once each week for at least two weeks in some newspaper
7 published in the county stating the date of the election, the
8 hours the polls will be open, and a copy of the question. The
9 ~~notice shall name the time when the question shall be~~
10 ~~submitted, and a copy of the question to be submitted shall be~~
11 ~~posted at each polling place during the day of election.~~ The
12 authority shall call this election with the concurrence of
13 both incorporating units, ~~and it shall establish the voting~~
14 ~~precincts and polling places, and appoint the election judges,~~
15 ~~and in so doing such election procedures shall be.~~ The
16 election shall be conducted by the commissioner in accordance
17 with the provisions of chapters 49 and 50.

18 Sec. 77. Section 346.27, subsection 25, Code 1999, is
19 amended to read as follows:

20 25. When all bonds issued by an authority have been
21 retired, the authority may convey the title to the property
22 owned by the authority to the incorporating units in
23 accordance with the provisions ~~therefor~~ contained in the
24 articles of incorporation, ~~or, if none,~~ If no articles of
25 incorporation exist, the conveyance may be made in accordance
26 with any agreement adopted by the respective governing bodies
27 of the incorporating units, and the authority.

28 PARAGRAPH DIVIDED. The proposition question of whether a
29 conveyance shall be made shall be submitted to the legal
30 registered voters of the city and the unincorporated area of
31 the county, utilizing the election procedures provided for
32 bond issues, and an. An affirmative vote equal to at least a
33 majority of the total votes cast on the proposition question
34 shall be required to authorize the conveyance. If the
35 proposition question does not carry, the authority shall

1 continue to operate, maintain, and manage the building under a
2 lease arrangement with the incorporating units.

3 Sec. 78. Section 372.9, subsection 2, Code 1999, is
4 amended to read as follows:

5 2. When a charter is filed, the council and mayor shall
6 notify the county commissioner of elections to publish notice
7 containing the full text of the proposed home rule charter, a
8 description of any other form of government being presented to
9 the voters, and the date of the election, and to conduct the
10 election. The notice shall be published at least twice in the
11 manner provided in section 362.3, except that the publications
12 must occur within sixty days of the filing of the home rule
13 charter, with a two-week interval between each publication.
14 The council shall provide copies of a proposed charter for
15 public distribution by the city clerk.

16 Sec. 79. Section 372.13, subsection 2, paragraph b, Code
17 1999, is amended to read as follows:

18 b. By a special election held to fill the office for the
19 remaining balance of the unexpired term. If the council opts
20 for a special election or a valid petition is filed under
21 paragraph "a", the special election may be held concurrently
22 with any pending election as provided by section 69.12 if by
23 so doing the vacancy will be filled not more than ninety days
24 after it occurs. Otherwise, a special election to fill the
25 office shall be called at the earliest practicable date. If
26 there are concurrent vacancies on the council and the
27 remaining council members do not constitute a quorum of the
28 full membership, a special election shall be called at the
29 earliest practicable date. The council shall give the county
30 commissioner at least sixty days' written notice of the date
31 chosen for the special election. The council of a city where
32 a primary election may be required shall give the county
33 commissioner at least eighty-five days' written notice of the
34 date chosen for the special election. A special election held
35 under this subsection is subject to sections 376.4 through

1 376.11, but the dates for actions in relation to the special
2 election shall be calculated with regard to the date for which
3 the special election is called.

4 Sec. 80. Section 376.2, unnumbered paragraph 2, Code 1999,
5 is amended to read as follows:

6 Except as otherwise provided by state law or the city
7 charter, terms for elective offices are two years. However,
8 the term of an elective office may be changed to two or four
9 years by petition and election. Upon receipt of a valid
10 petition as defined in section 362.4, requesting that the term
11 of an elective office be changed, the council shall submit the
12 question at a special city election to be held within sixty
13 days after the petition is received. The special election
14 shall be held more than ninety days before the regular city
15 election if the change shall go into effect at the next
16 regular city election. If a majority of the persons voting at
17 the special election approves the changed term, it becomes
18 effective at the beginning of the term following the next
19 regular city election. If a majority does not approve the
20 changed term, the council shall not submit the same proposal
21 to the voters within the next four years.

22 Sec. 81. Section 376.6, unnumbered paragraph 2, Code 1999,
23 is amended to read as follows:

24 Each city clerk shall certify to the commissioner of
25 elections responsible under section 47.2 for conducting
26 elections for that city the type of nomination process to be
27 used for the city no later than ~~seventy-seven~~ ninety days
28 before the date of the regular city election. If the city has
29 by ordinance chosen a runoff election or has chosen to have
30 nominations made in the manner provided by chapter 44 or 45,
31 or has repealed nomination provisions under those sections in
32 preference for the primary election method, a copy of the city
33 ordinance shall be attached. No changes in the method of
34 nomination to be used in a city shall be made after the clerk
35 has filed the certification with the commissioner, unless the

1 change will not take effect until after the next regular city
2 election.

3 Sec. 82. Section 422A.1, unnumbered paragraph 3, Code
4 1999, is amended to read as follows:

5 A city or county shall impose a hotel and motel tax or
6 increase the tax rate, only after an election at which a
7 majority of those voting on the question favors imposition or
8 increase. However, a hotel and motel tax shall not be
9 repealed or reduced in rate if obligations are outstanding
10 which are payable as provided in section 422A.2, unless funds
11 sufficient to pay the principal, interest, and premium, if
12 any, on the outstanding obligations at and prior to maturity
13 have been properly set aside and pledged for that purpose.
14 The election shall be held at the time of ~~that-city's~~ the
15 regular city election or the county's general election or at
16 the time of a special election.

17 Sec. 83. Sections 62.5 and 62.8, Code 1999, are repealed.

18 EXPLANATION

19 Code section 39.2 is amended to prohibit holding other
20 elections at the same time as a city primary or runoff
21 elections.

22 Code section 39.3 is amended to add to the definition of
23 "school election" any special elections held for school
24 district purposes.

25 New Code section 39.5 authorizes the commissioner to
26 conduct only elections that are required or allowed by state
27 statute, thereby ruling out straw polls, public opinion polls,
28 nonbinding referenda, and other unauthorized elections from
29 being conducted as official elections.

30 Code section 39.26 is amended to require all candidates for
31 public office to be eligible electors at the time of election.

32 Code section 39.27 is amended to require all elected
33 officials, except members of the general assembly, United
34 States senators, and United States representatives, to be
35 eligible electors and residents of the jurisdiction they are

1 elected to represent.

2 Code sections 43.14 and 43.15 are amended to remove from
3 the Code archaic and repetitive language currently required to
4 appear on nomination petitions and provides that the state
5 commissioner shall prescribe the form for the petition,
6 listing the information that must be included. Standards for
7 evaluating nomination papers are also expanded to incorporate
8 current practices in the state commissioner's office.

9 Code section 43.27 is amended to permit the county
10 commissioner of elections to code ballots by color for the
11 primary election.

12 Code section 43.45 is amended to provide canvass procedures
13 for each type of voting system in use in the state.

14 Code section 43.48 is amended to add voting system
15 printouts to the information required to be available to the
16 public during the time period between the primary election and
17 the county canvass of votes.

18 Code section 44.4 is amended to conform this section to
19 other filing deadlines for the same election.

20 Code sections 45.5 and 45.6 are amended to provide specific
21 requirements for the form of nomination petitions and
22 standards for their review and rejection. These are similar
23 to the requirements of Code chapter 43 for primary elections.

24 Code section 48A.9 is amended to change the voter
25 registration deadline for the primary election from 10 days
26 before the election to 11 days before the election. The
27 section is also amended to permit moving the registration
28 deadline to the next Monday following Thanksgiving.

29 Code sections 48A.27 and 48A.29 are amended to require that
30 voters show a form of identification to prove identity, rather
31 than to prove residence.

32 Code section 48A.28 is amended to specify that the form and
33 language of a voter registration confirmation notice shall be
34 prescribed by rule.

35 Code section 49.30 is amended to allow separate ballots for

1 township offices in precincts using electronic voting systems.

2 Code section 49.31 is amended to eliminate the requirement
3 that the names of candidates for nonpartisan offices on the
4 general election ballot be rotated.

5 Code section 49.57 is amended to remove the size
6 specifications for the voting target on paper ballots.

7 Code section 49.64 is amended to remove the mathematical
8 formula for calculating the number of ballots to be delivered
9 to polling places for primary and general elections. The
10 section is amended to permit the commissioner to make the
11 decision based upon voter registration figures, previous
12 turnout, the content of the ballot, and other local political
13 conditions.

14 Code section 49.70 is amended to change the title of the
15 instructions posted in the polling places from "Card of
16 Instructions" to "Instructions for Voters".

17 Code section 49.73 is amended to permit the commissioner to
18 shorten voting hours for cities under 3,500 population and for
19 the unincorporated areas voting on local option sales tax
20 elections. The amendment to the section also provides that
21 contiguous cities voting on a local option sales tax shall
22 have the same hours.

23 Code section 49.79 is amended to specify that a registered
24 voter, rather than an elector, may challenge a voter as
25 unqualified.

26 Code section 49.81 changes the form of the notice issued to
27 a challenged voter to provide for the fact that not all
28 meetings of the special precinct board will convene at the
29 same time.

30 Code section 49.96 is amended to provide that if a voter
31 marks a straight party or organization ticket and also marks
32 the voting targets next to the names of one or more candidates
33 of the same party or organization, only the votes cast
34 separately for individual candidates shall be counted.

35 Code section 50.11 is amended to provide for electronic

1 transmission of election results from the precinct to the
2 courthouse. The amendment to the section also requires the
3 state commissioner of elections to adopt rules and the board
4 of examiners to approve the transmission devices.

5 Code section 50.12 is amended to explicitly state that
6 sealed ballot packages may not be opened except for a recount,
7 election contest, or to destroy the ballots.

8 Code section 50.48 is amended to provide a method to
9 calculate whether a bond is needed for offices to which more
10 than one person is elected. The amendment also provides that
11 all persons declared elected may appoint members of the
12 recount board.

13 Code section 50.49 is amended to provide a formula for
14 recount bond calculations for public measure elections
15 requiring 60 percent approval.

16 Code section 50.50 is amended to add counting errors
17 reported by the precinct election officials to the reasons for
18 calling for an administrative recount.

19 Code section 52.37 is amended to allow two couriers to pick
20 up ballots for central county precincts. The two couriers
21 must be of two different political parties.

22 New Code section 52.41 is enacted to provide that all
23 devices for the electronic transmission of election results
24 submitted for examination after January 1, 2000, be approved
25 by the state commissioner with the advice of the board of
26 examiners for voting machines and electronic voting systems.

27 Code section 53.8 is amended to require the inclusion of
28 secrecy envelopes with absentee ballots delivered to voters
29 unless the ballot can be folded to conceal all of the voter's
30 marks.

31 New Code section 53.10 is enacted to separate those Code
32 provisions providing for absentee voting in the county
33 commissioner's office from the provisions for satellite
34 absentee voting in Code section 53.11. The new section
35 prohibits electioneering within 30 feet of the courthouse

1 during absentee voting. This prohibition currently applies
2 only to satellite absentee voting stations. The bill makes
3 corresponding amendments to Code section 53.11.

4 Code section 53.18 is amended to make a complete reference
5 to the absentee and special voters precinct board.

6 Code section 53.19 is amended to remove the requirement
7 that a voter who requested, but did not receive, an absentee
8 ballot sign an affidavit to that effect before being allowed
9 to cast a special ballot.

10 Code section 53.30 is amended to provide that the absentee
11 and special voters precinct board must seal the ballots after
12 counting, and specifies that all envelopes and other documents
13 must be preserved.

14 Code section 53.38 is amended to permit the federal
15 postcard registration and absentee ballot request form to be
16 used as a voter registration form in Iowa. Currently, members
17 of the military and Iowa citizens who are overseas register to
18 vote when they cast absentee ballots. This would permit the
19 commissioner to add these voters to the registration roles
20 before the election, if sufficient information was supplied on
21 the federal postcard registration and absentee ballot request
22 form. Military and overseas voters may request ballots for
23 all elections held in a calendar year.

24 Code section 53.40 is amended to require the commissioner
25 of the overseas voter's residence to forward a copy of a
26 voter's request for an absentee ballot to any other
27 commissioner who may conduct an election in which the person
28 is qualified to vote.

29 Code section 57.1 is amended to add to the list of grounds
30 for contesting an election that the question or office was not
31 authorized or required by law to be voted upon at the election
32 in question.

33 Code sections 62.5 and 62.8, relating to the requirements
34 for filing a statement to contest an election, are repealed
35 and replaced with new Code section 62.5A. The new section

1 also provides that the deadline for contesting an election if
2 a recount changes the result is 20 days after the winner of
3 the recount is declared.

4 Code section 69.2 is amended to provide a method for
5 determining and declaring a vacancy in a local appointive or
6 elective office.

7 Code section 69.12 is amended to prohibit vacancies in
8 office being filled at the primary election. Other provisions
9 of the Code specify that partisan offices are filled at the
10 general election or at special elections. The section is also
11 amended to correct an internal reference in the Code relating
12 to the candidate filing deadlines for city offices in cities
13 with a primary election.

14 Code section 69.14A is amended to prohibit filling a
15 vacancy in a county office at a special election held between
16 the primary and the general election if a nomination to fill
17 that office was made at the primary election.

18 Code section 176A.8 is amended by striking the paragraph
19 requiring agriculture extension councils to publish notice of
20 the general election ballot at the councils' expense.

21 Publication is statutorily required as part of the county
22 commissioner of elections' duties.

23 Code section 176A.8 is also amended to change the
24 qualifications of signers of nomination petitions for
25 candidates for agriculture extension councils in order to be
26 uniform throughout the Code section.

27 Code section 256.63 is amended to permit counties to
28 canvass regional library board elections at regular meetings
29 of the board of supervisors.

30 Code section 256.64 is amended to remove a requirement that
31 vacancies on regional library boards may only be filled by
32 election if the vacancy occurs less than 90 days before the
33 election. The amendment requires all vacancies to be filled
34 by appointment.

35 Code section 275.12 is amended to require that the director

1 district boundaries, if districts are drawn, of a newly formed
2 or reorganized school district be drawn after the election
3 making the changes. Current law provides that citizen
4 petitioners may draw the director district boundaries.

5 Code section 275.25 is amended to make the candidate
6 nomination petition requirement of new school districts the
7 same as for established school districts.

8 Code sections 275.35 and 275.36 are amended to remove the
9 question of approval of director district boundaries from the
10 election or the question of whether a school district should
11 change its method of electing directors. The amendment
12 requires director or district boundaries be drawn or redrawn
13 after the election approving the change in boundaries. The
14 section is also amended to require approval of the new
15 boundaries by the state commissioner.

16 Code section 275.37 is amended, and Code section 275.37A is
17 enacted, to provide a process for the transition from five
18 school board members to seven and from seven school board
19 members to five.

20 Code section 275.55 is amended to allow the commissioner to
21 include with the summary of the question on the ballot a map
22 showing the new school district boundaries of school districts
23 to which portions of a dissolved district are to be attached
24 if approved at the election.

