

House Study Bill 26

Bill Text

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1 1 Section 1. Section [39.2](#), subsection 1, unnumbered
1 2 paragraph 2, Code 1999, is amended to read as follows:
1 3 A special election shall not be held in conjunction with
1 4 the primary election. A special election shall not be held in
1 5 conjunction with a school election unless the special election
1 6 is for a school district or community college. A special
1 7 election shall not be held in conjunction with a regularly
1 8 scheduled election or special city primary or city runoff
1 9 election.

1 10 Sec. 2. Section [39.3](#), subsection 14, Code 1999, is amended
1 11 to read as follows:
1 12 14. "School election" means that election held pursuant to
1 13 section [277.1](#) or [277.2](#).

1 14 Sec. 3. NEW SECTION. 39.5 ELECTIONS AUTHORIZED.
1 15 The commissioner shall conduct only elections authorized or
1 16 required by state law.

1 17 Sec. 4. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.
1 18 Any person seeking election to an elective office under the
1 19 laws of this state shall be an eligible elector at the time of
1 20 any election at which the person's name appears on the ballot.

1 21 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
1 22 OFFICE.
1 23 Any person elected to an office under the laws of this
1 24 state shall be an eligible elector. At the time an elected
1 25 official takes office the official shall be a resident of the
1 26 state, district, county, township, city, or ward by or for
1 27 which the person was elected, or in which the duties of the
1 28 office are to be exercised. An elected official shall
1 29 continue to be a resident of the state, district, county,
1 30 township, city, or ward by or for which the person was
1 31 elected, or in which the duties of the office are to be
1 32 exercised for the duration of the term of office. This
1 33 section shall not apply to United States senators or
1 34 representatives in Congress or to members of the general
1 35 assembly.

2 1 Sec. 6. Section [43.14](#), Code 1999, is amended by striking
2 2 the section and inserting in lieu thereof the following:
2 3 43.14 FORM OF NOMINATION PAPERS.
2 4 1. Nomination papers shall include a petition and an
2 5 affidavit of candidacy. All nomination petitions shall be
2 6 eight and one-half by fourteen inches in size and in
2 7 substantially the form prescribed by the commissioner of
2 8 elections. They shall include or provide spaces for the
2 9 following information:
2 10 a. A statement identifying the signers of the petition as
2 11 eligible electors of the appropriate county or legislative
2 12 district and of the state.
2 13 b. The name of the candidate nominated by the petition.
2 14 c. For nomination petitions for candidates for the general
2 15 assembly, a statement that the residence of the candidate is
2 16 within the appropriate legislative district, or if that is not
2 17 true that the candidate will reside there within sixty days
2 18 before the election. For other offices, a statement of the
2 19 name of the county where the candidate resides.
2 20 d. The political party with which the candidate is a
2 21 registered voter.

2 22 e. The office sought by the candidate, including the
2 23 district number, if any.
2 24 f. The date of the primary election for which the
2 25 candidate is nominated.
2 26 Signatures on a petition page shall be counted only if the
2 27 required form is written or printed at the top of the page and
2 28 properly completed information. Nomination papers on behalf
2 29 of candidates for seats in the general assembly need only
2 30 designate the number of the senatorial or representative
2 31 district, as appropriate, and not the county or counties, in
2 32 which the candidate and the petitioners reside. A signature
2 33 line shall not be counted if the line lacks the signature of
2 34 the eligible elector, the signer's address and city, and the
2 35 date the person signed the petition. The person examining the
3 1 petition shall mark any deficiencies on the petition and
3 2 affidavit.
3 3 2. Signed nomination petitions and the signed and
3 4 notarized affidavit of candidacy shall not be altered to
3 5 correct deficiencies noted during examination. If the
3 6 nomination petition lacks a sufficient number of acceptable
3 7 signatures, the nomination petition shall be rejected and
3 8 shall be returned to the candidate.
3 9 The nomination papers shall be rejected if the affidavit
3 10 lacks any of the following:
3 11 a. The candidate's name.
3 12 b. The name of the office sought, including the district,
3 13 if any.
3 14 c. The political party name.
3 15 d. The signature of the candidate.
3 16 e. The signature of a notary public or other officer
3 17 empowered to witness oaths.
3 18 The candidate may replace a deficient affidavit with a
3 19 corrected affidavit only if the replacement affidavit is filed
3 20 before the filing deadline. The candidate may resubmit a
3 21 nomination petition that has been rejected by adding a
3 22 sufficient number of pages or signatures to correct the
3 23 deficiency. A nomination petition and affidavit filed to
3 24 replace rejected nomination papers shall be filed together
3 25 before the deadline for filing.
3 26 Sec. 7. Section [43.15](#), subsection 4, Code 1999, is amended
3 27 to read as follows:
3 28 4. When more than one sheet is used, the sheets shall be
3 29 neatly arranged and securely fastened together before filing,
3 30 and shall be considered one nomination

~~paper~~

~~petition.~~

3 31 Nomination petitions which are not securely fastened together
3 32 shall be returned to the candidate or the candidate's designee
3 33 without examination. The state commissioner shall prescribe
3 34 by rule the acceptable methods for binding nomination
3 35 petitions.

4 1 Sec. 8. Section [43.27](#), Code 1999, is amended to read as
4 2 follows:

4 3 43.27 PRINTING OF BALLOTS.

4 4 The ballots of each political party shall be printed in
4 5 black ink, on separate sheets of paper, uniform in

~~color,~~

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

4 13 uniform in color.

4 14 Sec. 9. Section 43.45, Code 1999, is amended by striking
4 15 the section and inserting in lieu thereof the following:

4 16 43.45 CANVASS OF VOTES.

4 17 1. Upon the closing of the polls the precinct election
4 18 officials shall immediately publicly canvass the vote. The
4 19 canvass shall be conducted using the procedures established in
4 20 subsection 2 or 3, whichever is appropriate for the voting
4 21 system used in the precinct.

4 22 2. In precincts where paper ballots are used, precinct
4 23 election officials shall do all of the following:

4 24 a. Place the ballots of the several political parties in
4 25 separate piles.

4 26 b. Separately count the ballots of each party, and make
4 27 the correct entries thereof on the tally sheets.

4 28 c. Certify to the number of votes cast upon the ticket of
4 29 each political party for each candidate for each office.

4 30 d. Place the ballots cast on behalf of each of the parties
4 31 in separate envelopes. Seal each envelope and place the
4 32 signature of all board members of the precinct across the seal
4 33 of the envelope so that it cannot be opened without breaking
4 34 the seal.

4 35 e. On the outside of each envelope enter the number of
5 1 ballots cast by each party in the precinct and contained in
5 2 the envelope.

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

5 10 g. Enter on the envelope the total number of voters of
5 11 each party who cast ballots in the precinct.

5 12 h. Communicate the results in the manner required by
5 13 section 50.11, to the commissioner of the county in which the
5 14 polls are located, who shall remain on duty until the results
5 15 are communicated to the commissioner from each polling place
5 16 in the county.

5 17 3. In precincts where voting machines are used, precinct
5 18 election officials shall do all of the following:

5 19 a. Close the machines to prevent additional voting, and
5 20 print the results for the precinct.

5 21 b. Tabulate all write-in votes. If necessary, add the
5 22 votes, including write-in votes, from all machines to obtain
5 23 the total number of votes cast in the precinct by the members
5 24 of each political party for each office on the ballot.

5 25 c. Put any forms used by voters to cast write-in votes in
5 26 an envelope with one copy of the printed results from each
5 27 voting machine. Seal the envelope and place the signature of
5 28 all board members of the precinct across the seal of the
5 29 envelope so that it cannot be opened without breaking the
5 30 seal.

5 31 d. On the outside of the envelope enter the number of
5 32 voters from each party in the precinct. Report the number of
5 33 votes cast for each office by the voters of each political
5 34 party. A copy of the printed tape from the voting machine may
5 35 be used to report vote totals.

6 1 e. Communicate the results to the commissioner in the
6 2 manner required by section 50.11. The commissioner shall
6 3 remain on duty until the results are communicated to the
6 4 commissioner from each polling place in the county.