25 New Code section 275.57 is enacted to provide a process for
26 attachment of territory received by a school district when an
27 adjacent school district dissolves.

28 Code section 277.4 is amended to require the number for
29 calculation of the number of signatures required on nomination
30 petitions for school board candidates be taken from the number
31 of active registered voters only. A registration becomes
32 inactive when the voter is believed to have moved from the
33 county of registration and the registrant does not respond to
34 a request to verify status.

35 Code sections 277.23 and 278.1 are amended to make the

1 provisions of Code section 275.37 relating to implementation
2 of a change to increase the number of director districts
3 applicable to all changes increasing the membership of school
4 boards.

5 Code section 279.6 is amended to provide that the deadline
6 for submission of a resignation if the office is to appear on
7 the ballot at the next regular school election is not later
8 than 45 days before the election.

9 Code section 296.3 is amended to require that, within 10
10 days after receiving a petition for a bond election, the
11 president of the school board call a meeting of the board to
12 set an election date. The section is also amended to require
13 that the meeting be held within 30 days of receipt of the
14 petition. If more than one petition is received, the board
15 must consider them in the order they were received.

16 Code section 331.207 is amended to revise the schedule for
17 special elections to change the method of electing members of
18 the county board of supervisors. The amendment requires that
19 the petition be filed by June 1, that the election be held
20 within 60 days after filing of the petition, and that a plan
21 be drawn by September 15. Current law requires that all of
22 these requirements be fulfilled between January and February.

23 Code section 331.651 is amended to provide that, in the
24 case of a vacancy in the office of county sheriff, the first
25 deputy sheriff shall hold the office of sheriff until a
26 successor is appointed or elected. Current Code provides only
27 that the deputy shall serve until another sheriff is
28 appointed.

29 Code sections 336.2, 336.16, and 336.18 are amended to move
30 the filing deadline for petitions to establish or terminate a
31 county library district from 40 days before the general
32 election to 82 days before the general election. The sections
33 are also amended to strike the provision permitting the
34 question to establish or terminate a county library district
35 to be placed on the primary election ballot.

1 Code section 346.27 is amended to strike the provision
2 permitting the question of issuance of county bonds and
3 conveyance of title to property to be placed on the primary
4 election ballot.

5 Code section 372.9 is amended to provide that the full text
6 of a proposed home rule charter or alternative form of
7 government proposal and the date of the election on the
8 charter or alternative form must be included in the published
9 notice of the election.

10 Code section 372.13 is amended to require the city council
11 of a city with a primary election to notify the county
12 commissioner of elections of the date of a special election to
13 fill a vacancy in a city office at least 85 days before the
14 date chosen.

15 Code section 376.2 is amended to require a special election
16 to change the length of the terms of elected city officers be
17 held more than 90 days before the regular city election if the
18 changed terms are to be effective for offices filled at that
19 election.

20 Code section 376.6 is amended to change the deadline for
21 city clerks to notify the county auditor of the type of
22 nomination process to be used for city elections. The
23 amendment changes the deadline from 77 days before the
24 election to 90 days before the election.

25 Code section 422A.1 is amended to refer to the regular city
26 election, rather than the city general election.

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S- 3/17/99 State Government
S. 3/25/99 Amend/Do Pass w/S 3153

MAR 12 1999

Place On Calendar

HOUSE FILE **656**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 26)

Passed House, ^(P. 717) Date 3/17/99

Passed Senate, ^(P. 1035) Date 4-5-00

Vote: Ayes 94 Nays 1

Vote: Ayes 49 Nays 0

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.

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

HF 656

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1 Section 1. Section 39.2, subsection 1, unnumbered
2 paragraph 2, Code 1999, is amended to read as follows:

3 A special election shall not be held in conjunction with
4 the primary election. A special election shall not be held in
5 conjunction with a school election unless the special election
6 is for a school district or community college. A special
7 election shall not be held in conjunction with a regularly
8 scheduled or special city primary or city runoff election.

9 Sec. 2. Section 39.3, subsection 14, Code 1999, is amended
10 to read as follows:

11 14. "School election" means that election held pursuant to
12 section 277.1 or 277.2.

13 Sec. 3. NEW SECTION. 39.5 ELECTIONS AUTHORIZED.

14 The commissioner shall conduct only elections authorized or
15 required by state law.

16 Sec. 4. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

17 Any person seeking election to an elective office under the
18 laws of this state shall be an eligible elector at the time of
19 any election at which the person's name appears on the ballot.

20 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
21 OFFICE.

22 Any person elected to an office under the laws of this
23 state shall be an eligible elector. At the time an elected
24 official takes office the official shall be a resident of the
25 state, district, county, township, city, or ward by or for
26 which the person was elected, or in which the duties of the
27 office are to be exercised. An elected official shall
28 continue to be a resident of the state, district, county,
29 township, city, or ward by or for which the person was
30 elected, or in which the duties of the office are to be
31 exercised for the duration of the term of office. This
32 section shall not apply to United States senators or
33 representatives in Congress or to members of the general
34 assembly.

35 Sec. 6. Section 43.14, Code 1999, is amended by striking

1 the section and inserting in lieu thereof the following:

2 43.14 FORM OF NOMINATION PAPERS.

3 1. Nomination papers shall include a petition and an
4 affidavit of candidacy. All nomination petitions shall be
5 eight and one-half by fourteen inches in size and in
6 substantially the form prescribed by the commissioner of
7 elections. They shall include or provide spaces for the
8 following information:

9 a. A statement identifying the signers of the petition as
10 eligible electors of the appropriate county or legislative
11 district and of the state.

12 b. The name of the candidate nominated by the petition.

13 c. For nomination petitions for candidates for the general
14 assembly, a statement that the residence of the candidate is
15 within the appropriate legislative district, or if that is not
16 true that the candidate will reside there within sixty days
17 before the election. For other offices, a statement of the
18 name of the county where the candidate resides.

19 d. The political party with which the candidate is a
20 registered voter.

21 e. The office sought by the candidate, including the
22 district number, if any.

23 f. The date of the primary election for which the
24 candidate is nominated.

25 Signatures on a petition page shall be counted only if the
26 required form is written or printed at the top of the page and
27 properly completed information. Nomination papers on behalf
28 of candidates for seats in the general assembly need only
29 designate the number of the senatorial or representative
30 district, as appropriate, and not the county or counties, in
31 which the candidate and the petitioners reside. A signature
32 line shall not be counted if the line lacks the signature of
33 the eligible elector and the signer's address and city. The
34 person examining the petition shall mark any deficiencies on
35 the petition and affidavit.

1 2. Signed nomination petitions and the signed and
2 notarized affidavit of candidacy shall not be altered to
3 correct deficiencies noted during examination. If the
4 nomination petition lacks a sufficient number of acceptable
5 signatures, the nomination petition shall be rejected and
6 shall be returned to the candidate.

7 The nomination papers shall be rejected if the affidavit
8 lacks any of the following:

9 a. The candidate's name.

10 b. The name of the office sought, including the district,
11 if any.

12 c. The political party name.

13 d. The signature of the candidate.

14 e. The signature of a notary public or other officer
15 empowered to witness oaths.

16 The candidate may replace a deficient affidavit with a
17 corrected affidavit only if the replacement affidavit is filed
18 before the filing deadline. The candidate may resubmit a
19 nomination petition that has been rejected by adding a
20 sufficient number of pages or signatures to correct the
21 deficiency. A nomination petition and affidavit filed to
22 replace rejected nomination papers shall be filed together
23 before the deadline for filing.

24 Sec. 7. Section 43.15, subsection 4, Code 1999, is amended
25 to read as follows:

26 4. When more than one sheet is used, the sheets shall be
27 neatly arranged and securely fastened together before filing,
28 and shall be considered one nomination paper petition.

29 Nomination petitions which are not securely fastened together
30 shall be returned to the candidate or the candidate's designee
31 without examination. The state commissioner shall prescribe
32 by rule the acceptable methods for binding nomination
33 petitions.

34 Sec. 8. Section 43.27, Code 1999, is amended to read as
35 follows:

1 43.27 PRINTING OF BALLOTS.

2 The ballots of each political party shall be printed in
3 black ink, on separate sheets of paper, uniform in color,
4 quality, texture, and size, with the name of the political
5 party printed at the head of said ballots, which ballots shall
6 be prepared by the commissioner in the same manner as for the
7 general election, except as in this chapter provided. The
8 commissioner may print the ballots for each political party
9 using a different color for each party. If colored paper is
10 used, all of the ballots for each separate party shall be
11 uniform in color.

12 Sec. 9. Section 43.45, Code 1999, is amended by striking
13 the section and inserting in lieu thereof the following:

14 43.45 CANVASS OF VOTES.

15 1. Upon the closing of the polls the precinct election
16 officials shall immediately publicly canvass the vote. The
17 canvass shall be conducted using the procedures established in
18 subsection 2 or 3, whichever is appropriate for the voting
19 system used in the precinct.

20 2. In precincts where paper ballots are used, precinct
21 election officials shall do all of the following:

22 a. Place the ballots of the several political parties in
23 separate piles.

24 b. Separately count the ballots of each party, and make
25 the correct entries thereof on the tally sheets.

26 c. Certify to the number of votes cast upon the ticket of
27 each political party for each candidate for each office.

28 d. Place the ballots cast on behalf of each of the parties
29 in separate envelopes. Seal each envelope and place the
30 signature of all board members of the precinct across the seal
31 of the envelope so that it cannot be opened without breaking
32 the seal.

33 e. On the outside of each envelope enter the number of
34 ballots cast by each party in the precinct and contained in
35 the envelope.

1 f. Seal the tally sheets and certificates of the precinct
2 election officials in an envelope on the outside of which are
3 written or printed the names of the several political parties
4 with the names of the candidates for the different offices
5 under their party name, and opposite each candidate's name
6 enter the number of votes cast for such candidate in the
7 precinct.

8 g. Enter on the envelope the total number of voters of
9 each party who cast ballots in the precinct.

10 h. Communicate the results in the manner required by
11 section 50.11, to the commissioner of the county in which the
12 polls are located, who shall remain on duty until the results
13 are communicated to the commissioner from each polling place
14 in the county.

15 3. In precincts where voting machines are used, precinct
16 election officials shall do all of the following:

17 a. Close the machines to prevent additional voting, and
18 print the results for the precinct.

19 b. Tabulate all write-in votes. If necessary, add the
20 votes, including write-in votes, from all machines to obtain
21 the total number of votes cast in the precinct by the members
22 of each political party for each office on the ballot.

23 c. Put any forms used by voters to cast write-in votes in
24 an envelope with one copy of the printed results from each
25 voting machine. Seal the envelope and place the signature of
26 all board members of the precinct across the seal of the
27 envelope so that it cannot be opened without breaking the
28 seal.

29 d. On the outside of the envelope enter the number of
30 voters from each party in the precinct. Report the number of
31 votes cast for each office by the voters of each political
32 party. A copy of the printed tape from the voting machine may
33 be used to report vote totals.

34 e. Communicate the results to the commissioner in the
35 manner required by section 50.11. The commissioner shall

1 remain on duty until the results are communicated to the
2 commissioner from each polling place in the county.

3 4. To perform the precinct count, precinct election
4 officials shall do all of the following:

5 a. Close and secure the ballot reader to prevent the
6 insertion of additional ballots.

7 b. Print the results for the precinct.

8 c. Open the ballot container. Secure all ballots counted
9 by the vote-tabulating device. Sort the remaining ballots by
10 party. Tally all write-in votes and any other ballots not yet
11 counted. Record the results in the tally list.

12 d. Put all ballots in an envelope or other package and
13 seal it. All members of the board shall sign their names
14 across the seal of the envelope. The seal shall be placed so
15 that the envelope or package cannot be opened without breaking
16 the seal.

17 5. To perform the central count, precinct election
18 officials shall follow the procedures in section 52.32.

19 Sec. 10. Section 43.48, Code 1999, is amended to read as
20 follows:

21 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

22 Any elector of the county shall have the right, before the
23 day fixed for canvassing the returns, to ascertain the vote
24 cast for any candidate in any precinct in the county, as shown
25 on the outside of the envelope containing the tally list or on
26 printed reports from voting machines or electronic voting
27 systems.

28 Sec. 11. Section 44.4, unnumbered paragraph 1, Code 1999,
29 is amended to read as follows:

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

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

18 Sec. 12. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

19 Nomination papers shall include a petition and an affidavit
20 of candidacy. All nomination petitions shall be eight and
21 one-half by fourteen inches in size and shall be in
22 substantially the form prescribed by the state commissioner of
23 elections. They shall provide spaces for the following
24 information:

25 1. A statement identifying the signers of the petition as
26 eligible electors of the appropriate county or legislative
27 district and of the state of Iowa.

28 2. The name of the candidate nominated by the petition.

29 3. A statement that the candidate is a resident of the
30 appropriate ward, city, county, school district, or
31 legislative or other district as required by section 45.1.

32 4. The office sought by the candidate, including the
33 district number, if any.

34 5. The name and date of the election for which the
35 candidate is nominated.

1 Signatures on a petition page shall be counted only if the
2 required form is written or printed at the top of the page and
3 properly completed with all requested information. Nomination
4 papers on behalf of candidates for seats in the general
5 assembly need only designate the number of the senatorial or
6 representative district, as appropriate, and not the county or
7 counties, in which the candidate and the petitioners reside.
8 Signature lines on the nomination petitions shall not be
9 counted if the line lacks the signature of the eligible
10 elector and the signer's address and city. The person
11 examining the petition shall mark any deficiencies on the
12 petition.

13 The pages of the petition shall be securely fastened
14 together to form a single bundle. Nomination petitions that
15 are not bound shall be returned without further examination.
16 The state commissioner shall prescribe by rule the acceptable
17 methods for binding nomination petitions.

18 Signed nomination petitions and the signed and notarized
19 affidavit of candidacy shall not be altered to correct
20 deficiencies noted during the examination. If the nomination
21 petition lacks a sufficient number of acceptable signatures,
22 the nomination papers shall be rejected and returned to the
23 candidate.

24 The nomination papers shall be rejected if the affidavit
25 lacks any of the following:

- 26 a. The candidate's name.
- 27 b. The name of the office sought, including the district,
28 if any.
- 29 c. The signature of the candidate.
- 30 d. The signature of a notary public or other officer
31 empowered to witness oaths.

32 The candidate may replace a deficient affidavit with a
33 corrected one only if the replacement is filed before the
34 filing deadline. The candidate may resubmit a nomination
35 petition that has been rejected by adding a sufficient number

1 of pages or signatures to correct the deficiency. A
2 nomination petition and affidavit filed to replace rejected
3 nomination papers shall be filed together before the deadline
4 for filing.

5 Sec. 13. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

6 The following requirements shall be observed in the signing
7 and preparation of nomination petitions:

8 1. A signer may sign nomination petitions for more than
9 one candidate for the same office, and the signature is not
10 invalid solely because the signer signed nomination petitions
11 for one or more other candidates for the office.

12 2. Each signer shall add the signer's residence, with
13 street and number.

14 3. All signers, for all nominations, of each separate part
15 of a nomination petition, shall reside in the appropriate
16 ward, city, county, school district, or legislative or other
17 district as required by section 45.1.

18 4. When more than one sheet is used, the sheets shall be
19 neatly arranged and securely fastened together before filing,
20 and shall be considered one nomination petition.

21 5. Only one candidate shall be petitioned for or nominated
22 in the same nomination petition, except for the offices of
23 governor and lieutenant governor, and president and vice
24 president.

25 Sec. 14. Section 48A.9, subsection 1, Code 1999, is
26 amended to read as follows:

27 1. Registration closes at five p.m. eleven days before
28 each election except ~~primary-and~~ general elections. For
29 ~~primary-and~~ general elections, registration closes at five
30 p.m. ten days before the election. An eligible elector may
31 register during the time registration is closed in the
32 elector's precinct but the registration shall not become
33 effective until registration opens again in the elector's
34 precinct.

35 Sec. 15. Section 48A.9, subsection 2, Code 1999, is

1 amended to read as follows:

2 -2. The commissioner's office shall be open from eight a.m.
3 until at least five p.m. on the day registration closes before
4 each regularly scheduled election. However, if the last day
5 to register to vote for a regularly scheduled election falls
6 on the day after Thanksgiving, the deadline shall be the
7 following Monday.

8 Sec. 16. Section 48A.27, subsection 4, paragraph c,
9 unnumbered paragraph 2, Code 1999, is amended to read as
10 follows:

11 The notice shall be sent by forwardable mail, and shall
12 include a postage paid preaddressed return card on which the
13 registered voter may state the registered voter's current
14 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, and therefore not eligible to vote in
18 (name of county) County, Iowa. If this information is not
19 correct, and you still live in (name of county) County, please
20 complete and mail the attached postage paid card at least ten
21 days before the primary or general election and at least
22 eleven days before any other election at which you wish to
23 vote. If the information is correct and you have moved,
24 please contact a local official in your new area for
25 assistance in registering there. If you do not mail in the
26 card, you may be required to show identification ~~proving your~~
27 ~~residence in (name of county) County~~ before being allowed to
28 vote in (name of county) County. If you do not return the
29 card, and you do not vote in an election in (name of county)
30 County, Iowa, on or before (date of second general election
31 following the date of the notice) your name will be removed
32 from the list of voters in that county. To ensure you receive
33 this notice, it is being sent to both your most recent
34 registration address and to your new address as reported by
35 the postal service."

1 Sec. 17. Section 48A.28, subsection 3, unnumbered
2 paragraph 2, Code 1999, is amended to read as follows:

3 The form and language of the confirmation notice and return
4 card shall be specified by the state voter registration
5 commission by rule.

6 Sec. 18. Section 48A.29, subsection 3, unnumbered
7 paragraph 2, Code 1999, is amended to read as follows:

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

32 Sec. 19. Section 49.30, subsection 1, Code 1999, is
33 amended to read as follows:

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 township
2 offices, nonpartisan offices, judges, or public measures.

3 Sec. 20. Section 49.31, subsection 2, Code 1999, is
4 amended by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. On the general election ballot
6 the names of candidates for the nonpartisan offices listed in
7 section 39.21 shall be arranged by drawing lots for position.
8 The board of supervisors shall hold the drawing at its first
9 meeting following the deadline for receipt of objections and
10 withdrawals by candidates for the general election. The names
11 of candidates for nonpartisan offices on the general election
12 ballot shall be rotated once.

13 Sec. 21. Section 49.57, subsection 4, Code 1999, is
14 amended to read as follows: /

15 4. On ballots that will be counted by electronic
16 tabulating equipment, ballots shall include a voting target
17 next to the name of each candidate. The position, shape, and
18 size of the targets shall be appropriate for the equipment to
19 be used in counting the votes. Where paper ballots are used,
20 a square~~7-the-sides-of-which-shall-not-be-less-than-one-fourth~~
21 ~~of-an-inch-in-length7~~ may be printed at the beginning of each
22 line in which the name of a candidate is printed, except as
23 otherwise provided.

24 Sec. 22. Section 49.64, Code 1999, is amended to read as
25 follows:

26 49.64 NUMBER OF BALLOTS DELIVERED.

27 The commissioner shall ~~cause-ballots-of-the-kind-to-be~~
28 ~~voted-in-each-precinct7-to-be-delivered~~ deliver to the
29 precinct election officials ~~as-follows:--in-general-elections~~
30 ~~which-are-presidential-elections-seventy-five-ballots-for~~
31 ~~every-fifty-votes7-or-fraction-thereof7-cast-in-said-precinct~~
32 ~~at-the-last-preceding-general-election-which-was-also-a~~
33 ~~presidential-election7-and-in-general-elections-which-are-not~~
34 ~~presidential-elections7-seventy-five-ballots-for-every-fifty~~
35 ~~votes7-or-fraction-thereof7-cast-therein-at-the-last-preceding~~

1 ~~general-election-which-was-not-a-presidential-election~~ a
2 sufficient number of ballots of each kind to be voted in the
3 precinct. In determining the number of ballots, the
4 commissioner shall take into consideration the number of
5 active and inactive registered voters in the precinct, the
6 number of people who voted in the precinct in previous similar
7 elections, the number of contested and uncontested races on
8 the ballot, public measures appearing on the ballot, and the
9 local political conditions that may affect participation in
10 the election.

11 Sec. 23. Section 49.70, Code 1999, is amended to read as
12 follows:

13 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

14 The commissioner shall cause copies of the foregoing
15 instructions to be printed in large, clear type, under the
16 heading of "~~Card-of~~ Instructions for Voters", and shall
17 furnish the precinct election officials with a sufficient
18 number of such ~~cards~~ instructions as will enable them to
19 comply with section 49.71.

20 Sec. 24. Section 49.73, subsection 1, paragraph b, Code
21 1999, is amended to read as follows:

22 b. Any election conducted for a city of three thousand
23 five hundred or less population, including a local option
24 sales and services tax election conducted pursuant to section
25 422B.1. At elections conducted pursuant to chapter 422B,
26 contiguous cities shall have the same voting hours.

27 Sec. 25. Section 49.73, subsection 1, is amended by adding
28 the following new paragraph:

29 NEW PARAGRAPH. e. The unincorporated area of any county
30 voting on a local option sales and services tax pursuant to
31 section 422B.1.

32 Sec. 26. Section 49.79, Code 1999, is amended to read as
33 follows:

34 49.79 CHALLENGES.

35 Any person offering to vote may be challenged as

1 unqualified by any precinct election official or elector, and
 2 it registered voter. It is the duty of each official to
 3 challenge any person offering to vote whom the official knows
 4 or suspects is not duly qualified. A ballot shall be received
 5 from a voter who is challenged, but only in accordance with
 6 section 49.81.

7 Sec. 27. Section 49.81, subsection 2, unnumbered paragraph
 8 2, Code 1999, is amended to read as follows:

9 Your qualifications as a registered voter have been
 10 challenged for the following reasons:

- 11 I.
- 12 II.
- 13 III.

14 Your right to vote will be reviewed by the special precinct
 15 counting board on You have the right and are
 16 encouraged to make a written statement and submit additional
 17 written evidence to this board supporting your qualifications
 18 as a registered voter. This written statement and evidence
 19 may be given to an election official of this precinct on
 20 election day or mailed or delivered to the county commissioner
 21 of elections, but must be received prior-to-noon before
 22 a.m./p.m. on at If your ballot is not counted
 23 you will receive notification of this fact.

24 Sec. 28. Section 49.96, Code 1999, is amended to read as
 25 follows:

26 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

27 Where more than one person is to be elected to the same
 28 office at the same election, and all of the candidates for
 29 that office for whom the voter desires to vote were nominated
 30 by the political party or nonparty political organization for
 31 which the voter has marked a straight party or organization
 32 vote, the voter need not otherwise indicate the vote for that
 33 office. However, if a voter who has marked a straight party
 34 or organization ticket also marks the voting targets next to
 35 the names of one or more candidates of the same party or

1 organization, only the votes cast separately for individual
2 candidates for that office shall be counted. If the voter
3 wishes to vote for candidates who were nominated by different
4 political parties or nonparty political organizations, the
5 voter must mark the voting target for each candidate the voter
6 has chosen, whether or not the voter has also marked a
7 straight party or organization vote.

8 Sec. 29. Section 50.11, Code 1999, is amended to read as
9 follows:

10 50.11 PROCLAMATION OF RESULT.

11 When the canvass is completed one of the precinct election
12 officials shall publicly announce the total number of votes
13 received by each of the persons voted for, the office for
14 which the person is designated, as announced by the designated
15 tally keepers, and the number of votes for, and the number of
16 votes against, any proposition which shall have been submitted
17 to a vote of the people, ~~and the.~~ A precinct election
18 official shall communicate said information the election
19 results by telephone or telegraph or in person to the
20 commissioner who is conducting the election immediately upon
21 completion of the canvass, and the.

22 Election results may be transmitted electronically from
23 voting equipment to the commissioner's office only after the
24 precinct election officials have produced a written report of
25 the election results. The devices used for the electronic
26 transmission of election results shall be approved for use by
27 the board of examiners pursuant to section 52.41. The state
28 commissioner of elections shall adopt rules establishing
29 procedures for the electronic transmission of election
30 results.

31 The commissioner shall remain on duty until such
32 information is communicated to the commissioner from each
33 polling place in the commissioner's county.

34 Sec. 30. Section 50.12, Code 1999, is amended to read as
35 follows:

1 50.12 RETURN AND PRESERVATION OF BALLOTS.

2 Immediately after making the proclamation, and before
3 separating, the board members of each precinct in which votes
4 have been received by paper ballot shall enclose in an
5 envelope or other container all ballots which have been
6 counted by them, except those endorsed "Rejected as double",
7 "Defective", or "Objected to", and securely seal the envelope.
8 The signatures of all board members of the precinct shall be
9 placed across the seal or the opening of the container so that
10 it cannot be opened without breaking the seal. The precinct
11 election officials shall return all the ballots to the
12 commissioner, who shall carefully preserve them for six
13 months. Ballots from elections for federal offices shall be
14 preserved for twenty-two months. The sealed packages
15 containing voted ballots shall be opened only for an official
16 recount authorized by section 50.49 or 50.50, for an election
17 contest held pursuant to chapters 57 through 62, or to destroy
18 the ballots pursuant to section 50.19.

19 Sec. 31. Section 50.48, subsection 2, unnumbered paragraph
20 1, Code 1999, is amended to read as follows:

21 The candidate requesting a recount under this section shall
22 post a bond, unless the abstracts prepared pursuant to section
23 50.24, or section 43.49 in the case of a primary election,
24 indicate that the difference between the total number of votes
25 cast for the apparent winner and the total number of votes
26 cast for the candidate requesting the recount is less than the
27 greater of fifty votes or one percent of the total number of
28 votes cast for the office or nomination in question. If a
29 recount is requested for an office to which more than one
30 person was elected, the vote difference calculations shall be
31 made using the difference between the number of votes received
32 by the person requesting the recount and the number of votes
33 received by the apparent winner who received the fewest votes.
34 Where votes cast for that office or nomination were canvassed
35 in more than one county, the abstracts prepared by the county

1 boards in all of those counties shall be totaled for purposes
2 of this subsection. If a bond is required, it shall be filed
3 with the state commissioner for recounts involving a state
4 office, including a seat in the general assembly, or a seat in
5 the United States Congress, and with the commissioner
6 responsible for conducting the election in all other cases,
7 and shall be in the following amount:

8 Sec. 32. Section 50.48, subsection 3, paragraph b, Code
9 1999, is amended to read as follows:

10 b. A designee of the apparent winning candidate, who shall
11 be named by that candidate at or before the time the board is
12 required to convene. If a recount is requested for an office
13 to which more than one person was elected, every person who
14 was declared elected may name a member of the recount board.

15 Sec. 33. Section 50.49, unnumbered paragraph 4, Code 1999,
16 is amended to read as follows:

17 The petitioners requesting the recount shall post a bond as
18 required by section 50.48, subsection 2. The amount of the
19 bond shall be one thousand dollars for a public measure
20 appearing on the ballot statewide or one hundred dollars for
21 any other public measure. If the difference between the
22 affirmative and negative votes cast on the public measure is
23 less than the greater of fifty votes or one percent of the
24 total number of votes cast for and against the question, a
25 bond is not required. If approval by sixty percent of the
26 votes cast is required for adoption of the public measure, no
27 bond is required if the difference between sixty percent of
28 the total votes cast for and against the question and the
29 number of votes cast for the losing side is less than the
30 greater of fifty votes or one percent of the total number of
31 votes cast.

32 Sec. 34. Section 50.50, unnumbered paragraph 1, Code 1999,
33 is amended to read as follows:

34 The commissioner who was responsible for conducting an
35 election may request an administrative recount when the

1 commissioner suspects that voting equipment used in the
2 election malfunctioned or that programming errors may have
3 affected the outcome of the election, or if the precinct
4 election officials report counting errors to the commissioner
5 after the conclusion of the canvass of votes in the precinct.
6 An administrative recount shall be conducted by the board of
7 the special precinct established by section 53.23. Bond shall
8 not be required for an administrative recount. The state
9 commissioner may adopt rules for administrative recounts.

10 Sec. 35. Section 52.37, subsection 1, Code 1999, is
11 amended to read as follows:

12 1. The sealed ballot container from each precinct shall be
13 delivered to the counting center by two ~~of the~~ election
14 officials ~~of that precinct~~, not members of the same political
15 party, who shall travel together in the same vehicle and shall
16 have the container under their immediate joint control until
17 they surrender it to the commissioner or the commissioner's
18 designee in charge of the counting center. The commissioner
19 may designate two precinct election officials of different
20 political parties to collect the sealed ballot containers from
21 more than one precinct to deliver to the counting center. The
22 commissioner or designee shall, in the presence of the two
23 precinct election officials who delivered the container, enter
24 on a record kept for the purpose that the container was
25 received, the time the container was received, and the
26 condition of the seal upon receipt.

27 Sec. 36. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
28 ELECTION RESULTS.

29 With the advice of the board of examiners for voting
30 machines and electronic voting systems, the state commissioner
31 shall adopt by rule standards for the examination and testing
32 of devices for the electronic transmission of election
33 results. All voting systems which contain devices for the
34 electronic transmission of election results submitted to the
35 examiners for examination and testing after January 1, 2000,

1 shall comply with these standards.

2 Sec. 37. Section 53.8, subsection 1, Code 1999, is amended
3 to read as follows:

4 1. Upon receipt of an application for an absentee ballot
5 and immediately after the absentee ballots are printed, the
6 commissioner shall mail an absentee ballot to the applicant
7 within twenty-four hours, except as otherwise provided in
8 subsection 3. The absentee ballot shall be enclosed in an
9 unsealed envelope bearing a serial number and affidavit. The
10 absentee ballot and unsealed envelope shall be enclosed in or
11 with a carrier envelope which bears the same serial number as
12 the unsealed envelope. The absentee ballot, unsealed
13 envelope, and carrier envelope shall be enclosed in a third
14 envelope to be sent to the registered voter. If the ballot
15 cannot be folded so that all of the votes cast on the ballot
16 will be hidden, the commissioner shall also enclose a secrecy
17 envelope with the absentee ballot.