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

6 7 a. Close and secure the ballot reader to prevent the
6 8 insertion of additional ballots.

6 9 b. Print the results for the precinct.

6 10 c. Open the ballot container. Secure all ballots counted
6 11 by the vote-tabulating device. Sort the remaining ballots by
6 12 party. Tally all write-in votes and any other ballots not yet
6 13 counted. Record the results in the tally list.

6 14 d. Put all ballots in an envelope or other package and
6 15 seal it. All members of the board shall sign their names
6 16 across the seal of the envelope. The seal shall be placed so
6 17 that the envelope or package cannot be opened without breaking
6 18 the seal.

6 19 5. To perform the central count, precinct election
6 20 officials shall follow the procedures in section 52.32.

6 21 Sec. 10. Section [43.48](#), Code 1999, is amended to read as
6 22 follows:

6 23 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

6 24 Any elector of the county shall have the right, before the
6 25 day fixed for canvassing the returns, to ascertain the vote
6 26 cast for any candidate in any precinct in the county, as shown
6 27 on the outside of the envelope containing the tally list or on
6 28 printed reports from voting machines or electronic voting
6 29 systems.

6 30 Sec. 11. Section [44.4](#), unnumbered paragraph 1, Code 1999,
6 31 is amended to read as follows:

6 32 Nominations made pursuant to this chapter and chapter 45
6 33 which are required to be filed in the office of the state
6 34 commissioner shall be filed in that office not more than
6 35 ninety-nine days nor later than five p.m. on the eighty-first
7 1 day before the date of the general election to be held in
7 2 November. Nominations made for a special election called
7 3 pursuant to section 69.14 shall be filed by five p.m. not less
7 4 than twenty-five days before the date of an election called
7 5 upon at least forty days' notice and not less than fourteen
7 6 days before the date of an election called upon at least
7 7 eighteen days' notice. Nominations made for a special
7 8 election called pursuant to section 69.14A shall be filed by
7 9 five p.m. not less than

~~twenty~~

- twenty-five days before the

7 10 date of the election. Nominations made pursuant to this
7 11 chapter and chapter 45 which are required to be filed in the
7 12 office of the commissioner shall be filed in that office not
7 13 more than ninety-two days nor later than five p.m. on the
7 14 sixty-ninth day before the date of the general election.
7 15 Nominations made pursuant to this chapter or chapter 45 for
7 16 city office shall be filed not more than seventy-two days nor
7 17 later than five p.m. on the forty-seventh day before the city
7 18 election with the city clerk, who shall process them as
7 19 provided by law.

7 20 Sec. 12. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

7 21 Nomination papers shall include a petition and an affidavit
7 22 of candidacy. All nomination petitions shall be eight and
7 23 one-half by fourteen inches in size and shall be in
7 24 substantially the form prescribed by the state commissioner of
7 25 elections. They shall provide spaces for the following
7 26 information:

7 27 1. A statement identifying the signers of the petition as
7 28 eligible electors of the appropriate county or legislative
7 29 district and of the state of Iowa.

7 30 2. The name of the candidate nominated by the petition.

7 31 3. A statement that the candidate is a resident of the
7 32 appropriate ward, city, county, school district, or
7 33 legislative or other district as required by section 45.1.

7 34 4. The office sought by the candidate, including the
7 35 district number, if any.

8 1 5. The name and date of the election for which the
8 2 candidate is nominated.

8 3 Signatures on a petition page shall be counted only if the

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

8 15 The pages of the petition shall be securely fastened
8 16 together to form a single bundle. Nomination petitions that
8 17 are not bound shall be returned without further examination.
8 18 The state commissioner shall prescribe by rule the acceptable
8 19 methods for binding nomination petitions.

8 20 Signed nomination petitions and the signed and notarized
8 21 affidavit of candidacy shall not be altered to correct
8 22 deficiencies noted during the examination. If the nomination
8 23 petition lacks a sufficient number of acceptable signatures,
8 24 the nomination papers shall be rejected and returned to the
8 25 candidate.

8 26 The nomination papers shall be rejected if the affidavit
8 27 lacks any of the following:

- 8 28 a. The candidate's name.
- 8 29 b. The name of the office sought, including the district,
8 30 if any.
- 8 31 c. The signature of the candidate.
- 8 32 d. The signature of a notary public or other officer
8 33 empowered to witness oaths.

8 34 The candidate may replace a deficient affidavit with a
8 35 corrected one only if the replacement is filed before the
9 1 filing deadline. The candidate may resubmit a nomination
9 2 petition that has been rejected by adding a sufficient number
9 3 of pages or signatures to correct the deficiency. A
9 4 nomination petition and affidavit filed to replace rejected
9 5 nomination papers shall be filed together before the deadline
9 6 for filing.

9 7 Sec. 13. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

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

- 9 10 1. A signer may sign nomination petitions for more than
9 11 one candidate for the same office, and the signature is not
9 12 invalid solely because the signer signed nomination petitions
9 13 for one or more other candidates for the office.
- 9 14 2. Each signer shall add the signer's residence, with
9 15 street and number, if any, and the date of signing.
- 9 16 3. All signers, for all nominations, of each separate part
9 17 of a nomination petition, shall reside in the appropriate
9 18 ward, city, county, school district, or legislative or other
9 19 district as required by section 45.1.
- 9 20 4. When more than one sheet is used, the sheets shall be
9 21 neatly arranged and securely fastened together before filing,
9 22 and shall be considered one nomination petition.
- 9 23 5. Only one candidate shall be petitioned for or nominated
9 24 in the same nomination petition, except for the offices of
9 25 governor and lieutenant governor, and president and vice
9 26 president.

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

- 9 29 1. Registration closes at five p.m. eleven days before
9 30 each election except

~~primary and~~
- general elections. For
9 31

~~primary and~~

- general elections, registration closes at five
9 32 p.m. ten days before the election. An eligible elector may
9 33 register during the time registration is closed in the
9 34 elector's precinct but the registration shall not become
9 35 effective until registration opens again in the elector's
10 1 precinct.
10 2 Sec. 15. Section [48A.9](#), subsection 2, Code 1999, is
10 3 amended to read as follows:
10 4 2. The commissioner's office shall be open from eight a.m.
10 5 until at least five p.m. on the day registration closes before
10 6 each regularly scheduled election. However, if the last day
10 7 to register to vote for a regularly scheduled election falls
10 8 on the day after Thanksgiving, the deadline shall be the
10 9 following Monday.
10 10 Sec. 16. Section [48A.27](#), subsection 4, paragraph c,
10 11 unnumbered paragraph 2, Code 1999, is amended to read as
10 12 follows:
10 13 The notice shall be sent by forwardable mail, and shall
10 14 include a postage paid preaddressed return card on which the
10 15 registered voter may state the registered voter's current
10 16 address. The notice shall contain a statement in
10 17 substantially the following form: "Information received from
10 18 the United States postal service indicates that you are no
10 19 longer a resident of, and therefore not eligible to vote in
10 20 (name of county) County, Iowa. If this information is not
10 21 correct, and you still live in (name of county) County, please
10 22 complete and mail the attached postage paid card at least ten
10 23 days before the primary or general election and at least
10 24 eleven days before any other election at which you wish to
10 25 vote. If the information is correct and you have moved,
10 26 please contact a local official in your new area for
10 27 assistance in registering there. If you do not mail in the
10 28 card, you may be required to show identification