18 Sec. 38. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
19 COMMISSIONER'S OFFICE.

20 Not more than forty days before the date of the primary
21 election or the general election, the commissioner shall
22 provide facilities for absentee voting in person at the
23 commissioner's office. This service shall also be provided
24 for other elections as soon as the ballots are ready.

25 Each person who wishes to vote by absentee ballot at the
26 commissioner's office shall first sign an application for a
27 ballot including the following information: name, current
28 address, and the election for which the ballot is requested.
29 The person may report a change of address or other information
30 on the person's voter registration record at that time. The
31 registered voter shall immediately mark the ballot, enclose
32 the ballot in a secrecy envelope, if necessary, and seal it in
33 a ballot envelope, subscribe to the affidavit on the reverse
34 side of the envelope, and return the absentee ballot to the
35 commissioner. The commissioner shall record the numbers

1 appearing on the application and ballot envelope along with
2 the name of the registered voter.

3 During the hours when absentee ballots are available in the
4 office of the commissioner, the posting of political signs is
5 prohibited within thirty feet of the absentee voting site. No
6 electioneering shall be allowed within the sight or hearing of
7 voters at the absentee voting site.

8 Sec. 39. Section 53.11, unnumbered paragraph 1, Code 1999,
9 is amended by striking the unnumbered paragraph.

10 Sec. 40. Section 53.11, unnumbered paragraph 2, Code 1999,
11 is amended to read as follows:

12 Satellite absentee voting stations ~~shall~~ may be established
13 throughout the cities and county at the direction of the
14 commissioner ~~or~~ and shall be established upon receipt of a
15 petition signed by not less than one hundred eligible electors
16 requesting that a satellite absentee voting station be
17 established at a location to be described on the petition. A
18 satellite absentee voting station established by petition must
19 be open at least one day for a minimum of six hours. A
20 satellite absentee voting station established at the direction
21 of the commissioner or by petition may remain open until five
22 p.m. on the day before the election.

23 Sec. 41. Section 53.11, Code 1999, is amended by adding
24 the following new unnumbered paragraphs:

25 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting
26 at satellite absentee voting stations shall be the same as
27 specified in section 53.10 for voting at the commissioner's
28 office. Additional procedures shall be prescribed by rule by
29 the state commissioner.

30 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
31 ballots are available at a satellite absentee voting station,
32 the posting of political signs is prohibited within thirty
33 feet of the satellite absentee voting station. No
34 electioneering shall be allowed within the sight or hearing of
35 voters at the satellite absentee voting station.

1 Sec. 42. Section 53.18, Code 1999, is amended to read as
2 follows:

3 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

4 Upon receipt of the absentee ballot, the commissioner shall
5 at once record the number appearing on the application and
6 return carrier envelope and time of receipt of such ballot and
7 attach the elector's application to the unopened envelope.
8 Absentee ballots shall be stored in a secure place until they
9 are delivered to the absentee and special voters precinct
10 board.

11 Sec. 43. Section 53.19, unnumbered paragraph 3, Code 1999,
12 is amended to read as follows:

13 However, any registered voter who has received an absentee
14 ballot and not returned it, may surrender the absentee ballot
15 to the precinct officials and vote in person at the polls.
16 The precinct officials shall mark the uncast absentee ballot
17 "void" and return it to the commissioner. Any registered
18 voter who has been sent an absentee ballot by mail but for any
19 reason has not received it or who has not brought the ballot
20 to the polls, may appear at the voter's precinct polling place
21 on election day and ~~sign an affidavit to that effect, after~~
22 ~~which the voter shall be permitted to vote in person.~~ Such
23 voter shall cast a ballot in accordance with section 49.81.
24 ~~The form of the affidavit for use in such cases shall be~~
25 ~~prescribed by the state commissioner.~~

26 Sec. 44. Section 53.30, Code 1999, is amended to read as
27 follows:

28 53.30 BALLOT ENVELOPE PRESERVED.

29 At the conclusion of each meeting of the absentee and
30 special voter's precinct board, the board shall securely seal
31 all ballots counted by them in the manner prescribed in
32 section 50.12. The ballot envelopes, including the envelope
33 having the registered voter's affidavit thereon on it, the
34 return carrier envelope, and secrecy envelope bearing the
35 signatures of precinct election officials, as required by

1 section 53.23, shall be preserved. All applications for
2 absentee ballots, ballots rejected without being opened,
3 absentee ballot logs, and any other documents pertaining to
4 the absentee ballot process shall be preserved until such time
5 as the documents may be destroyed pursuant to section 50.19.

6 Sec. 45. Section 53.38, Code 1999, is amended to read as
7 follows:

8 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

9 Whenever a ballot is requested pursuant to section 53.39 or
10 53.45 on behalf of a voter in the armed forces of the United
11 States, the affidavit upon the ballot envelope of such voter,
12 if the voter is found to be an eligible elector of the county
13 to which the ballot is submitted, shall constitute a
14 sufficient registration under ~~the provisions of~~ chapter 48A
15 ~~and the.~~ A completed federal postcard registration and
16 federal absentee ballot request form submitted by such
17 eligible elector shall also constitute a sufficient
18 registration under chapter 48A. The commissioner shall place
19 the voter's name on the registration record as a registered
20 voter, if it does not already appear there.

21 Sec. 46. Section 53.40, unnumbered paragraph 1, Code 1999,
22 is amended to read as follows:

23 A request in writing for a ballot may be made by any member
24 of the armed forces of the United States who is or will be a
25 qualified voter on the day of the election at which the ballot
26 is to be cast, at any time before the election. Any member of
27 the armed forces of the United States may request ballots for
28 all elections to be held within a calendar year. The request
29 may be made by using the federal postcard application form and
30 indicating that the applicant wishes to receive ballots for
31 all elections as permitted by state law. The county auditor
32 commissioner shall send the applicant a ballot for each
33 election held during the calendar year in which the
34 application is received. The commissioner shall forward a
35 copy of the absentee ballot request to other commissioners who

1 are responsible under section 47.2, subsection 2, for
2 conducting elections in which the applicant is eligible to
3 vote.

4 Sec. 47. Section 57.1, subsection 2, is amended by adding
5 the following new paragraph after paragraph f and relettering
6 the subsequent paragraphs:

7 NEW PARAGRAPH. g. That the public measure or office was
8 not authorized or required by state law to appear on the
9 ballot at the election being contested.

10 Sec. 48. NEW SECTION. 62.5A STATEMENT OF INTENT TO
11 CONTEST.

12 1. Within twenty days after the board of supervisors
13 declares a winner from the canvass of an election, the
14 contestant shall file with the commissioner a written
15 statement of intention to contest the election. If a recount
16 is held for the office in question, and the recount board
17 finds that the winner was someone other than the person
18 declared at the original canvass of votes, a contest may be
19 filed within twenty days after the board of supervisors
20 declares a winner from the recount of votes.

21 2. The contestant's statement shall include the following:

22 a. The name of the contestant and that the contestant is
23 qualified to hold such office.

24 b. The name of the incumbent.

25 c. The office contested.

26 d. The date of the election.

27 e. The particular causes of the contest pursuant to
28 section 57.1, subsection 2. If a cause of the contest is an
29 allegation that illegal votes were received or that legal
30 votes were rejected, a statement shall be included setting
31 forth the names of the persons who are alleged to have voted
32 illegally or whose votes were rejected and the precinct where
33 they voted or offered to vote.

34 f. The affidavit of the contestant, or some elector of the
35 county, affirming the causes set forth are true.

1 Sec. 49. Section 69.2, Code 1999, is amended to read as
2 follows:

3 69.2 WHAT CONSTITUTES VACANCY.

4 1. Every civil office shall be vacant if any of the
5 following events occur:

6 ~~1-~~ a. A failure to elect at the proper election, or to
7 appoint within the time fixed by law, unless the incumbent
8 holds over.

9 ~~2-~~ b. A failure of the incumbent or holdover officer to
10 qualify within the time prescribed by law.

11 ~~3-~~ c. The incumbent ceasing to be a resident of the state,
12 district, county, township, city, or ward by or for which the
13 incumbent was elected or appointed, or in which the duties of
14 the office are to be exercised. This subsection shall not
15 apply to appointed city officers.

16 ~~4-~~ d. The resignation or death of the incumbent, or of the
17 officer-elect before qualifying.

18 ~~5-~~ e. The removal of the incumbent from, or forfeiture of,
19 the office, or the decision of a competent tribunal declaring
20 the office vacant.

21 ~~6-~~ f. The conviction of the incumbent of a felony, an
22 aggravated misdemeanor, or of any public offense involving the
23 violation of the incumbent's oath of office.

24 ~~7-~~ g. The board of supervisors declares a vacancy in an
25 elected county office upon finding that the county officer has
26 been physically absent from the county for sixty consecutive
27 days except in the case of a medical emergency; temporary
28 active military duty; or temporary service with another
29 government service, agency, or department.

30 ~~8-~~ h. The incumbent simultaneously holding more than one
31 elective office at the same level of government. This
32 subsection does not apply to the following offices: county
33 agricultural extension council, soil and water conservation
34 district commission, or regional library board of trustees.

35 ~~9-~~ i. An incumbent statewide elected official or member of

1 the general assembly simultaneously holding more than one
2 elective office.

3 2. If the status of an officeholder is in question, the
4 entity or officer responsible for making an appointment to
5 fill the vacancy shall decide whether a vacancy exists. The
6 appointing entity or officer may act upon its own motion. If
7 a petition signed by twenty-five registered voters of the
8 jurisdiction is received, the appointing entity or officer
9 shall convene within thirty days to consider whether a vacancy
10 exists. The appointing entity or officer shall publish notice
11 that a public hearing will be held to determine whether a
12 vacancy exists. The notice shall include the time and place
13 of the hearing and the name of the office and the officeholder
14 whose status is in question. The public hearing shall be held
15 not less than four nor more than fourteen days after
16 publication of the notice. The officer whose status is in
17 question shall be notified of the time and place of the
18 hearing. Notice shall be sent by certified mail and must be
19 postmarked at least fourteen days before the hearing. No
20 later than seven days after the public hearing, the appointing
21 entity or officer shall publish its decision. If the
22 appointing entity or officer decides that the office is
23 vacant, the publication shall state the date the vacancy
24 occurred and what action will be taken to fill the vacancy.

25 3. The officer against whom the judgment was rendered may
26 appeal to the district court no later than twenty days after
27 official publication of the decision. However, the appeal
28 will not supersede the execution of the judgment of the
29 appointing entity or officer, unless the party gives a bond,
30 with security to be approved by the district judge in a sum to
31 be fixed by the judge. The amount of the bond shall be at
32 least double the probable compensation of such officer for six
33 months, which bond shall be conditioned that the officer will
34 prosecute the appeal without delay, and that, if the judgment
35 appealed from is affirmed, the party will pay over to the

1 successful party all compensation received by the party while
2 in possession of the office after the judgment appealed from
3 was rendered. The court shall hear the appeal in equity and
4 determine anew all questions arising in the case.

5 4. If, upon appeal, the judgment is affirmed, the district
6 court may render judgment upon the bond for the amount of
7 damages awarded against the appellant and the sureties on the
8 bond.

9 **Sec. 50.** Section 69.12, subsection 1, paragraph a, Code
10 1999, is amended to read as follows:

11 **a.** A vacancy shall be filled at the next pending election
12 if it occurs:

13 (1) Seventy-four or more days ~~prior-to~~ before the
14 election, if it is a general ~~or-primary~~ election.

15 (2) Fifty-two or more days ~~prior-to~~ before the election,
16 if it is a regularly scheduled or special city election.

17 However, for those cities which may be required to hold a
18 primary election, the vacancy shall be filled at the next
19 pending election if it occurs seventy-three or more days
20 before a regularly scheduled or special city election.

21 (3) Forty-five or more days ~~prior-to~~ before the election,
22 if it is a regularly scheduled school election.

23 (4) Forty or more days ~~prior-to~~ before the election, if it
24 is a special election.

25 **Sec. 51.** Section 69.12, subsection 1, paragraph b, Code
26 1999, is amended to read as follows:

27 **b.** Nomination papers on behalf of candidates for a vacant
28 office to be filled pursuant to paragraph "a" of this
29 subsection shall be filed, in the form and manner prescribed
30 by applicable law, by five o'clock p.m. on:

31 (1) The final filing date for candidates filing with the
32 state commissioner or commissioner, as the case may be, for a
33 general ~~or-primary~~ election.

34 (2) The ~~forty-seventh-day-prior-to~~ candidate filing
35 deadline specified in section 376.4 for regularly scheduled or

1 special city election.

2 (3) The fortieth day ~~prior-to~~ before a regularly scheduled
3 school election.

4 (4) The twenty-fifth day ~~prior-to~~ before a special
5 election.

6 Sec. 52. Section 69.14A, Code 1999, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,
9 if a nomination has been made at the primary election for an
10 office in which a vacancy has been filled by appointment, the
11 office shall be filled at the next general election, and not
12 at any special election in the same political subdivision.

13 Sec. 53. Section 176A.8, subsection 4, Code 1999, is
14 amended by striking the subsection.

15 Sec. 54. Section 256.63, unnumbered paragraph 2, Code
16 1999, is amended to read as follows:

17 The votes cast in the election shall be canvassed and
18 abstracts of the votes cast shall be promptly certified by the
19 commissioner to the commissioner of elections who is
20 responsible under section 47.2 for conducting elections for
21 that regional library board district. In each county whose
22 commissioner of elections is responsible under section 47.2
23 for conducting elections held for a regional library board
24 district, the county board of supervisors shall convene at
25 nine a.m. on the third Monday or Tuesday in November, canvass
26 the abstracts of votes cast and declare the results of the
27 voting. The commissioner shall at once issue certificates of
28 election to each person declared elected.

29 Sec. 55. Section 256.64, Code 1999, is amended to read as
30 follows:

31 256.64 TERMS.

32 Regional library trustees shall take office on the first
33 day of January following the general election and shall serve
34 terms of four years. A vacancy shall be filled ~~when-it-occurs~~
35 ~~not-less-than-ninety-days-before-the-next-general-election~~ by

1 appointment by the regional board for the unexpired term. No
2 trustee shall serve on a local library board or be employed by
3 a library during the trustee's term of office as a regional
4 library trustee.

5 Sec. 56. Section 275.12, subsections 3 and 4, Code 1999,
6 are amended to read as follows:

7 3. If the petition proposes the division of the school
8 district into director districts, the boundaries of the
9 proposed director districts shall not be ~~described in the~~
10 ~~petition and shall be~~ drawn until the question is approved by
11 the voters. If the question is approved by the voters, the
12 directors of the new school district shall draw the boundaries
13 of the director districts according to the standards described
14 in section 275.23A, subsection 1. Following adoption by the
15 school board, the plan shall be submitted to the state
16 commissioner of elections for approval.