~~proving your~~

-
10 29

~~residence in (name of county) County~~

- before being allowed to
10 30 vote in (name of county) County. If you do not return the
10 31 card, and you do not vote in an election in (name of county)
10 32 County, Iowa, on or before (date of second general election
10 33 following the date of the notice) your name will be removed
10 34 from the list of voters in that county. To ensure you receive
10 35 this notice, it is being sent to both your most recent
11 1 registration address and to your new address as reported by
11 2 the postal service."
11 3 Sec. 17. Section [48A.28](#), subsection 3, unnumbered
11 4 paragraph 2, Code 1999, is amended to read as follows:
11 5 The form and language of the confirmation notice and return
11 6 card shall be specified by the state voter registration
11 7 commission by rule.
11 8 Sec. 18. Section [48A.29](#), subsection 3, unnumbered
11 9 paragraph 2, Code 1999, is amended to read as follows:
11 10 The notice shall be sent by forwardable mail, and shall
11 11 include a postage paid preaddressed return card on which the
11 12 registered voter may state the registered voter's current
11 13 address. The notice shall contain a statement in
11 14 substantially the following form: "Information received by
11 15 this office indicates that you are no longer a resident of
11 16 (residence address) in (name of county) County, Iowa. If the
11 17 information is not correct, and you still live at that
11 18 address, please complete and mail the attached postage paid
11 19 card at least ten days before the primary or general election
11 20 and at least eleven days before any other election at which

11 21 you wish to vote. If the information is correct, and you have
11 22 moved within the county, you may update your registration by
11 23 listing your new address on the card and mailing it back. If
11 24 you have moved outside the county, please contact a local
11 25 official in your new area for assistance in registering there.
11 26 If you do not mail in the card, you may be required to show
11 27 identification

~~proving your residence in (name of county)~~

11 28

~~County~~

~~before being allowed to vote in (name of county)~~

11 29 County. If you do not return the card, and you do not vote in
11 30 some election in (name of county) County, Iowa, on or before
11 31 (date of second general election following the date of the
11 32 notice) your name will be removed from the list of registered
11 33 voters in that county."

11 34 Sec. 19. Section [49.30](#), subsection 1, Code 1999, is
11 35 amended to read as follows:

12 1 1. Where special paper ballots are used, if it is not
12 2 possible to include all offices and public measures on a
12 3 single ballot, separate ballots may be provided for township
12 4 offices, nonpartisan offices, judges, or public measures.

12 5 Sec. 20. Section [49.31](#), subsection 2, Code 1999, is
12 6 amended by adding the following new unnumbered paragraph:

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

12 15 Sec. 21. Section [49.57](#), subsection 4, Code 1999, is
12 16 amended to read as follows:

12 17 4. On ballots that will be counted by electronic
12 18 tabulating equipment, ballots shall include a voting target
12 19 next to the name of each candidate. The position, shape, and
12 20 size of the targets shall be appropriate for the equipment to
12 21 be used in counting the votes. Where paper ballots are used,
12 22 a square

~~, the sides of which shall not be less than one fourth~~

12 23

~~of an inch in length,~~

~~may be printed at the beginning of each~~

12 24 line in which the name of a candidate is printed, except as
12 25 otherwise provided.

12 26 Sec. 22. Section [49.64](#), Code 1999, is amended to read as
12 27 follows:

12 28 49.64 NUMBER OF BALLOTS DELIVERED.

12 29 The commissioner shall

~~cause ballots of the kind to be~~

12 30

~~voted in each precinct, to be delivered~~

~~deliver to the~~

12 31 precinct election officials

~~as follows: in general elections~~

12 32

~~which are presidential elections seventy five ballots for~~

12 33

~~every fifty votes, or fraction thereof, cast in said precinct~~

12 34

~~at the last preceding general election which was also a~~

12 35

~~presidential election; and in general elections which are not~~

13 1

~~presidential elections, seventy five ballots for every fifty~~

13 2

~~votes, or fraction thereof, cast therein at the last preceding~~

13 3

~~general election which was not a presidential election~~

~~a~~

13 4 sufficient number of ballots of each kind to be voted in the
13 5 precinct. In determining the number of ballots, the
13 6 commissioner shall take into consideration the number of
13 7 active and inactive registered voters in the precinct, the
13 8 number of people who voted in the precinct in previous similar
13 9 elections, the number of contested and uncontested races on
13 10 the ballot, public measures appearing on the ballot, and the
13 11 local political conditions that may affect participation in
13 12 the election.

13 13 Sec. 23. Section [49.70](#), Code 1999, is amended to read as
13 14 follows:

13 15 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

13 16 The commissioner shall cause copies of the foregoing
13 17 instructions to be printed in large, clear type, under the
13 18 heading of "

~~Card of~~

~~Instructions for Voters", and shall~~

13 19 furnish the precinct election officials with a sufficient
13 20 number of such

~~cards~~

~~instructions as will enable them to~~

13 21 comply with section 49.71.

13 22 Sec. 24. Section [49.73](#), subsection 1, paragraph b, Code
13 23 1999, is amended to read as follows:

13 24 b. Any election conducted for a city of three thousand
13 25 five hundred or less population, including a local option
13 26 sales and services tax election conducted pursuant to section
13 27 422B.1. At elections conducted pursuant to chapter 422B.
13 28 contiguous cities shall have the same voting hours.

13 29 Sec. 25. Section [49.73](#), subsection 1, is amended by adding
13 30 the following new paragraph:

13 31 NEW PARAGRAPH. e. The unincorporated area of any county
13 32 voting on a local option sales and services tax pursuant to
13 33 section 422B.1.

13 34 Sec. 26. Section [49.79](#), Code 1999, is amended to read as
13 35 follows:

14 1 49.79 CHALLENGES.

14 2 Any person offering to vote may be challenged as
14 3 unqualified by any precinct election official or

~~elector; and~~

14 4

~~it~~

~~registered voter.~~ It is the duty of each official to
14 5 challenge any person offering to vote whom the official knows
14 6 or suspects is not duly qualified. A ballot shall be received
14 7 from a voter who is challenged, but only in accordance with
14 8 section 49.81.

14 9 Sec. 27. Section [49.81](#), subsection 2, unnumbered paragraph
14 10 2, Code 1999, is amended to read as follows:

14 11 Your qualifications as a registered voter have been
14 12 challenged for the following reasons:

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

14 16 Your right to vote will be reviewed by the special precinct
14 17 counting board on You have the right and are
14 18 encouraged to make a written statement and submit additional
14 19 written evidence to this board supporting your qualifications
14 20 as a registered voter. This written statement and evidence
14 21 may be given to an election official of this precinct on
14 22 election day or mailed or delivered to the county commissioner
14 23 of elections, but must be received

~~prior to noon~~

~~before~~

14 24 a.m./p.m. on at If your ballot is not counted
14 25 you will receive notification of this fact.

14 26 Sec. 28. Section [49.96](#), Code 1999, is amended to read as
14 27 follows:

14 28 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.
14 29 Where more than one person is to be elected to the same
14 30 office at the same election, and all of the candidates for
14 31 that office for whom the voter desires to vote were nominated
14 32 by the political party or nonparty political organization for
14 33 which the voter has marked a straight party or organization
14 34 vote, the voter need not otherwise indicate the vote for that
14 35 office. However, if a voter who has marked a straight party
15 1 or organization ticket also marks the voting targets next to
15 2 the names of one or more candidates of the same party or
15 3 organization, only the votes cast separately for individual
15 4 candidates for that office shall be counted. If the voter
15 5 wishes to vote for candidates who were nominated by different
15 6 political parties or nonparty political organizations, the
15 7 voter must mark the voting target for each candidate the voter
15 8 has chosen, whether or not the voter has also marked a
15 9 straight party or organization vote.

15 10 Sec. 29. Section [50.11](#), Code 1999, is amended to read as
15 11 follows:

15 12 50.11 PROCLAMATION OF RESULT.
15 13 When the canvass is completed one of the precinct election
15 14 officials shall publicly announce the total number of votes
15 15 received by each of the persons voted for, the office for
15 16 which the person is designated, as announced by the designated
15 17 tally keepers, and the number of votes for, and the number of
15 18 votes against, any proposition which shall have been submitted
15 19 to a vote of the people

~~, and the~~

~~A precinct election~~
15 20 official shall communicate

~~—said information~~

~~- the election~~

15 21 results by telephone

~~—or telegraph~~

~~- or in person to the~~

15 22 commissioner who is conducting the election immediately upon
15 23 completion of the canvass

~~—; and the~~

~~—~~
15 24 Election results may be transmitted electronically from
15 25 voting equipment to the commissioner's office only after the
15 26 precinct election officials have produced a written report of
15 27 the election results. The devices used for the electronic
15 28 transmission of election results shall be approved for use by
15 29 the board of examiners pursuant to section 52.41. The state
15 30 commissioner of elections shall adopt rules establishing
15 31 procedures for the electronic transmission of election
15 32 results.

15 33 The commissioner shall remain on duty until such
15 34 information is communicated to the commissioner from each
15 35 polling place in the commissioner's county.

16 1 Sec. 30. Section [50.12](#), Code 1999, is amended to read as
16 2 follows:

16 3 50.12 RETURN AND PRESERVATION OF BALLOTS.

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

16 21 Sec. 31. Section [50.48](#), subsection 2, unnumbered paragraph
16 22 1, Code 1999, is amended to read as follows:

16 23 The candidate requesting a recount under this section shall
16 24 post a bond, unless the abstracts prepared pursuant to section
16 25 50.24, or section 43.49 in the case of a primary election,
16 26 indicate that the difference between the total number of votes
16 27 cast for the apparent winner and the total number of votes
16 28 cast for the candidate requesting the recount is less than the
16 29 greater of fifty votes or one percent of the total number of
16 30 votes cast for the office or nomination in question. If a
16 31 recount is requested for an office to which more than one
16 32 person was elected, the vote difference calculations shall be
16 33 made using the difference between the number of votes received
16 34 by the person requesting the recount and the number of votes
16 35 received by the apparent winner who received the fewest votes.

17 1 Where votes cast for that office or nomination were canvassed
17 2 in more than one county, the abstracts prepared by the county
17 3 boards in all of those counties shall be totaled for purposes
17 4 of this subsection. If a bond is required, it shall be filed
17 5 with the state commissioner for recounts involving a state
17 6 office, including a seat in the general assembly, or a seat in
17 7 the United States Congress, and with the commissioner
17 8 responsible for conducting the election in all other cases,
17 9 and shall be in the following amount:

17 10 Sec. 32. Section [50.48](#), subsection 3, paragraph b, Code
17 11 1999, is amended to read as follows:

17 12 b. A designee of the apparent winning candidate, who shall
17 13 be named by that candidate at or before the time the board is
17 14 required to convene. If a recount is requested for an office
17 15 to which more than one person was elected, every person who
17 16 was declared elected may name a member of the recount board.

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

17 19 The petitioners requesting the recount shall post a bond as
17 20 required by section 50.48, subsection 2. The amount of the
17 21 bond shall be one thousand dollars for a public measure
17 22 appearing on the ballot statewide or one hundred dollars for
17 23 any other public measure. If the difference between the
17 24 affirmative and negative votes cast on the public measure is
17 25 less than the greater of fifty votes or one percent of the
17 26 total number of votes cast for and against the question, a
17 27 bond is not required. If approval by sixty percent of the
17 28 votes cast is required for adoption of the public measure, no
17 29 bond is required if the difference between sixty percent of
17 30 the total votes cast for and against the question and the
17 31 number of votes cast for the losing side is less than the
17 32 greater of fifty votes or one percent of the total number of
17 33 votes cast.

17 34 Sec. 34. Section [50.50](#), unnumbered paragraph 1, Code 1999,
17 35 is amended to read as follows:

18 1 The commissioner who was responsible for conducting an
18 2 election may request an administrative recount when the
18 3 commissioner suspects that voting equipment used in the
18 4 election malfunctioned or that programming errors may have
18 5 affected the outcome of the election, or if the precinct
18 6 election officials report counting errors to the commissioner
18 7 after the conclusion of the canvass of votes in the precinct.
18 8 An administrative recount shall be conducted by the board of
18 9 the special precinct established by section 53.23. Bond shall
18 10 not be required for an administrative recount. The state
18 11 commissioner may adopt rules for administrative recounts.

18 12 Sec. 35. Section [52.37](#), subsection 1, Code 1999, is
18 13 amended to read as follows:

18 14 1. The sealed ballot container from each precinct shall be
18 15 delivered to the counting center by two

~~of the~~
- election
18 16 officials

~~of that precinct~~

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

18 29 Sec. 36. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
18 30 ELECTION RESULTS.

18 31 With the advice of the board of examiners for voting
18 32 machines and electronic voting systems, the state commissioner
18 33 shall adopt by rule standards for the examination and testing
18 34 of devices for the electronic transmission of election
18 35 results. All voting systems which contain devices for the

19 1 electronic transmission of election results submitted to the
19 2 examiners for examination and testing after January 1, 2000,
19 3 shall comply with these standards.

19 4 Sec. 37. Section [53.8](#), subsection 1, Code 1999, is amended
19 5 to read as follows:

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

19 20 Sec. 38. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
19 21 COMMISSIONER'S OFFICE.

19 22 Not more than forty days before the date of the primary
19 23 election or the general election, the commissioner shall
19 24 provide facilities for absentee voting in person at the
19 25 commissioner's office. This service shall also be provided
19 26 for other elections as soon as the ballots are ready.

19 27 Each person who wishes to vote by absentee ballot at the
19 28 commissioner's office shall first sign an application for a
19 29 ballot including the following information: name, current
19 30 address, and the election for which the ballot is requested.
19 31 The person may report a change of address or other information
19 32 on the person's voter registration record at that time. The
19 33 registered voter shall immediately mark the ballot, enclose
19 34 the ballot in a secrecy envelope, if necessary, and seal it in
19 35 a ballot envelope, subscribe to the affidavit on the reverse
20 1 side of the envelope, and return the absentee ballot to the
20 2 commissioner. The commissioner shall record the numbers
20 3 appearing on the application and ballot envelope along with
20 4 the name of the registered voter.

20 5 During the hours when absentee ballots are available in the
20 6 office of the commissioner, the posting of political signs is
20 7 prohibited within thirty feet of the absentee voting site. No
20 8 electioneering shall be allowed within the sight or hearing of
20 9 voters at the absentee voting site.

20 10 Sec. 39. Section [53.11](#), unnumbered paragraph 1, Code 1999,
20 11 is amended by striking the unnumbered paragraph.

20 12 Sec. 40. Section [53.11](#), unnumbered paragraph 2, Code 1999,
20 13 is amended to read as follows:

20 14 Satellite absentee voting stations

~~shall~~

- may be established

20 15 throughout the cities and county at the direction of the
20 16 commissioner

~~or~~

- and shall be established upon receipt of a

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

20 25 Sec. 41. Section [53.11](#), Code 1999, is amended by adding
20 26 the following new unnumbered paragraphs:

20 27 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting
20 28 at satellite absentee voting stations shall be the same as
20 29 specified in section 53.10 for voting at the commissioner's
20 30 office. Additional procedures shall be prescribed by rule by
20 31 the state commissioner.

20 32 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
20 33 ballots are available at a satellite absentee voting station,
20 34 the posting of political signs is prohibited within thirty
20 35 feet of the satellite absentee voting station. No
21 1 electioneering shall be allowed within the sight or hearing of
21 2 voters at the satellite absentee voting station.

21 3 Sec. 42. Section 53.18, Code 1999, is amended to read as
21 4 follows:

21 5 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

21 6 Upon receipt of the absentee ballot, the commissioner shall
21 7 at once record the number appearing on the application and
21 8 return carrier envelope and time of receipt of such ballot and
21 9 attach the elector's application to the unopened envelope.
21 10 Absentee ballots shall be stored in a secure place until they
21 11 are delivered to the absentee and special voters precinct
21 12 board.

21 13 Sec. 43. Section 53.19, unnumbered paragraph 3, Code 1999,
21 14 is amended to read as follows:

21 15 However, any registered voter who has received an absentee
21 16 ballot and not returned it, may surrender the absentee ballot
21 17 to the precinct officials and vote in person at the polls.
21 18 The precinct officials shall mark the uncast absentee ballot
21 19 "void" and return it to the commissioner. Any registered
21 20 voter who has been sent an absentee ballot by mail but for any
21 21 reason has not received it or who has not brought the ballot
21 22 to the polls, may appear at the voter's precinct polling place
21 23 on election day and

~~sign an affidavit to that effect, after~~

21 24

~~which the voter shall be permitted to vote in person. Such~~

21 25

~~voter~~

~~shall cast a ballot in accordance with section 49.81.~~

21 26

~~The form of the affidavit for use in such cases shall be~~

21 27

~~prescribed by the state commissioner.~~

21 28 Sec. 44. Section 53.30, Code 1999, is amended to read as
21 29 follows:

21 30 53.30 BALLOT ENVELOPE PRESERVED.