17 4. The area education agency board in reviewing the
18 petition as provided in sections 275.15 and 275.16 shall
19 review the proposed method of election of school directors and
20 may change or amend the plan in any manner, including the
21 ~~changing of boundaries of director districts if proposed, or~~
22 to specify a different method of electing school directors as
23 may be required by law, justice, equity, and the interest of
24 the people. In the action, the area education agency board
25 shall follow the same procedure as is required by sections
26 275.15 and 275.16 for other action on the petition by the area
27 education agency board. ~~The area education agency shall~~
28 ~~ascertain that director district boundary lines comply with~~
29 ~~the provisions of section 275.23A, subsection 1, and shall~~
30 ~~make adjustments as necessary.~~

31 Sec. 57. Section 275.25, subsection 1, unnumbered
32 paragraph 1, Code 1999, is amended to read as follows:

33 If the proposition to establish a new school district
34 carries under the method provided in this chapter, the area
35 education agency administrator with whom the petition was

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

23 Sec. 58. Section 275.35, Code 1999, is amended to read as
24 follows:

25 275.35 CHANGE OF METHOD OF ELECTIONS.

26 Any existing or hereafter created or enlarged school
27 district may change the number of directors to either five or
28 seven and may also change its method of election of school
29 directors to any method authorized by section 275.12 by
30 submission of a proposal, stating the proposed new method of
31 election ~~and describing the boundaries of the proposed~~
32 ~~director districts if any~~, by the school board of such
33 district to the electors at any regular or special school
34 election. The school board shall notify the county
35 commissioner of elections who shall publish notice of the

1 election in the manner provided in section 49.53. The
2 election shall be conducted pursuant to chapters 39 to 53 by
3 the county commissioner of elections. Such proposal shall be
4 adopted if it is approved by a majority of the votes cast on
5 the proposition.

6 If the proposal adopted by the voters requires the
7 establishment of or change in director district boundaries,
8 the school board shall draw the necessary boundaries within
9 forty days after the date of the election. The boundaries
10 shall be drawn according to the requirements of section
11 275.23A. Following adoption by the school board, the plan
12 shall be submitted to the state commissioner of elections for
13 approval.

14 Sec. 59. Section 275.36, Code 1999, is amended to read as
15 follows:

16 275.36 SUBMISSION OF CHANGE TO ELECTORS.

17 If a petition for a change in the number of directors or in
18 the method of election of school directors, ~~describing the~~
19 ~~boundaries of the proposed director districts, if any, signed~~
20 ~~by eligible electors of the school district equal in number to~~
21 ~~at least thirty percent of those who voted in the last~~
22 ~~previous annual school election in the school district, but~~
23 ~~not less than one hundred persons, and accompanied by~~
24 ~~affidavit as required by section 275.13~~ is filed with the
25 school board of a school district, ~~not earlier than six months~~
26 ~~and not later than sixty-seven days before a regular or~~
27 ~~special school election~~ pursuant to the requirements of
28 section 278.2, the school board shall submit such proposition
29 to the voters at the regular school election or a special
30 election held not later than February 1. The petition shall
31 be accompanied by an affidavit as required by section 275.13.
32 If a proposition for a change in the number of directors or in
33 the method of election of school directors submitted to the
34 voters under this section is rejected, it shall not be
35 resubmitted to the voters of the district in substantially the

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

4 If the proposal adopted by the voters requires the
5 establishment of or a change in director district boundaries
6 pursuant to section 275.12, subsection 2, paragraph "b", "c",
7 "d", or "e", the school board shall draw the necessary
8 boundaries within forty days after the date of the election.
9 The boundaries shall be drawn according to the requirements of
10 section 275.23A. Following adoption by the school board, the
11 plan shall be submitted to the state commissioner of elections
12 for approval. The new boundaries shall become effective on
13 July 1 following approval.

14 Sec. 60. Section 275.37, Code 1999, is amended to read as
15 follows:

16 275.37 INCREASE IN NUMBER OF DIRECTORS.

17 At the next succeeding annual school election in a district
18 where the number of directors has been increased from five to
19 seven, and directors are elected at large, there shall be
20 elected a director to succeed each incumbent director whose
21 term is expiring in that year, and two additional directors.
22 Upon organizing as required by section 279.1, the newly
23 elected director who received the fewest votes in the election
24 shall be assigned a term of either one year or two years if
25 necessary in order that as nearly as possible one-third of the
26 members of the board shall be elected each year. If some or
27 all directors are elected from director districts, the board
28 shall assign terms appropriate for the method of election used
29 by the district.

30 Sec. 61. NEW SECTION. 275.37A DECREASE IN NUMBER OF
31 DIRECTORS.

32 1. A change from seven to five directors shall be effected
33 in a district at the first regular school election after
34 authorization by the voters in the following manner:

35 a. If at the first election in the district there are

1 three terms expiring, one director shall be elected. At the
2 second election in that district, if two terms are expiring,
3 two directors shall be elected. At the third election in that
4 district, if there are two terms expiring, two directors shall
5 be elected.

6 b. If at the first election there are two terms expiring,
7 no directors shall be elected. At the second election in that
8 district, if two terms are expiring, two directors shall be
9 elected. At the third election in that district, if there are
10 three terms expiring, three directors shall be elected, two
11 for three years and one for one year. The newly elected
12 director who received the fewest votes in the election shall
13 be assigned a term of one year.

14 c. If at the first election there are two terms expiring,
15 no directors shall be elected. At the second election in that
16 district, if three terms are expiring, three directors shall
17 be elected, two for three years and one for two years. The
18 newly elected director who received the fewest votes in the
19 election shall be assigned a term of two years. At the third
20 election in that district, if there are two terms expiring,
21 two directors shall be elected.

22 2. If some or all of the directors are elected from
23 director districts, the board shall devise a plan to reduce
24 the number of members so that as nearly as possible one-third
25 of the members of the board shall be elected each year and so
26 that each district will be continuously represented.

27 Sec. 62. Section 275.55, unnumbered paragraph 1, Code
28 1999, is amended to read as follows:

29 The board of the school district shall call a special
30 election to be held not later than forty days following the
31 date of the final hearing on the dissolution proposal. The
32 special election may be held at the same time as the regular
33 school election. The proposition submitted to the voters
34 residing in the school district at the special election shall
35 describe each separate area to be attached to a contiguous

1 school district and shall name the school district to which it
2 will be attached. In addition to the description, a map may
3 be included in the summary of the question on the ballot.

4 Sec. 63. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
5 BOUNDARIES FOLLOWING DISSOLUTION.

6 1. If a school district accepting attachments of a
7 dissolved district is currently divided into director
8 districts as provided in section 275.12, subsection 2,
9 paragraph "b", "c", "d", or "e", the board of directors of the
10 district shall draft a proposal to incorporate the newly
11 received territory into existing contiguous director
12 districts. If the attached territory is contiguous to more
13 than one director district, the board may divide the territory
14 and attach it to more than one director district. If
15 necessary to comply with the population equality standards
16 prescribed in section 275.23A, the board shall redraw the
17 boundaries of all director districts according to the
18 standards provided in section 275.23A, subsection 1,
19 paragraphs "a", "c", and "d".

20 2. A public hearing on the proposed changes to director
21 districts shall be held no later than May 15 following the
22 dissolution. Not less than ten nor more than twenty days
23 before the public hearing, the board shall publish notice of
24 the time and place of the hearing.

25 3. The final plan for the assignment of attached lands and
26 any other boundary changes made shall be adopted by resolution
27 of the board. The resolution shall contain a legal
28 description of the new director district boundaries and a map
29 of the director district boundaries changed by the resolution.
30 A copy of the resolution shall be filed with the county
31 commissioners of elections of each county in which a portion
32 of the school district is located. The resolution shall also
33 be filed with the state commissioner of elections not later
34 than June 15. The boundary changes shall take effect upon
35 approval by the state commissioner of elections for the next

1 regular school election, but not later than July 1.

2 Sec. 64. Section 277.4, unnumbered paragraph 2, Code 1999,
3 is amended to read as follows:

4 Each candidate shall be nominated by petition. If the
5 candidate is running for a seat in the district which is voted
6 for at-large, the petition must be signed by at least ten
7 eligible electors, or a number of eligible electors equal in
8 number to not less than one percent of the registered number
9 of voters of the school district who cast ballots at the last
10 regular school election, whichever is more. If the candidate
11 is running for a seat which is voted for only by the voters of
12 a director district, the petition must be signed by at least
13 ten eligible electors of the director district or a number of
14 eligible electors equal in number to not less than one percent
15 of the registered number of voters in of the director district
16 who cast ballots at the last regular school election,
17 whichever is more. A petition filed under this section shall
18 be in the form required by sections 45.5 and 45.6, but shall
19 not be required to have more than one hundred signatures.

20 Sec. 65. Section 277.23, Code 1999, is amended to read as
21 follows:

22 277.23 DIRECTORS -- NUMBER -- CHANGE.

23 In any district including all ~~or-part~~ of a city of fifteen
24 thousand or more population and in any district in which the
25 voters have authorized seven directors, the board shall
26 consist of seven members; in all other districts the board
27 shall consist of five members.

28 A change from five to seven directors shall be effected in
29 a district at the first regular election after authorization
30 by the voters or when a district becomes wholly or in part
31 within a city of fifteen thousand population or more in the
32 ~~following manner:--if-the-term-of-one-director-of-the-five-~~
33 ~~member-board-expires-at-the-time-of-said-regular-election,~~
34 ~~three-directors-shall-be-elected-to-serve-until-the-third~~
35 ~~regular-election-thereafter;-if-the-terms-of-two-directors~~

1 ~~expire-at-the-time-of-said-regular-election, three directors~~
2 ~~shall-be-elected-to-serve-until-the-third-regular-election~~
3 ~~thereafter-and-one-director-shall-be-elected-to-serve-a-term~~
4 ~~the-expiration-of-which-coincides-with-the-expiration-of-the~~
5 ~~term-of-the-director-heretofore-singly-elected~~ described in
6 section 275.37.

7 Sec. 66. Section 278.1, subsection 8, Code 1999, is
8 amended to read as follows:

9 8. Authorize a change in the method of conducting
10 elections or in the number of directors as provided in
11 sections 275.35 and 275.36. If a proposition submitted to the
12 voters under this subsection or subsection 7 is rejected, it
13 may not be resubmitted to the voters of the district in
14 substantially the same form within the next three years; if it
15 is approved, no other proposal may be submitted to the voters
16 of the district under this subsection or subsection 7 within
17 the next six years. The establishment or abandonment of
18 director districts or a change in the boundaries of director
19 districts shall be implemented as prescribed in section
20 275.37.

21 Sec. 67. Section 279.6, unnumbered paragraph 2, Code 1999,
22 is amended to read as follows:

23 ~~However,~~ A vacancy shall be filled at the next regular
24 school election if a member of a school board resigns from the
25 board ~~prior-to-the-time-for-filing-nomination-papers-for~~
26 ~~office-as-a-school-board-member,--as-provided-in-section-277.4,~~
27 ~~not later than forty-five days before the election and the~~
28 ~~notice of resignation specifies in-the-resignation-that-the~~
29 ~~resignation-will-be~~ an effective on-the date at the beginning
30 of the next term of office for elective school officials
31 ~~begins,--the.~~ The president of the board shall declare the
32 office vacant as of that the date and-nomination of the next
33 organizational meeting. Nomination papers shall be received
34 for the unexpired term of the resigning member. The person
35 elected at the next regular school election to fill the

1 vacancy shall take office at the same time and place as the
2 other elected school board members.

3 Sec. 68. Section 296.3, Code 1999, is amended to read as
4 follows:

5 296.3 ELECTION CALLED.

6 ~~The~~ Within ten days of receipt of a petition filed under
7 section 296.2, the president of the board of directors,~~within~~
8 ~~ten-days-of-receipt-of-a-petition-under-section-296-2,~~ shall
9 call a meeting of the board ~~which shall~~. The meeting shall be
10 held within thirty days after the petition was received. At
11 the meeting, the board shall call the election, fixing the
12 time of the election, which may be at the time and place of
13 holding the regular school election,~~unless~~. However, if the
14 board determines by unanimous vote that the proposition or
15 propositions requested by a petition to be submitted at an
16 election are grossly unrealistic or contrary to the needs of
17 the school district, no election shall be called. If more
18 than one petition has been received by the time the board
19 meets to consider the petition triggering the meeting, the
20 board shall act upon the petitions in the order they were
21 received at the meeting called to consider the initial
22 petition. The decision of the board may be appealed to the
23 state board of education as provided in chapter 290. The
24 president shall notify the county commissioner of elections of
25 the time of the election.

26 Sec. 69. Section 331.207, subsection 2, Code 1999, is
27 amended to read as follows:

28 2. The petition shall be filed with the auditor county
29 commissioner by ~~January~~ June 1 of a ~~general election~~ an odd-
30 numbered year, subject to subsection 5. The special election
31 shall be held ~~at least one hundred days before the primary~~
32 election within sixty days after the day the petition was
33 received. Notice of the special election shall be published
34 once each week for three successive weeks in an official
35 newspaper of the county, shall state the representation plans

1 to be submitted to the electors, and shall state the date of
2 the special election which shall be held not less than five
3 nor more than twenty days from the date of last publication.

4 Sec. 70. Section 331.207, Code 1999, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
7 the ballots cast in the special election represents a change
8 from plan "one" to plan "two" or "three", or from plan "two"
9 to plan "three", as each plan is defined in section 331.206,
10 the temporary county redistricting commission shall divide the
11 county into districts as provided in sections 331.209 and
12 331.210. The plan shall be completed not later than September
13 15 following the special election and shall be submitted to
14 the state commissioner of elections. The plan shall become
15 effective January 1.

16 Sec. 71. Section 331.651, subsection 1, unnumbered
17 paragraph 1, Code 1999, is amended to read as follows:

18 The office of sheriff is an elective office ~~except-that.~~
19 However, if a vacancy occurs in the office, the first deputy
20 shall assume the office after qualifying as provided in this
21 section and. The first deputy shall hold the office until a
22 successor is appointed or elected to the unexpired term as
23 provided in chapter 69. If a sheriff is suspended from
24 office, the district court may appoint a sheriff until a
25 temporary appointment is made by the board as provided in
26 section 66.19.

27 Sec. 72. Section 336.2, unnumbered paragraphs 3, 4, and 5,
28 Code 1999, are amended to read as follows:

29 The board of supervisors of each county containing area
30 within the proposed district shall submit the proposition
31 question to the registered voters within their respective
32 counties at any the next general ~~or-primary~~ election provided
33 ~~said-election-occurs.~~ The petition shall be filed not less
34 than forty eighty-two days ~~after-the-filing-of-the-petition~~
35 before the election.

1 A county library district shall be established, if a
2 majority of the electors voting on the proposition question
3 and residing outside of cities maintaining a free public
4 library favor it.

5 The result of the election within cities maintaining a free
6 public library shall be considered separately, and no city
7 shall be included within the county library district unless a
8 majority of its electors, voting on the proposition question,
9 favor its inclusion. In such cases the boundaries of an
10 established district may vary from those of the proposed
11 district.