21 31 At the conclusion of each meeting of the absentee and
21 32 special voter's precinct board, the board shall securely seal
21 33 all ballots counted by them in the manner prescribed in
21 34 section 50.12. The ballot envelopes, including the envelope
21 35 having the registered voter's affidavit

~~thereon~~

~~on it, the~~

22 1 return carrier envelope, and secrecy envelope bearing the
22 2 signatures of precinct election officials, as required by
22 3 section 53.23, shall be preserved. All applications for
22 4 absentee ballots, ballots rejected without being opened,
22 5 absentee ballot logs, and any other documents pertaining to

22 6 the absentee ballot process shall be preserved until such time
22 7 as the documents may be destroyed pursuant to section 50.19.
22 8 Sec. 45. Section 53.38, Code 1999, is amended to read as
22 9 follows:
22 10 53.38

~~AFFIDAVIT~~

~~WHAT CONSTITUTES REGISTRATION.~~

22 11 Whenever a ballot is requested pursuant to section 53.39 or
22 12 53.45 on behalf of a voter in the armed forces of the United
22 13 States, the affidavit upon the ballot envelope of such voter,
22 14 if the voter is found to be an eligible elector of the county
22 15 to which the ballot is submitted, shall constitute a
22 16 sufficient registration under

~~the provisions of~~

~~chapter 48A~~

22 17

~~and the~~

~~A completed federal postcard registration and~~

22 18 federal absentee ballot request form submitted by such
22 19 eligible elector shall also constitute a sufficient
22 20 registration under chapter 48A. The commissioner shall place
22 21 the voter's name on the registration record as a registered
22 22 voter, if it does not already appear there.

22 23 Sec. 46. Section 53.40, unnumbered paragraph 1, Code 1999,
22 24 is amended to read as follows:

22 25 A request in writing for a ballot may be made by any member
22 26 of the armed forces of the United States who is or will be a
22 27 qualified voter on the day of the election at which the ballot
22 28 is to be cast, at any time before the election. Any member of
22 29 the armed forces of the United States may request ballots for
22 30 all elections to be held within a calendar year. The request
22 31 may be made by using the federal postcard application form and
22 32 indicating that the applicant wishes to receive ballots for
22 33 all elections as permitted by state law. The county

~~auditor~~

22 34 commissioner shall send the applicant a ballot for each
22 35 election held during the calendar year in which the
23 1 application is received. The commissioner shall forward a
23 2 copy of the absentee ballot request to other commissioners who
23 3 are responsible under section 47.2, subsection 2, for
23 4 conducting elections in which the applicant is eligible to
23 5 vote.

23 6 Sec. 47. Section 57.1, subsection 2, is amended by adding
23 7 the following new paragraph after paragraph f and relettering
23 8 the subsequent paragraphs:

23 9 NEW PARAGRAPH. g. That the public measure or office was
23 10 not authorized or required by state law to appear on the
23 11 ballot at the election being contested.

23 12 Sec. 48. NEW SECTION. 62.5A STATEMENT OF INTENT TO
23 13 CONTEST.

23 14 1. Within twenty days after the board of supervisors
23 15 declares a winner from the canvass of an election, the
23 16 contestant shall file with the commissioner a written
23 17 statement of intention to contest the election. If a recount
23 18 is held for the office in question, and the recount board
23 19 finds that the winner was someone other than the person
23 20 declared at the original canvass of votes, a contest may be
23 21 filed within twenty days after the board of supervisors
23 22 declares a winner from the recount of votes.

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

23 24 a. The name of the contestant and that the contestant is
23 25 qualified to hold such office.

23 26 b. The name of the incumbent.
23 27 c. The office contested.
23 28 d. The date of the election.
23 29 e. The particular causes of the contest pursuant to
23 30 section 57.1, subsection 2. If a cause of the contest is an
23 31 allegation that illegal votes were received or that legal
23 32 votes were rejected, a statement shall be included setting
23 33 forth the names of the persons who are alleged to have voted
23 34 illegally or whose votes were rejected and the precinct where
23 35 they voted or offered to vote.
24 1 f. The affidavit of the contestant, or some elector of the
24 2 county, affirming the causes set forth are true.
24 3 Sec. 49. Section [69.2](#), Code 1999, is amended to read as
24 4 follows:
24 5 69.2 WHAT CONSTITUTES VACANCY.
24 6 1. Every civil office shall be vacant if any of the
24 7 following events occur:
24 8

~~1.~~

- a. A failure to elect at the proper election, or to
24 9 appoint within the time fixed by law, unless the incumbent
24 10 holds over.
24 11

~~2.~~

- b. A failure of the incumbent or holdover officer to
24 12 qualify within the time prescribed by law.
24 13

~~3.~~

- c. The incumbent ceasing to be a resident of the state,
24 14 district, county, township, city, or ward by or for which the
24 15 incumbent was elected or appointed, or in which the duties of
24 16 the office are to be exercised. This subsection shall not
24 17 apply to appointed city officers.
24 18

~~4.~~

- d. The resignation or death of the incumbent, or of the
24 19 officer-elect before qualifying.
24 20

~~5.~~

- e. The removal of the incumbent from, or forfeiture of,
24 21 the office, or the decision of a competent tribunal declaring
24 22 the office vacant.
24 23

~~6.~~

- f. The conviction of the incumbent of a felony, an
24 24 aggravated misdemeanor, or of any public offense involving the
24 25 violation of the incumbent's oath of office.
24 26

~~7.~~

- g. The board of supervisors declares a vacancy in an
24 27 elected county office upon finding that the county officer has
24 28 been physically absent from the county for sixty consecutive
24 29 days except in the case of a medical emergency; temporary
24 30 active military duty; or temporary service with another
24 31 government service, agency, or department.
24 32

~~8.~~

- h. The incumbent simultaneously holding more than one
24 33 elective office at the same level of government. This

24 34 subsection does not apply to the following offices: county
24 35 agricultural extension council, soil and water conservation
25 1 district commission, or regional library board of trustees.
25 2

~~9.~~

- i. An incumbent statewide elected official or member of

25 3 the general assembly simultaneously holding more than one
25 4 elective office.

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

25 27 3. The officer against whom the judgment was rendered may
25 28 appeal to the district court no later than twenty days after
25 29 official publication of the decision. However, the appeal
25 30 will not supersede the execution of the judgment of the
25 31 appointing entity or officer, unless the party gives a bond,
25 32 with security to be approved by the district judge in a sum to
25 33 be fixed by the judge. The amount of the bond shall be at
25 34 least double the probable compensation of such officer for six
25 35 months, which bond shall be conditioned that the officer will
26 1 prosecute the appeal without delay, and that, if the judgment
26 2 appealed from is affirmed, the party will pay over to the
26 3 successful party all compensation received by the party while
26 4 in possession of the office after the judgment appealed from
26 5 was rendered. The court shall hear the appeal in equity and
26 6 determine anew all questions arising in the case.

26 7 4. If, upon appeal, the judgment is affirmed, the district
26 8 court may render judgment upon the bond for the amount of
26 9 damages awarded against the appellant and the sureties on the
26 10 bond.

26 11 Sec. 50. Section [69.12](#), subsection 1, paragraph a, Code
26 12 1999, is amended to read as follows:

26 13 a. A vacancy shall be filled at the next pending election
26 14 if it occurs:

26 15 (1) Seventy-four or more days

~~prior to~~

- before the

26 16 election, if it is a general

~~or primary~~

- election.

26 17 (2) Fifty-two or more days

~~prior to~~

- before the election.

26 18 if it is a regularly scheduled or special city election.