12 Sec. 73. Section 336.16, unnumbered paragraph 4, Code
13 1999, is amended to read as follows:

14 A county library district may be terminated if a majority
15 of the electors of the unincorporated area of the county and
16 the cities included in the county library district voting on
17 the issue favor the termination. The election shall be held
18 upon motion of the board of supervisors and simultaneously
19 with a primary, general, or other county election. If the
20 vote favors termination, the termination shall be effective on
21 the succeeding July 1.

22 Sec. 74. Section 336.18, subsection 2, Code 1999, is
23 amended to read as follows:

24 2. a. Contracts shall provide for the amount to be
25 contributed. They may, by mutual consent of the contracting
26 parties, be terminated at any time. They may also be
27 terminated by a majority of the voters represented by either
28 of the contracting parties, voting on a proposition the
29 question to terminate which shall be submitted by the
30 governing body upon a written petition of qualified voters in
31 a number not less than five percent of those who voted in the
32 area for president of the United States or governor at the
33 last general election.

34 b. The proposition question may be submitted at any
35 election provided by law which covers the area of the unit

1 seeking to terminate the contract. The petition shall be
2 presented to the governing body not less than forty ten days
3 before the last day candidates may file nomination petitions
4 for the election at which the question is to be submitted.

5 Sec. 75. Section 336.18, subsection 4, paragraphs a, b,
6 and c, Code 1999, are amended to read as follows:

7 a. Qualified electors of that part of any county outside
8 of cities in a number of not less than twenty-five percent of
9 those in the area who voted for president of the United States
10 or governor at the last general election may petition the
11 board of supervisors to submit the proposition question of
12 requiring the board to provide library service for them and
13 their area by contract as provided by this section.

14 b. The board of supervisors shall submit the proposition
15 question to the voters of the county residing outside of
16 cities at the next general election, ~~primary or general,~~
17 ~~provided that the petition has been.~~ The petition shall be
18 filed not less than forty ten days ~~prior to the date of~~ before
19 the last day candidates may file nomination petitions for the
20 election at which the question is to be submitted.

21 c. If a majority of those voting upon the proposition
22 question favors it, the board of supervisors shall within
23 thirty days appoint a board of library trustees from residents
24 of the petitioning area. Vacancies shall be filled by the
25 board.

26 Sec. 76. Section 346.27, subsection 10, Code 1999, is
27 amended to read as follows:

28 10. After the incorporation of an authority, and before
29 the sale of any issue of revenue bonds, except refunding
30 bonds, the authority shall ~~submit in a single countywide call~~
31 an election to ~~the registered voters of the city and county,~~
32 ~~at a general, primary, or special election called for that~~
33 purpose, decide the question of whether an the authority shall
34 issue and sell revenue bonds, ~~stating.~~ The ballot shall state
35 the amount, ~~for any~~ of the bonds and the purposes for which it

1 the authority is incorporated. Registered voters of the city
2 and the unincorporated area of the county shall be entitled to
3 vote on the question. The question may be submitted at a
4 general election or at a special election. An affirmative
5 vote of a majority of the votes cast on the proposition
6 question is required to authorize the issuance and sale of
7 revenue bonds.

8 PARAGRAPH DIVIDED. A In addition to the notice required by
9 section 49.53, a notice of the election shall be published
10 once each week for at least two weeks in some newspaper
11 published in the county stating the date of the election, the
12 hours the polls will be open, and a copy of the question. The
13 ~~notice shall name the time when the question shall be~~
14 ~~submitted, and a copy of the question to be submitted shall be~~
15 ~~posted at each polling place during the day of election.~~ The
16 authority shall call this election with the concurrence of
17 both incorporating units, ~~and it shall establish the voting~~
18 ~~precincts and polling places, and appoint the election judges,~~
19 ~~and in so doing such election procedures shall be.~~ The
20 election shall be conducted by the commissioner in accordance
21 with the provisions of chapters 49 and 50.

22 Sec. 77. Section 346.27, subsection 25, Code 1999, is
23 amended to read as follows:

24 25. When all bonds issued by an authority have been
25 retired, the authority may convey the title to the property
26 owned by the authority to the incorporating units in
27 accordance with the provisions ~~therefor~~ contained in the
28 articles of incorporation, ~~or, if none,~~ If no articles of
29 incorporation exist, the conveyance may be made in accordance
30 with any agreement adopted by the respective governing bodies
31 of the incorporating units, and the authority.

32 PARAGRAPH DIVIDED. The proposition question of whether a
33 conveyance shall be made shall be submitted to the ~~legal~~
34 registered voters of the city and the unincorporated area of
35 the county, utilizing the election procedures provided for

1 ~~bond-issues,--and-an.~~ An affirmative vote equal to at least a
2 majority of the total votes cast on the proposition question
3 shall be required to authorize the conveyance. If the
4 proposition question does not carry, the authority shall
5 continue to operate, maintain, and manage the building under a
6 lease arrangement with the incorporating units.

7 Sec. 78. Section 372.9, subsection 2, Code 1999, is
8 amended to read as follows:

9 2. When a charter is filed, the council and mayor shall
10 notify the county commissioner of elections to publish notice
11 containing the full text of the proposed home rule charter, a
12 description of any other form of government being presented to
13 the voters, and the date of the election, and to conduct the
14 election. The notice shall be published at least twice in the
15 manner provided in section 362.3, except that the publications
16 must occur within sixty days of the filing of the home rule
17 charter, with a two-week interval between each publication.
18 The council shall provide copies of a proposed charter for
19 public distribution by the city clerk.

20 Sec. 79. Section 372.13, subsection 2, paragraph b, Code
21 1999, is amended to read as follows:

22 b. By a special election held to fill the office for the
23 remaining balance of the unexpired term. If the council opts
24 for a special election or a valid petition is filed under
25 paragraph "a", the special election may be held concurrently
26 with any pending election as provided by section 69.12 if by
27 so doing the vacancy will be filled not more than ninety days
28 after it occurs. Otherwise, a special election to fill the
29 office shall be called at the earliest practicable date. If
30 there are concurrent vacancies on the council and the
31 remaining council members do not constitute a quorum of the
32 full membership, a special election shall be called at the
33 earliest practicable date. The council shall give the county
34 commissioner at least sixty days' written notice of the date
35 chosen for the special election. The council of a city where

1 a primary election may be required shall give the county
2 commissioner at least eighty-five days' written notice of the
3 date chosen for the special election. A special election held
4 under this subsection is subject to sections 376.4 through
5 376.11, but the dates for actions in relation to the special
6 election shall be calculated with regard to the date for which
7 the special election is called.

8 Sec. 80. Section 376.2, unnumbered paragraph 2, Code 1999,
9 is amended to read as follows:

10 Except as otherwise provided by state law or the city
11 charter, terms for elective offices are two years. However,
12 the term of an elective office may be changed to two or four
13 years by petition and election. Upon receipt of a valid
14 petition as defined in section 362.4, requesting that the term
15 of an elective office be changed, the council shall submit the
16 question at a special city election to be held within sixty
17 days after the petition is received. The special election
18 shall be held more than ninety days before the regular city
19 election if the change shall go into effect at the next
20 regular city election. If a majority of the persons voting at
21 the special election approves the changed term, it becomes
22 effective at the beginning of the term following the next
23 regular city election. If a majority does not approve the
24 changed term, the council shall not submit the same proposal
25 to the voters within the next four years.

26 Sec. 81. Section 376.6, unnumbered paragraph 2, Code 1999,
27 is amended to read as follows:

28 Each city clerk shall certify to the commissioner of
29 elections responsible under section 47.2 for conducting
30 elections for that city the type of nomination process to be
31 used for the city no later than seventy-seven ninety days
32 before the date of the regular city election. If the city has
33 by ordinance chosen a runoff election or has chosen to have
34 nominations made in the manner provided by chapter 44 or 45,
35 or has repealed nomination provisions under those sections in

1 preference for the primary election method, a copy of the city
2 ordinance shall be attached. No changes in the method of
3 nomination to be used in a city shall be made after the clerk
4 has filed the certification with the commissioner, unless the
5 change will not take effect until after the next regular city
6 election.

7 Sec. 82. Section 422A.1, unnumbered paragraph 3, Code
8 1999, is amended to read as follows:

9 A city or county shall impose a hotel and motel tax or
10 increase the tax rate, only after an election at which a
11 majority of those voting on the question favors imposition or
12 increase. However, a hotel and motel tax shall not be
13 repealed or reduced in rate if obligations are outstanding
14 which are payable as provided in section 422A.2, unless funds
15 sufficient to pay the principal, interest, and premium, if
16 any, on the outstanding obligations at and prior to maturity
17 have been properly set aside and pledged for that purpose.
18 The election shall be held at the time of ~~that-city's~~ the
19 regular city election or the county's general election or at
20 the time of a special election.

21 Sec. 83. Sections 62.5 and 62.8, Code 1999, are repealed.

22 EXPLANATION

23 Code section 39.2 is amended to prohibit holding other
24 elections at the same time as a city primary or runoff
25 elections.

26 Code section 39.3 is amended to add to the definition of
27 "school election" any special elections held for school
28 district purposes.

29 New Code section 39.5 authorizes the commissioner to
30 conduct only elections that are required or allowed by state
31 statute, thereby ruling out straw polls, public opinion polls,
32 nonbinding referenda, and other unauthorized elections from
33 being conducted as official elections.

34 Code section 39.26 is amended to require all candidates for
35 public office to be eligible electors at the time of election.

1 Code section 39.27 is amended to require all elected
2 officials, except members of the general assembly, United
3 States senators, and United States representatives, to be
4 eligible electors and residents of the jurisdiction they are
5 elected to represent.

6 Code sections 43.14 and 43.15 are amended to remove from
7 the Code archaic and repetitive language currently required to
8 appear on nomination petitions and provides that the state
9 commissioner shall prescribe the form for the petition,
10 listing the information that must be included. Standards for
11 evaluating nomination papers are also expanded to incorporate
12 current practices in the state commissioner's office.

13 Code section 43.27 is amended to permit the county
14 commissioner of elections to code ballots by color for the
15 primary election.

16 Code section 43.45 is amended to provide canvass procedures
17 for each type of voting system in use in the state.

18 Code section 43.48 is amended to add voting system
19 printouts to the information required to be available to the
20 public during the time period between the primary election and
21 the county canvass of votes.

22 Code section 44.4 is amended to conform this section to
23 other filing deadlines for the same election.

24 Code sections 45.5 and 45.6 are amended to provide specific
25 requirements for the form of nomination petitions and
26 standards for their review and rejection. These are similar
27 to the requirements of Code chapter 43 for primary elections.

28 Code section 48A.9 is amended to change the voter
29 registration deadline for the primary election from 10 days
30 before the election to 11 days before the election. The
31 section is also amended to permit moving the registration
32 deadline to the next Monday following Thanksgiving.

33 Code sections 48A.27 and 48A.29 are amended to require that
34 voters show a form of identification to prove identity, rather
35 than to prove residence.

1 Code section 48A.28 is amended to specify that the form and
2 language of a voter registration confirmation notice shall be
3 prescribed by rule.

4 Code section 49.30 is amended to allow separate ballots for
5 township offices in precincts using electronic voting systems.

6 Code section 49.31 is amended to require that the position
7 of names of candidates for nonpartisan offices on the general
8 election ballot be drawn by lot and rotated once.

9 Code section 49.57 is amended to remove the size
10 specifications for the voting target on paper ballots.

11 Code section 49.64 is amended to remove the mathematical
12 formula for calculating the number of ballots to be delivered
13 to polling places for primary and general elections. The
14 section is amended to permit the commissioner to make the
15 decision based upon voter registration figures, previous
16 turnout, the content of the ballot, and other local political
17 conditions.

18 Code section 49.70 is amended to change the title of the
19 instructions posted in the polling places from "Card of
20 Instructions" to "Instructions for Voters".

21 Code section 49.73 is amended to permit the commissioner to
22 shorten voting hours for cities under 3,500 population and for
23 the unincorporated areas voting on local option sales tax
24 elections. The amendment to the section also provides that
25 contiguous cities voting on a local option sales tax shall
26 have the same hours.

27 Code section 49.79 is amended to specify that a registered
28 voter, rather than an elector, may challenge a voter as
29 unqualified.

30 Code section 49.81 changes the form of the notice issued to
31 a challenged voter to provide for the fact that not all
32 meetings of the special precinct board will convene at the
33 same time.

34 Code section 49.96 is amended to provide that if a voter
35 marks a straight party or organization ticket and also marks

1 the voting targets next to the names of one or more candidates
2 of the same party or organization, only the votes cast
3 separately for individual candidates shall be counted.

4 Code section 50.11 is amended to provide for electronic
5 transmission of election results from the precinct to the
6 courthouse. The amendment to the section also requires the
7 state commissioner of elections to adopt rules and the board
8 of examiners to approve the transmission devices.

9 Code section 50.12 is amended to explicitly state that
10 sealed ballot packages may not be opened except for a recount,
11 election contest, or to destroy the ballots.

12 Code section 50.48 is amended to provide a method to
13 calculate whether a bond is needed for offices to which more
14 than one person is elected. The amendment also provides that
15 all persons declared elected may appoint members of the
16 recount board.

17 Code section 50.49 is amended to provide a formula for
18 recount bond calculations for public measure elections
19 requiring 60 percent approval.

20 Code section 50.50 is amended to add counting errors
21 reported by the precinct election officials to the reasons for
22 calling for an administrative recount.

23 Code section 52.37 is amended to allow two couriers to pick
24 up ballots for central county precincts. The two couriers
25 must be of two different political parties.

26 New Code section 52.41 is enacted to provide that all
27 devices for the electronic transmission of election results
28 submitted for examination after January 1, 2000, be approved
29 by the state commissioner with the advice of the board of
30 examiners for voting machines and electronic voting systems.

31 Code section 53.8 is amended to require the inclusion of
32 secrecy envelopes with absentee ballots delivered to voters
33 unless the ballot can be folded to conceal all of the voter's
34 marks.

35 New Code section 53.10 is enacted to separate those Code

1 provisions providing for absentee voting in the county
2 commissioner's office from the provisions for satellite
3 absentee voting in Code section 53.11. The new section
4 prohibits electioneering within 30 feet of the courthouse
5 during absentee voting. This prohibition currently applies
6 only to satellite absentee voting stations. The bill makes
7 corresponding amendments to Code section 53.11.

8 Code section 53.18 is amended to make a complete reference
9 to the absentee and special voters precinct board.

10 Code section 53.19 is amended to remove the requirement
11 that a voter who requested, but did not receive, an absentee
12 ballot sign an affidavit to that effect before being allowed
13 to cast a special ballot.

14 Code section 53.30 is amended to provide that the absentee
15 and special voters precinct board must seal the ballots after
16 counting, and specifies that all envelopes and other documents
17 must be preserved.

18 Code section 53.38 is amended to permit the federal
19 postcard registration and absentee ballot request form to be
20 used as a voter registration form in Iowa. Currently, members
21 of the military and Iowa citizens who are overseas register to
22 vote when they cast absentee ballots. This would permit the
23 commissioner to add these voters to the registration roles
24 before the election, if sufficient information was supplied on
25 the federal postcard registration and absentee ballot request
26 form. Military and overseas voters may request ballots for
27 all elections held in a calendar year.