26 19 However, for those cities which may be required to hold a
26 20 primary election, the vacancy shall be filled at the next
26 21 pending election if it occurs seventy-three or more days
26 22 before a regularly scheduled or special city election.
26 23 (3) Forty-five or more days

~~— prior to~~

- before the election,
26 24 if it is a regularly scheduled school election.
26 25 (4) Forty or more days

~~— prior to~~

- before the election, if it
26 26 is a special election.
26 27 Sec. 51. Section [69.12](#), subsection 1, paragraph b, Code
26 28 1999, is amended to read as follows:
26 29 b. Nomination papers on behalf of candidates for a vacant
26 30 office to be filled pursuant to paragraph "a" of this
26 31 subsection shall be filed, in the form and manner prescribed
26 32 by applicable law, by five

~~— o'clock~~

- p.m. on:
26 33 (1) The final filing date for candidates filing with the
26 34 state commissioner or commissioner, as the case may be, for a
26 35 general

~~— or primary~~

- election.
27 1 (2) The

~~— forty seventh day prior to~~

- candidate filing
27 2 deadline specified in section 376.4 for regularly scheduled or
27 3 special city election.
27 4 (3) The fortieth day

~~— prior to~~

- before a regularly scheduled
27 5 school election.
27 6 (4) The twenty-fifth day

~~— prior to~~

- before a special
27 7 election.
27 8 Sec. 52. Section [69.14A](#), Code 1999, is amended by adding
27 9 the following new subsection:
27 10 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,
27 11 if a nomination has been made at the primary election for an
27 12 office in which a vacancy has been filled by appointment, the
27 13 office shall be filled at the next general election, and not
27 14 at any special election in the same political subdivision.
27 15 Sec. 53. Section [176A.8](#), subsection 4, Code 1999, is
27 16 amended by striking the subsection.
27 17 Sec. 54. Section [256.63](#), unnumbered paragraph 2, Code
27 18 1999, is amended to read as follows:
27 19 The votes cast in the election shall be canvassed and
27 20 abstracts of the votes cast shall be promptly certified by the
27 21 commissioner to the commissioner of elections who is
27 22 responsible under section 47.2 for conducting elections for
27 23 that regional library board district. In each county whose
27 24 commissioner of elections is responsible under section 47.2
27 25 for conducting elections held for a regional library board
27 26 district, the county board of supervisors shall convene at
27 27 nine a.m. on the third Monday or Tuesday in November, canvass
27 28 the abstracts of votes cast and declare the results of the
27 29 voting. The commissioner shall at once issue certificates of

27 30 election to each person declared elected.

27 31 Sec. 55. Section [256.64](#), Code 1999, is amended to read as
27 32 follows:

27 33 256.64 TERMS.

27 34 Regional library trustees shall take office on the first
27 35 day of January following the general election and shall serve
28 1 terms of four years. A vacancy shall be filled

~~when it occurs~~

28 2

~~not less than ninety days before the next general election~~

~~by~~

28 3 appointment by the regional board for the unexpired term. No
28 4 trustee shall serve on a local library board or be employed by
28 5 a library during the trustee's term of office as a regional
28 6 library trustee.

28 7 Sec. 56. Section [275.12](#), subsections 3 and 4, Code 1999,
28 8 are amended to read as follows:

28 9 3. If the petition proposes the division of the school
28 10 district into director districts, the boundaries of the
28 11 proposed director districts shall not be

~~described in the~~

28 12

~~petition and shall be~~

~~drawn until the question is approved by~~

28 13 the voters. If the question is approved by the voters, the
28 14 directors of the new school district shall draw the boundaries
28 15 of the director districts according to the standards described
28 16 in section 275.23A, subsection 1. Following adoption by the
28 17 school board, the plan shall be submitted to the state
28 18 commissioner of elections for approval.

28 19 4. The area education agency board in reviewing the
28 20 petition as provided in sections 275.15 and 275.16 shall
28 21 review the proposed method of election of school directors and
28 22 may change or amend the plan in any manner, including

~~the~~

28 23

~~changing of boundaries of director districts if proposed, or~~

28 24 to specify a different method of electing school directors as
28 25 may be required by law, justice, equity, and the interest of
28 26 the people. In the action, the area education agency board
28 27 shall follow the same procedure as is required by sections
28 28 275.15 and 275.16 for other action on the petition by the area
28 29 education agency board.

~~The area education agency shall~~

28 30

~~ascertain that director district boundary lines comply with~~

28 31

~~the provisions of section 275.23A, subsection 1, and shall~~

28 32

~~make adjustments as necessary.~~

28 33 Sec. 57. Section [275.25](#), subsection 1, unnumbered
28 34 paragraph 1, Code 1999, is amended to read as follows:
28 35 If the proposition to establish a new school district
29 1 carries under the method provided in this chapter, the area
29 2 education agency administrator with whom the petition was
29 3 filed shall give written notice of a proposed date for a
29 4 special election for directors of the newly formed school
29 5 district to the commissioner of elections of the county in the
29 6 district involved in the reorganization which has the greatest
29 7 taxable base. The proposed date shall be as soon as possible
29 8 pursuant to sections 39.2, subsections 1 and 2, and 47.6,
29 9 subsections 1 and 2, but not later than the third Tuesday in
29 10 January of the calendar year in which the reorganization takes
29 11 effect. The election shall be conducted as provided in
29 12 section 277.3, and nomination petitions shall be filed
29 13 pursuant to section 277.4, except as otherwise provided in
29 14 this subsection. Nomination petitions shall be filed with the
29 15 secretary of the board of the existing school district in
29 16 which the candidate resides

~~, signed by not less than ten~~

29 17

~~eligible electors of the newly formed district, and filed~~

~~not~~

29 18 less than twenty-eight days before the date set for the
29 19 special school election. The

~~school~~

~~secretary of the board,~~

29 20 or the secretary's designee, shall be present in the
29 21 secretary's office until five p.m. on the final day to file
29 22 the nomination papers. The nomination papers shall be
29 23 delivered to the commissioner no later than five p.m. on the
29 24 twenty-seventh day before the election.

29 25 Sec. 58. Section [275.35](#), Code 1999, is amended to read as
29 26 follows:

29 27 [275.35](#) CHANGE OF METHOD OF ELECTIONS.

29 28 Any existing or hereafter created or enlarged school
29 29 district may change the number of directors to either five or
29 30 seven and may also change its method of election of school
29 31 directors to any method authorized by section 275.12 by
29 32 submission of a proposal, stating the proposed new method of
29 33 election

~~and describing the boundaries of the proposed~~

29 34

~~director districts if any~~

~~, by the school board of such~~

29 35 district to the electors at any regular or special school
30 1 election. The school board shall notify the county
30 2 commissioner of elections who shall publish notice of the
30 3 election in the manner provided in section 49.53. The
30 4 election shall be conducted pursuant to chapters 39 to 53 by
30 5 the county commissioner of elections. Such proposal shall be
30 6 adopted if it is approved by a majority of the votes cast on
30 7 the proposition.

30 8 If the proposal adopted by the voters requires the
30 9 establishment of or change in director district boundaries,
30 10 the school board shall draw the necessary boundaries within
30 11 forty days after the date of the election. The boundaries
30 12 shall be drawn according to the requirements of section
30 13 275.23A. Following adoption by the school board, the plan

30 14 shall be submitted to the state commissioner of elections for
30 15 approval.

30 16 Sec. 59. Section 275.36, Code 1999, is amended to read as
30 17 follows:

30 18 275.36 SUBMISSION OF CHANGE TO ELECTORS.

30 19 If a petition for a change in the number of directors or in
30 20 the method of election of school directors

~~, describing the~~

30 21

~~boundaries of the proposed director districts, if any, signed~~

30 22

~~by eligible electors of the school district equal in number to~~

30 23

~~at least thirty percent of those who voted in the last~~

30 24

~~previous annual school election in the school district, but~~

30 25

~~not less than one hundred persons, and accompanied by~~

30 26

~~affidavit as required by section 275.13 be~~

~~is~~ filed with the

30 27 school board of a school district

~~, not earlier than six months~~

30 28

~~and not later than sixty seven days before a regular or~~

30 29

~~special school election~~

~~pursuant to the requirements of~~

30 30 section 278.2, the school board shall submit such proposition

30 31 to the voters at the regular school election or a special

30 32 election held not later than February 1. The petition shall

30 33 be accompanied by an affidavit as required by section 278.13.