28 Code section 53.40 is amended to require the commissioner
29 of the overseas voter's residence to forward a copy of a
30 voter's request for an absentee ballot to any other
31 commissioner who may conduct an election in which the person
32 is qualified to vote.

33 Code section 57.1 is amended to add to the list of grounds
34 for contesting an election that the question or office was not
35 authorized or required by law to be voted upon at the election

1 in question.

2 Code sections 62.5 and 62.8, relating to the requirements
3 for filing a statement to contest an election, are repealed
4 and replaced with new Code section 62.5A. The new section
5 also provides that the deadline for contesting an election if
6 a recount changes the result is 20 days after the winner of
7 the recount is declared.

8 Code section 69.2 is amended to provide a method for
9 determining and declaring a vacancy in a local appointive or
10 elective office.

11 Code section 69.12 is amended to prohibit vacancies in
12 office being filled at the primary election. Other provisions
13 of the Code specify that partisan offices are filled at the
14 general election or at special elections. The section is also
15 amended to correct an internal reference in the Code relating
16 to the candidate filing deadlines for city offices in cities
17 with a primary election.

18 Code section 69.14A is amended to prohibit filling a
19 vacancy in a county office at a special election held between
20 the primary and the general election if a nomination to fill
21 that office was made at the primary election.

22 Code section 176A.8 is amended by striking the paragraph
23 requiring agriculture extension councils to publish notice of
24 the general election ballot at the councils' expense.
25 Publication is statutorily required as part of the county
26 commissioner of elections' duties.

27 Code section 176A.8 is also amended to change the
28 qualifications of signers of nomination petitions for
29 candidates for agriculture extension councils in order to be
30 uniform throughout the Code section.

31 Code section 256.63 is amended to permit counties to
32 canvass regional library board elections at regular meetings
33 of the board of supervisors.

34 Code section 256.64 is amended to remove a requirement that
35 vacancies on regional library boards may only be filled by

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1 election if the vacancy occurs less than 90 days before the
2 election. The amendment requires all vacancies to be filled
3 by appointment. Code section 275.12 is amended to require that the director
4 or reorganized school district be drawn after the election
5 making the changes. Current law provides that citizen
6 petitioners may draw the director district boundaries.
7 Code section 275.25 is amended to make the candidate
8 nomination petition requirement of new school districts the
9 same as for established school districts.
10 Code sections 275.35 and 275.36 are amended to remove the
11 question of approval of whether a school district should
12 change its method of electing directors. The amendment
13 requires director or district boundaries be drawn or redr
14 after the election approving the change in boundaries.
15 section is also amended to require approval of the ne
16 boundaries by the state commissioner, and Code secti
17 enacted, to provide a process for the transiti
18 school board members to seven and from seven
19 members to five.
20 Code section 275.55 is amended to allo
21 showing the new summary of the questio
22 to which portions of a dissolved bound
23 if approved at the election.
24 New Code section 275.57 is
25 of territory rece
26 school district d
27 ion 277.4 is
the num

1 inactive when the voter is believed to have moved from the
2 county of registration and the registrant does not respond to
3 a request to verify status.

4 Code sections 277.23 and 278.1 are amended to make the
5 provisions of Code section 275.37 relating to implementation
6 of a change to increase the number of director districts
7 applicable to all changes increasing the membership of school
8 boards.

9 Code section 277.23 is also amended to require that a
10 school district with all of a city with population of 15,000
11 or more located in the district must have seven directors on
12 the board. Current law requires seven directors if only a
13 part of a city with population of 15,000 or more is located in
14 the district.

15 Code section 279.6 is amended to provide that the deadline
16 for submission of a resignation if the office is to appear on
17 the ballot at the next regular school election is not later
18 than 45 days before the election.

19 Code section 296.3 is amended to require that, within 10
20 days after receiving a petition for a bond election, the
21 president of the school board call a meeting of the board to
22 set an election date. The section is also amended to require
23 that the meeting be held within 30 days of receipt of the
24 petition. If more than one petition is received, the board
25 must consider them in the order they were received.

26 Code section 331.207 is amended to revise the schedule for
27 special elections to change the method of electing members of
28 the county board of supervisors. The amendment requires that
29 the petition be filed by June 1, that the election be held
30 within 60 days after filing of the petition, and that a plan
31 be drawn by September 15. Current law requires that all of
32 these requirements be fulfilled between January and February.

33 Code section 331.651 is amended to provide that, in the
34 case of a vacancy in the office of county sheriff, the first
35 deputy sheriff shall hold the office of sheriff until a

1 successor is appointed or elected. Current Code provides only
2 that the deputy shall serve until another sheriff is
3 appointed.

4 Code sections 336.2, 336.16, and 336.18 are amended to move
5 the filing deadline for petitions to establish or terminate a
6 county library district from 40 days before the general
7 election to 82 days before the general election. The sections
8 are also amended to strike the provision permitting the
9 question to establish or terminate a county library district
10 to be placed on the primary election ballot.

11 Code section 346.27 is amended to strike the provision
12 permitting the question of issuance of county bonds and
13 conveyance of title to property to be placed on the primary
14 election ballot.

15 Code section 372.9 is amended to provide that the full text
16 of a proposed home rule charter or alternative form of
17 government proposal and the date of the election on the
18 charter or alternative form must be included in the published
19 notice of the election.

20 Code section 372.13 is amended to require the city council
21 of a city with a primary election to notify the county
22 commissioner of elections of the date of a special election to
23 fill a vacancy in a city office at least 85 days before the
24 date chosen.

25 Code section 376.2 is amended to require a special election
26 to change the length of the terms of elected city officers be
27 held more than 90 days before the regular city election if the
28 changed terms are to be effective for offices filled at that
29 election.

30 Code section 376.6 is amended to change the deadline for
31 city clerks to notify the county auditor of the type of
32 nomination process to be used for city elections. The
33 amendment changes the deadline from 77 days before the
34 election to 90 days before the election.

35 Code section 422A.1 is amended to refer to the regular city

1 election, rather than the city general election.

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HOUSE FILE 656

S-3294

1 Amend House File 656 as follows:

2 1. Page 26, by inserting after line 8, the
3 following:

4 "Sec. 100. Section 69.12, unnumbered paragraph 1,
5 Code 1999, is amended to read as follows:

6 When a vacancy occurs in any nonpartisan elective
7 office of a political subdivision of this state, and
8 the statutes governing the office in which the vacancy
9 occurs require that it be filled by election or are
10 silent as to the method of filling the vacancy, it
11 shall be filled pursuant to this section. As used in
12 this section, "pending election" means any election at
13 which there will be on the ballot either the office in
A 14 which the vacancy exists, or any other office to be
15 filled ~~or any public question to be decided~~ by the
16 voters of the same political subdivision in which the
17 vacancy exists."

18 2. Page 43, by inserting after line 21 the
19 following:

B 20 "Sec. ____ . Section 100 of this Act, being deemed
21 of immediate importance, takes effect upon enactment."

22 3. Title page, line 4, by inserting after the
23 word "laws" the following: ", and providing an
24 immediate effective date".

25 4. By renumbering as necessary.

By SHELDON RITTNER

S-3294 FILED APRIL 6, 1999

*A+B Withdrawn
4-5-00 (P. 1033)*

HOUSE FILE 656

S-3295

1 Amend House File 656, as passed by the House, as
2 follows:

3 1. Page 34, by striking lines 30 and 31, and
4 inserting the following: "by the voters or when a
5 district ~~becomes wholly or in part within~~ includes all
6 of a city of fifteen thousand population or more in
7 the".

By SHELDON RITTNER

S-3295 FILED APRIL 6, 1999

*Adopted
4-5-00
(P. 1034)*

HOUSE FILE 656

S-3254

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 23 and 24 and
4 inserting the following: "state shall be an eligible
5 elector. The official shall be a resident of the".
6 2. Page 1, line 27, by inserting after the word
7 "exercised" the following: "for a period of time
8 beginning with the date the candidate files an
9 affidavit of candidacy for the office to the date of
10 the election at which the office is to be filled".

By MIKE CONNOLLY

S-3254 FILED APRIL 6, 1999

W/D 4/26/99 (P. 1293)

HOUSE FILE 656

S-3255

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 23 through 27 and
4 inserting the following: "state shall be an eligible
5 elector. An elected official shall be a resident of
6 the state, district, county, township, city, or ward
7 by or for which the person was elected, or in which
8 the duties of the office are to be exercised, for
9 sixty days before the date of the election at which
10 the office is to be filled. An elected official
11 shall".

By MIKE CONNOLLY

S-3255 FILED APRIL 6, 1999

(p. 1293) Adopted 4-26-99

HOUSE FILE 656

S-3256

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 23 and 24 and
4 inserting the following: "state shall be an eligible
5 elector. The official shall be a resident of the".
6 2. Page 1, line 27, by striking the word
7 "exercised" and inserting the following: "exercised,
8 as of the date of the election at which the office is
9 to be filled".

By MIKE CONNOLLY

S-3256 FILED APRIL 6, 1999

*O/O
4/26/99 (P. 1293)*

HOUSE FILE 656

S-3486

1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 26, the
4 following:

5 "____. Page 14, by inserting after line 23, the
6 following:

7 "Sec. ____ Section 49.88, Code 1999, is amended to
8 read as follows:

9 49.88 LIMITATION ON PERSONS IN BOOTH AND TIME FOR
10 VOTING.

11 No more than one person shall be allowed to occupy
12 any voting booth at any time. No person shall occupy
13 such booth for more than three minutes to cast a vote.
14 Nothing in this section shall prohibit assistance to
15 voters under section 49.90. Nothing in this section
16 shall prohibit a voter from taking the voter's minor
17 children into the voting booth with the voter."

By JOHNIE HAMMOND
BILL FINK
JOE BOLKCOM

*o/b 4/5/00
(p.1033)*

S-3486 FILED APRIL 26, 1999

HOUSE FILE 656

S-3479

1 Amend House File 656, as passed by the House, as
2 follows:

3 1. Page 13, by inserting after line 31, the
4 following:

5 "Sec. ____ Section 49.73, subsection 2, Code 1999,
6 is amended to read as follows:

7 2. The commissioner shall not shorten voting hours
8 for any election if there is filed in the
9 commissioner's office, at least twenty-five days
10 before the election, a petition signed by at least
11 fifty eligible electors of the school district or
12 city, as the case may be, requesting that the polls be
13 opened not later than seven o'clock a.m. All polling
14 places where the candidates of or any public question
15 submitted by any one political subdivision are being
16 voted upon shall be opened at the same hour, except
17 that this requirement shall not apply to merged areas
18 established under chapter 260C. The hours at which
19 the respective precinct polling places are to open
20 shall not be changed after publication of the notice
21 required by section 49.53. The polling places shall
22 be closed at ~~nine-o'clock~~ eight p.m. for state-primary
23 ~~and-general-elections-and-other-partisan-elections,~~
24 ~~and-for-any-other-election-held-concurrently~~
25 ~~therewith,-and-at-eight-o'clock-p.m.-for all other~~
26 elections."

27 2. By renumbering as necessary.

By RICHARD F. DRAKE
SHELDON RITTMER

*Withdrawn 4/5/00
(p.1033)*

S-3479 FILED APRIL 26, 1999
DEFERRED

HOUSE FILE 656

S-3481

1 Amend House File 656, as passed by the House, as
2 follows:

- 3 1. Page 21, by striking lines 11 through 25.
- 4 2. By renumbering as necessary.

By JEFF ANGELO
JOHN P. KIBBIE

W/D 4/5/00 (p.1033)

S-3481 FILED APRIL 26, 1999

HOUSE FILE 656

S-3483

1 Amend House File 656, as passed by the House, as
2 follows:

- 3 1. Page 16, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section 50.19, unnumbered paragraph 2,
6 Code 1999, is amended to read as follows:

7 Material pertaining to elections for federal
8 offices, including voted ballots, precinct election
9 registers, declarations of eligibility signed by
10 voters, documents relating to absentee ballots, and
11 challenges of voters, shall be preserved for twenty-
12 two months after the election. If a contest is not
13 pending the materials may be destroyed at the end of
14 the retention period.

15 Sec. ____ . Section 50.19, Code 1999, is amended by
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Unvoted ballots for all
18 elections may be destroyed ten days following the
19 deadline to contest the election for which the ballots
20 were prepared or the day after final determination of
21 all pending contests of the election for which the
22 ballots were prepared, whichever is later."

- 23 2. By renumbering as necessary.

By JOHN P. KIBBIE
SHELDON RITTMER

W/P 4/6/00 (p.1033)

S-3483 FILED APRIL 26, 1999

HOUSE FILE 656

S-3484

1 Amend House File 656, as passed by the House, as
2 follows:

- 3 1. Page 1, by striking lines 33 and 34 and
4 inserting the following: "representatives in
5 Congress."

By MERLIN E. BARTZ

S-3484 FILED APRIL 26, 1999

W/D 4/6/00 (p.1032)

HOUSE FILE 656

-3493

- 1 Amend House File 656, as passed by the House, as
 2 follows:
 3 1. Page 15, by inserting after line 7 the
 4 following:
 5 "Sec. ____ . Section 49.109, Code 1999, is amended
 6 to read as follows:
 7 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE.
 8 Any person entitled to vote at an election in this
 9 state ~~who does not have three consecutive hours in the~~
 10 ~~period between the time of the opening and the time of~~
 11 ~~the closing of the polls during which the person is~~
 12 ~~not required to be present at work for an employer,~~ is
 13 entitled to such up to two hours of time off from work
 14 ~~time to vote as will in addition to the person's~~
 15 ~~nonworking time total three consecutive hours during~~
 16 ~~the time the polls are open. Application by any~~
 17 ~~employee for such absence shall be made individually~~
 18 ~~and in writing prior to the date of the election, and~~
 19 ~~the employer shall designate the period of time to be~~
 20 ~~taken.~~ The employee is not liable to any penalty nor
 21 shall any deduction be made from the person's regular
 22 salary or wages on account of such absence."
 23 2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

-3493 FILED APRIL 27, 1999

W/D 4/5/00 (p. 1033)

HOUSE FILE 656

S-3495

- 1 Amend the amendment, S-3479, to House File 656, as
 2 passed by the House, as follows:
 3 1. Page 1, line 26, by inserting after the word
 4 "elections." the following: "However, the polling
 5 places in a county shall remain open until 9:00 p.m.
 6 for any state primary and general elections and other
 7 partisan elections if by 7:00 p.m. on election day
 8 less than twenty-two percent of the registered voters
 9 in the county have cast a ballot."

By MARK SHEARER

O/O 4/5/00 (p. 1033)

S-3495 FILED APRIL 27, 1999

HOUSE FILE 656

S-3153

- 1 Amend House File 656, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 16 through 19.
 4 2. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, CHAIRPERSON*(P.) adopted 4/26/99*
S-3153 FILED MARCH 25, 1999

HOUSE FILE 656

S-3491

1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "elections." the following: "For state primary and
5 general elections and other partisan elections, the
6 polls in a county shall remain open until 9 p.m. if
7 there is filed in the commissioner's office, at least
8 twenty-five days before the election, a petition
9 signed by at least fifty eligible electors of the
10 county requesting that the polls be opened until 9
11 p.m."