30 34 If a proposition for a change in the number of directors or in

30 35 the method of election of school directors submitted to the

31 1 voters under this section is rejected, it shall not be

31 2 resubmitted to the voters of the district in substantially the

31 3 same form within the next three years; if it is approved, no

31 4 other proposal may be submitted to the voters of the district

31 5 under this section within the next six years.

31 6 If the proposal adopted by the voters requires the

31 7 establishment of or a change in director district boundaries

31 8 pursuant to section 275.12, subsection 2, paragraph "b", "c",

31 9 "d", or "e", the school board shall draw the necessary

31 10 boundaries within forty days after the date of the election.

31 11 The boundaries shall be drawn according to the requirements of

31 12 section 275.23A. Following adoption by the school board, the

31 13 plan shall be submitted to the state commissioner of elections

31 14 for approval. The new boundaries shall become effective on

31 15 July 1 following approval.

31 16 Sec. 60. Section [275.37](#), Code 1999, is amended to read as
31 17 follows:

31 18 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

31 32 Sec. 61. NEW SECTION. 275.37A DECREASE IN NUMBER OF
31 33 DIRECTORS.

31 34 1. A change from seven to five directors shall be effected
31 35 in a district at the first regular school election after
32 1 authorization by the voters in the following manner:

32 2 a. If at the first election in the district there are
32 3 three terms expiring, one director shall be elected. At the
32 4 second election in that district, if two terms are expiring,
32 5 two directors shall be elected. At the third election in that
32 6 district, if there are two terms expiring, two directors shall
32 7 be elected.

32 8 b. If at the first election there are two terms expiring,
32 9 no directors shall be elected. At the second election in that
32 10 district, if two terms are expiring, two directors shall be
32 11 elected. At the third election in that district, if there are
32 12 three terms expiring, three directors shall be elected, two
32 13 for three years and one for one year. The newly elected
32 14 director who received the fewest votes in the election shall
32 15 be assigned a term of one year.

32 16 c. If at the first election there are two terms expiring,
32 17 no directors shall be elected. At the second election in that
32 18 district, if three terms are expiring, three directors shall
32 19 be elected, two for three years and one for two years. The
32 20 newly elected director who received the fewest votes in the
32 21 election shall be assigned a term of two years. At the third
32 22 election in that district, if there are two terms expiring,
32 23 two directors shall be elected.

32 24 2. If some or all of the directors are elected from
32 25 director districts, the board shall devise a plan to reduce
32 26 the number of members so that as nearly as possible one-third
32 27 of the members of the board shall be elected each year and so
32 28 that each district will be continuously represented.

32 29 Sec. 62. Section [275.55](#), unnumbered paragraph 1, Code
32 30 1999, is amended to read as follows:

32 31 The board of the school district shall call a special
32 32 election to be held not later than forty days following the
32 33 date of the final hearing on the dissolution proposal. The
32 34 special election may be held at the same time as the regular
32 35 school election. The proposition submitted to the voters
33 1 residing in the school district at the special election shall
33 2 describe each separate area to be attached to a contiguous
33 3 school district and shall name the school district to which it
33 4 will be attached. In addition to the description, a map may
33 5 be included in the summary of the question on the ballot.

33 6 Sec. 63. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
33 7 BOUNDARIES FOLLOWING DISSOLUTION.

33 8 1. If a school district accepting attachments of a
33 9 dissolved district is currently divided into director
33 10 districts as provided in section 275.12, subsection 2,
33 11 paragraph "b", "c", "d", or "e", the board of directors of the
33 12 district shall draft a proposal to incorporate the newly

33 13 received territory into existing contiguous director
33 14 districts. If the attached territory is contiguous to more
33 15 than one director district, the board may divide the territory
33 16 and attach it to more than one director district. If
33 17 necessary to comply with the population equality standards
33 18 prescribed in section 275.23A, the board shall redraw the
33 19 boundaries of all director districts according to the
33 20 standards provided in section 275.23A, subsection 1,
33 21 paragraphs "a", "c", and "d".

33 22 2. A public hearing on the proposed changes to director
33 23 districts shall be held no later than May 15 following the
33 24 dissolution. Not less than ten nor more than twenty days
33 25 before the public hearing, the board shall publish notice of
33 26 the time and place of the hearing.

33 27 3. The final plan for the assignment of attached lands and
33 28 any other boundary changes made shall be adopted by resolution
33 29 of the board. The resolution shall contain a legal
33 30 description of the new director district boundaries and a map
33 31 of the director district boundaries changed by the resolution.
33 32 A copy of the resolution shall be filed with the county
33 33 commissioners of elections of each county in which a portion
33 34 of the school district is located. The resolution shall also
33 35 be filed with the state commissioner of elections not later
34 1 than June 15. The boundary changes shall take effect upon
34 2 approval by the state commissioner of elections for the next
34 3 regular school election, but not later than July 1.

34 4 Sec. 64. Section [277.4](#), unnumbered paragraph 2, Code 1999,
34 5 is amended to read as follows:

34 6 Each candidate shall be nominated by petition. If the
34 7 candidate is running for a seat in the district which is voted
34 8 for at-large, the petition must be signed by at least ten
34 9 eligible electors, or a number of eligible electors equal in
34 10 number to not less than one percent of the

~~registered~~

~~number~~

34 11 of voters of the school district who cast ballots at the last
34 12 regular school election, whichever is more. If the candidate
34 13 is running for a seat which is voted for only by the voters of
34 14 a director district, the petition must be signed by at least
34 15 ten eligible electors of the director district or a number of
34 16 eligible electors equal in number to not less than one percent
34 17 of the

~~registered~~

~~number of voters~~

~~in~~

~~of the director district~~

34 18 who cast ballots at the last regular school election,
34 19 whichever is more. A petition filed under this section shall
34 20 be in the form required by sections 45.5 and 45.6, but shall
34 21 not be required to have more than one hundred signatures.

34 22 Sec. 65. Section [277.23](#), unnumbered paragraph 2, Code
34 23 1999, is amended to read as follows:

34 24 A change from five to seven directors shall be effected in
34 25 a district at the first regular election after authorization
34 26 by the voters or when a district becomes wholly or in part
34 27 within a city of fifteen thousand population or more in the
34 28

~~following~~

~~manner~~

~~: If the term of one director of the five~~

~~member board expires at the time of said regular election,~~

34 30

~~three directors shall be elected to serve until the third~~

34 31

~~regular election thereafter; if the terms of two directors~~

34 32

~~expire at the time of said regular election, three directors~~

34 33

~~shall be elected to serve until the third regular election~~

34 34

~~thereafter and one director shall be elected to serve a term~~

34 35

~~the expiration of which coincides with the expiration of the~~

35 1

~~term of the director heretofore singly elected~~

~~described in~~

35 2 section 275.37.

35 3 Sec. 66. Section 278.1, subsection 8, Code 1999, is
35 4 amended to read as follows:

35 5 8. Authorize a change in the method of conducting
35 6 elections or in the number of directors as provided in
35 7 sections 275.35 and 275.36. If a proposition submitted to the
35 8 voters under this subsection or subsection 7 is rejected, it
35 9 may not be resubmitted to the voters of the district in
35 10 substantially the same form within the next three years; if it
35 11 is approved, no other proposal may be submitted to the voters
35 12 of the district under this subsection or subsection 7 within
35 13 the next six years. The establishment or abandonment of
35 14 director districts or a change in the boundaries of director
35 15 districts shall be implemented as prescribed in section
35 16 275.37.