By JOE BOLKCOM
ROBERT E. DVORSKY
MATT McCOY

0/0
4/5/00 (p. 1033)

S-3491 FILED APRIL 27, 1999

HOUSE FILE 656

S-3492

1 Amend the amendment, S-3479, to House File 656, as
2 passed by the House, as follows:
3 1. Page 1, line 26, by inserting after the word
4 "elections." the following: "However, for any state
5 primary election, general election, or other partisan
6 election, if during such election any voters in any
7 polling place in the county must wait at least thirty
8 minutes to cast a ballot, the polls shall be required
9 to remain open until 9 p.m. at every polling place in
10 the county at the next following state primary
11 election, general election, or other partisan
12 election."

By MICHAEL E. GRONSTAL

S-3492 FILED APRIL 27, 1999

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4/5/00
(p. 1033)

HOUSE FILE 656

S-5131

1 Amend House File 656, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 9 through 12.
4 2. Page 1, by inserting before line 13 the
5 following:
6 "Sec. _____. Section 39.3, Code 1999, is amended by
7 adding the following new subsection:
8 NEW SUBSECTION. 17. "Written" and "in writing"
9 may include any mode of representing words or letters
10 in general use. A signature, when required by law,
11 must be made by the writing or markings of the person
12 whose signature is required. If a person is unable
13 due to a physical disability to make a written
14 signature or mark, that person may substitute either
15 of the following in lieu of a signature required by
16 law:
17 a. The name of the person with a disability
18 written by another upon the request and in the
19 presence of the person with a disability.
20 b. A rubber stamp reproduction of the name or
21 facsimile of the actual signature of the person with a
22 disability when adopted by that person for all
23 purposes requiring a signature and then only when
24 affixed by that person or another upon the request and
25 in the presence of the person with a disability."
26 3. Page 2, line 5, by striking the word
27 "fourteen" and inserting the following: "eleven".
28 4. Page 7, line 21, by striking the word
29 "fourteen" and inserting the following: "eleven".
30 5. Page 9, by striking lines 25 through 34.
31 6. Page 11, by inserting after line 31 the
32 following:
33 "Sec. _____. Section 48A.30, subsection 1, paragraph
34 a, Code 1999, is amended to read as follows:
35 a. The registered voter dies. For the purposes of
36 this subsection, the commissioner may accept as
37 evidence of death a notice from the state registrar of
38 vital statistics forwarded by the state registrar of
39 voters, a written statement from a member of the
40 registered voter's household, an obituary in a
41 newspaper, a written statement from an election
42 official, or a notice from the ~~clerk-of-the-district~~
43 court-in county recorder of the county where the
44 registered voter died."
45 7. Page 12, by striking lines 10 through 12, and
46 inserting the following: "withdrawals by candidates
47 for the general election."
48 8. Page 14, by inserting after line 23, the
49 following:
50 "Sec. _____. Section 49.84, Code 1999, is amended by
S-5131 -1-

S-5131

Page 2

- 1 adding the following new unnumbered paragraph:
2 NEW UNNUMBERED PARAGRAPH. This section does not
3 prohibit a voter from taking minor children into the
4 voting booth with the voter.
5 Sec. _____. Section 49.88, Code 1999, is amended by
6 adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. This section does not
8 prohibit a voter from taking minor children into the
9 voting booth with the voter."
10 9. Page 17, by striking lines 8 through 14.
11 10. Page 18, line 35, by striking the figure
12 "2000," and inserting the following: "2001,".
13 11. Page 27, by striking lines 13 and 14.
14 12. Page 34, by striking lines 2 through 19.
15 13. Page 43, by inserting after line 21, the
16 following:
17 "Sec. _____. EFFECTIVE DATE. The sections of this
18 Act which amend sections 43.14, 45.5, and 45.6, take
19 effect January 1, 2001."
20 14. Title page, line 4, by inserting after the
21 word "laws" the following: "and providing an
22 effective date".
23 15. By renumbering as necessary.

By SHELDON RITTMER

S-5131 FILED MARCH 13, 2000

Adapted
4-5-00
(P 1032)

HOUSE FILE 656

S-5132

1 Amend House File 656, as passed by the House, as
2 follows:

3 1. Page 12, by inserting before line 13, the
4 following:

5 "Sec. _____. Section 49.53, unnumbered paragraph 1,
6 Code 1999, is amended to read as follows:

7 The commissioner shall not less than four nor more
8 than twenty days before the day of each election,
9 except those for which different publication
10 requirements are prescribed by law, publish notice of
11 the election. The notice shall contain a facsimile of
12 the portion of the ballot containing the first
13 rotation as prescribed by section 49.31, subsection 2,
14 and shall show the names of all candidates or nominees
15 and the office each seeks, and all public questions,
16 to be voted upon at the election. The sample ballot
17 published as a part of the notice may at the
18 discretion of the commissioner be reduced in size
19 relative to the actual ballot but such reduction shall
20 not cause upper case letters appearing on the
21 published sample ballot to be less than ~~five-thirty-~~
22 ~~sixths-of-an-inch-high-in-candidates'-names-or-in~~
23 ~~summaries-of-public-measures~~ the minimum type sizes
24 required in section 49.57. The notice shall also
25 state the date of the election, the hours the polls
26 will be open, the location of each polling place at
27 which voting is to occur in the election, the location
28 of the polling places designated as early ballot pick-
29 up sites, and the names of the precincts voting at
30 each polling place, but the statement need not set
31 forth any fact which is apparent from the portion of
32 the ballot appearing as a part of the same notice.
33 The notice shall include the full text of all public
34 measures to be voted upon at the election. The notice
35 shall also include notice of testing required pursuant
36 to sections 52.9, 52.35, and 52.38."

37 2. Page 16, by inserting after line 18 the
38 following:

39 "Sec. _____. Section 50.19, unnumbered paragraph 2,
40 Code 1999, is amended to read as follows:

41 Material pertaining to elections for federal
42 offices, including voted ballots, precinct election
43 registers, declarations of eligibility signed by
44 voters, documents relating to absentee ballots, and
45 challenges of voters, shall be preserved for twenty-
46 two months after the election. If a contest is not
47 pending the materials may be destroyed at the end of
48 the retention period.

49 Sec. _____. Section 50.19, Code 1999, is amended by
50 adding the following new unnumbered paragraph:

S-5132

-1-

S-5132

Page 2

1 NEW UNNUMBERED PARAGRAPH. Unvoted ballots for all
2 elections may be destroyed ten days following the
3 deadline to contest the election for which the ballots
4 were prepared or the day after final determination of
5 all pending contests of the election for which the
6 ballots were prepared, whichever is later."

7 3. Page 19, by inserting after line 1, the
8 following:

9 Sec. _____. Section 53.2, unnumbered paragraph 1,
10 Code 1999, is amended to read as follows:

11 Any registered voter, under the circumstances
12 specified in section 53.1, may on any day, except
13 election day, and not more than seventy days prior to
14 the date of the election, apply in person for an
15 absentee ballot at the commissioner's office or at any
16 location designated by the commissioner, or make
17 written application to the commissioner for an
18 absentee ballot. However, for those elections in
19 which the commissioner directs the polls be opened at
20 noon pursuant to section 49.73, a voter may apply in
21 person for an absentee ballot at the commissioner's
22 office from eight a.m. until eleven a.m. on election
23 day. The state commissioner shall prescribe a form
24 for absentee ballot applications. However, if a
25 registered voter submits an application that includes
26 all of the information required in this section, the
27 prescribed form is not required. Absentee ballot
28 applications may include instructions to send the
29 application directly to the county commissioner of
30 elections. However, no absentee ballot application
31 shall be preaddressed or printed with instructions to
32 send the applications to anyone other than the
33 appropriate commissioner."

34 4. By renumbering as necessary.

By SHELDON RITTMER

S-5132 FILED MARCH 13, 2000

Adopted
4-5-00
(P.1033)

SENATE AMENDMENT TO HOUSE FILE 656

H-8755

1 Amend House File 656, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 9 through 12.

4 2. Page 1, by inserting before line 13 the
5 following:

6 "Sec. ____ . Section 39.3, Code 1999, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 17. "Written" and "in writing"

9 may include any mode of representing words or letters
10 in general use. A signature, when required by law,
11 must be made by the writing or markings of the person
12 whose signature is required. If a person is unable
13 due to a physical disability to make a written
14 signature or mark, that person may substitute either
15 of the following in lieu of a signature required by
16 law:

17 a. The name of the person with a disability
18 written by another upon the request and in the
19 presence of the person with a disability.

20 b. A rubber stamp reproduction of the name or
21 facsimile of the actual signature of the person with a
22 disability when adopted by that person for all
23 purposes requiring a signature and then only when
24 affixed by that person or another upon the request and
25 in the presence of the person with a disability."

26 3. Page 1, by striking lines 16 through 19.

27 4. Page 1, by striking lines 23 through 27 and
28 inserting the following: "state shall be an eligible
29 elector. An elected official shall be a resident of
30 the state, district, county, township, city, or ward
31 by or for which the person was elected, or in which
32 the duties of the office are to be exercised, for
33 sixty days before the date of the election at which
34 the office is to be filled. An elected official
35 shall".

36 5. Page 2, line 5, by striking the word
37 "fourteen" and inserting the following: "eleven".

38 6. Page 7, line 21, by striking the word
39 "fourteen" and inserting the following: "eleven".

40 7. Page 9, by striking lines 25 through 34.

41 8. Page 11, by inserting after line 31 the
42 following:

43 "Sec. ____ . Section 48A.30, subsection 1, paragraph
44 a, Code 1999, is amended to read as follows:

45 a. The registered voter dies. For the purposes of
46 this subsection, the commissioner may accept as
47 evidence of death a notice from the state registrar of
48 vital statistics forwarded by the state registrar of
49 voters, a written statement from a member of the
50 registered voter's household, an obituary in a

H-8755

H-8755

Page 2

1 newspaper, a written statement from an election
2 official, or a notice from the ~~clerk-of-the-district~~
3 ~~court-in~~ county recorder of the county where the
4 registered voter died."

5 9. Page 12, by striking lines 10 through 12, and
6 inserting the following: "withdrawals by candidates
7 for the general election."

8 10. Page 12, by inserting before line 13, the
9 following:

10 "Sec. _____. Section 49.53, unnumbered paragraph 1,
11 Code 1999, is amended to read as follows:

12 The commissioner shall not less than four nor more
13 than twenty days before the day of each election,
14 except those for which different publication
15 requirements are prescribed by law, publish notice of
16 the election. The notice shall contain a facsimile of
17 the portion of the ballot containing the first
18 rotation as prescribed by section 49.31, subsection 2,
19 and shall show the names of all candidates or nominees
20 and the office each seeks, and all public questions,
21 to be voted upon at the election. The sample ballot
22 published as a part of the notice may at the
23 discretion of the commissioner be reduced in size
24 relative to the actual ballot but such reduction shall
25 not cause upper case letters appearing on the
26 published sample ballot to be less than ~~five-thirty-~~
27 ~~sixths-of-an-inch-high-in-candidates'-names-or-in~~
28 ~~summaries-of-public-measures~~ the minimum type sizes
29 required in section 49.57. The notice shall also
30 state the date of the election, the hours the polls
31 will be open, the location of each polling place at
32 which voting is to occur in the election, the location
33 of the polling places designated as early ballot pick-
34 up sites, and the names of the precincts voting at
35 each polling place, but the statement need not set
36 forth any fact which is apparent from the portion of
37 the ballot appearing as a part of the same notice.
38 The notice shall include the full text of all public
39 measures to be voted upon at the election. The notice
40 shall also include notice of testing required pursuant
41 to sections 52.9, 52.35, and 52.38."

42 11. Page 14, by inserting after line 23, the
43 following:

44 "Sec. _____. Section 49.84, Code 1999, is amended by
45 adding the following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. This section does not
47 prohibit a voter from taking minor children into the
48 voting booth with the voter.

49 Sec. _____. Section 49.88, Code 1999, is amended by
50 adding the following new unnumbered paragraph:

H-8755

-2-

H-8755

Page 3

1 NEW UNNUMBERED PARAGRAPH. This section does not
2 prohibit a voter from taking minor children into the
3 voting booth with the voter."

4 12. Page 16, by inserting after line 18 the
5 following:

6 "Sec. _____. Section 50.19, unnumbered paragraph 2,
7 Code 1999, is amended to read as follows:

8 Material pertaining to elections for federal
9 offices, including voted ballots, precinct election
10 registers, declarations of eligibility signed by
11 voters, documents relating to absentee ballots, and
12 challenges of voters, shall be preserved for twenty-
13 two months after the election. If a contest is not
14 pending the materials may be destroyed at the end of
15 the retention period.

16 Sec. _____. Section 50.19, Code 1999, is amended by
17 adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. Unvoted ballots for all
19 elections may be destroyed ten days following the
20 deadline to contest the election for which the ballots
21 were prepared or the day after final determination of
22 all pending contests of the election for which the
23 ballots were prepared, whichever is later."

24 13. Page 17, by striking lines 8 through 14.

25 14. Page 18, line 35, by striking the figure
26 "2000," and inserting the following: "2001,".

27 15. Page 19, by inserting after line 1, the
28 following:

29 "Sec. _____. Section 53.2, unnumbered paragraph 1,
30 Code 1999, is amended to read as follows:

31 Any registered voter, under the circumstances
32 specified in section 53.1, may on any day, except
33 election day, and not more than seventy days prior to
34 the date of the election, apply in person for an
35 absentee ballot at the commissioner's office or at any
36 location designated by the commissioner, or make
37 written application to the commissioner for an
38 absentee ballot. However, for those elections in
39 which the commissioner directs the polls be opened at
40 noon pursuant to section 49.73, a voter may apply in
41 person for an absentee ballot at the commissioner's
42 office from eight a.m. until eleven a.m. on election
43 day. The state commissioner shall prescribe a form
44 for absentee ballot applications. However, if a
45 registered voter submits an application that includes
46 all of the information required in this section, the
47 prescribed form is not required. Absentee ballot
48 applications may include instructions to send the
49 application directly to the county commissioner of
50 elections. However, no absentee ballot application

H-8755

-3-

H-8755

Page 4

- 1 shall be preaddressed or printed with instructions to
2 send the applications to anyone other than the
3 appropriate commissioner."
4 16. Page 27, by striking lines 13 and 14.
5 17. Page 34, by striking lines 2 through 19.
6 18. Page 34, by striking lines 30 and 31, and
7 inserting the following: "by the voters or when a
8 district ~~becomes-wholly-or-in-part-within~~ includes all
9 of a city of fifteen thousand population or more in
10 the".
11 19. Page 43, by inserting after line 21, the
12 following:
13 "Sec. ____ . EFFECTIVE DATE. The sections of this
14 Act which amend sections 43.14, 45.5, and 45.6, take
15 effect January 1, 2001."
16 20. Title page, line 4, by inserting after the
17 word "laws" the following: "and providing an
18 effective date".
19 21. By renumbering, relettering, or redesignating
20 and correcting internal references as necessary.

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