35 17 Sec. 67. Section 279.6, unnumbered paragraph 2, Code 1999,
35 18 is amended to read as follows:

35 19

~~However,~~

~~A vacancy shall be filled at the next regular~~

35 20 school election if a member of a school board resigns from the
35 21 board

~~prior to the time for filing nomination papers for~~

35 22

~~office as a school board member, as provided in section 277.4,~~

35 23 not later than forty-five days before the election and the
35 24 notice of resignation specifies

~~in the resignation that the~~

35 25

~~resignation will be~~

- an effective

~~on the~~

- date at the beginning

35 26 of the next term of office for elective school officials

35 27

~~begins, the~~

- The president of the board shall declare the

35 28 office vacant as of

~~that~~

- the date

~~and nomination~~

- of the next

35 29 organizational meeting. Nomination papers shall be received

35 30 for the unexpired term of the resigning member. The person

35 31 elected at the next regular school election to fill the

35 32 vacancy shall take office at the same time and place as the

35 33 other elected school board members.

35 34 Sec. 68. Section [296.3](#), Code 1999, is amended to read as

35 35 follows:

36 1 296.3 ELECTION CALLED.

36 2

~~The~~

- Within ten days of receipt of a petition filed under

36 3 section 296.2, the president of the board of directors

~~, within~~

-

36 4

~~ten days of receipt of a petition under section 296.2,~~

- shall

36 5 call a meeting of the board

~~which shall~~

- The meeting shall be

36 6 held within thirty days after the petition was received. At

36 7 the meeting, the board shall call the election, fixing the

36 8 time of the election, which may be at the time and place of

36 9 holding the regular school election

~~, unless~~

- However, if the

36 10 board determines by unanimous vote that the proposition or

36 11 propositions requested by a petition to be submitted at an

36 12 election are grossly unrealistic or contrary to the needs of

36 13 the school district, no election shall be called. If more

36 14 than one petition has been received by the time the board

36 15 meets to consider the petition triggering the meeting, the

36 16 board shall act upon the petitions in the order they were

36 17 received at the meeting called to consider the initial

36 18 petition. The decision of the board may be appealed to the

36 19 state board of education as provided in chapter 290. The

36 20 president shall notify the county commissioner of elections of

36 21 the time of the election.

36 22 Sec. 69. Section [331.207](#), subsection 2, Code 1999, is

36 23 amended to read as follows:

36 24 2. The petition shall be filed with the

~~auditor~~

- county

36 25 commissioner by

~~January~~
- June 1 of

~~a general election~~
- an odd-

36 26 numbered year, subject to subsection 5. The special election
36 27 shall be held

~~at least one hundred days before the primary~~

36 28

~~election~~
- within sixty days after the day the petition was

36 29 received. Notice of the special election shall be published
36 30 once each week for three successive weeks in an official
36 31 newspaper of the county, shall state the representation plans
36 32 to be submitted to the electors, and shall state the date of
36 33 the special election which shall be held not less than five
36 34 nor more than twenty days from the date of last publication.

36 35 Sec. 70. Section 331.207, Code 1999, is amended by adding
37 1 the following new subsection:

37 2 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
37 3 the ballots cast in the special election represents a change
37 4 from plan "one" to plan "two" or "three", or from plan "two"
37 5 to plan "three", as each plan is defined in section 331.206,
37 6 the temporary county redistricting commission shall divide the
37 7 county into districts as provided in sections 331.209 and
37 8 331.210. The plan shall be completed not later than September
37 9 15 following the special election and shall be submitted to
37 10 the state commissioner of elections. The plan shall become
37 11 effective January 1.

37 12 Sec. 71. Section 331.651, subsection 1, unnumbered
37 13 paragraph 1, Code 1999, is amended to read as follows:

37 14 The office of sheriff is an elective office

~~except that~~

37 15 However, if a vacancy occurs in the office, the first deputy
37 16 shall assume the office after qualifying as provided in this
37 17 section

~~and~~

- The first deputy shall hold the office until a
37 18 successor is appointed or elected to the unexpired term as
37 19 provided in chapter 69. If a sheriff is suspended from
37 20 office, the district court may appoint a sheriff until a
37 21 temporary appointment is made by the board as provided in
37 22 section 66.19.

37 23 Sec. 72. Section 336.2, unnumbered paragraphs 3, 4, and 5,
37 24 Code 1999, are amended to read as follows:

37 25 The board of supervisors of each county containing area
37 26 within the proposed district shall submit the

~~proposition~~

37 27 question to the registered voters within their respective
37 28 counties at

~~any~~

- the next general

~~or primary~~
- election

~~provided~~

37 29

~~said election occurs~~

~~The petition shall be filed not less
37 30 than~~

~~forty~~

~~eighty-two days~~

~~after the filing of the petition~~

37 31 before the election.

37 32 A county library district shall be established, if a
37 33 majority of the electors voting on the

~~proposition~~

~~question~~

37 34 and residing outside of cities maintaining a free public
37 35 library favor it.

38 1 The result of the election within cities maintaining a free
38 2 public library shall be considered separately, and no city
38 3 shall be included within the county library district unless a
38 4 majority of its electors, voting on the

~~proposition~~

~~question,~~

38 5 favor its inclusion. In such cases the boundaries of an
38 6 established district may vary from those of the proposed
38 7 district.

38 8 Sec. 73. Section [336.16](#), unnumbered paragraph 4, Code
38 9 1999, is amended to read as follows:

38 10 A county library district may be terminated if a majority
38 11 of the electors of the unincorporated area of the county and
38 12 the cities included in the county library district voting on
38 13 the issue favor the termination. The election shall be held
38 14 upon motion of the board of supervisors and simultaneously
38 15 with a

~~primary,~~

~~general~~

~~or other county election. If the~~

38 16 vote favors termination, the termination shall be effective on
38 17 the succeeding July 1.

38 18 Sec. 74. Section [336.18](#), subsection 2, Code 1999, is
38 19 amended to read as follows:

38 20 2. a. Contracts shall provide for the amount to be
38 21 contributed. They may, by mutual consent of the contracting
38 22 parties, be terminated at any time. They may also be
38 23 terminated by a majority of the voters represented by either
38 24 of the contracting parties, voting on

~~a proposition~~

~~the~~

38 25 question to terminate which shall be submitted by the
38 26 governing body upon a written petition of qualified voters in
38 27 a number not less than five percent of those who voted in the
38 28 area for president of the United States or governor at the
38 29 last general election.

38 30 b. The

~~proposition~~

~~question~~ may be submitted at any

38 31 election provided by law which covers the area of the unit

38 32 seeking to terminate the contract. The petition shall be
38 33 presented to the governing body not less than

~~forty~~

~~ten~~ days

38 34 before the last day candidates may file nomination petitions
38 35 for the election at which the question is to be submitted.

39 1 Sec. 75. Section 336.18, subsection 4, paragraphs a, b,
39 2 and c, Code 1999, are amended to read as follows:

39 3 a. Qualified electors of that part of any county outside
39 4 of cities in a number of not less than twenty-five percent of
39 5 those in the area who voted for president of the United States
39 6 or governor at the last general election may petition the
39 7 board of supervisors to submit the

~~proposition~~

~~question~~ of

39 8 requiring the board to provide library service for them and
39 9 their area by contract as provided by this section.

39 10 b. The board of supervisors shall submit the

~~proposition~~

39 11 question to the voters of the county residing outside of
39 12 cities at the next general election

~~, primary or general,~~

39 13

~~provided that the petition has been~~

~~The petition shall be~~

39 14 filed not less than

~~forty~~

~~ten~~ days

~~prior to the date of~~

~~before~~

39 15 the last day candidates may file nomination petitions for the
39 16 election at which the question is to be submitted.

39 17 c. If a majority of those voting upon the

~~proposition~~

39 18 question favors it, the board of supervisors shall within
39 19 thirty days appoint a board of library trustees from residents
39 20 of the petitioning area. Vacancies shall be filled by the
39 21 board.

39 22 Sec. 76. Section 346.27, subsection 10, Code 1999, is
39 23 amended to read as follows:

39 24 10. After the incorporation of an authority, and before
39 25 the sale of any issue of revenue bonds, except refunding
39 26 bonds, the authority shall

~~submit in a single countywide~~

~~call~~

39 27 an election to

~~the registered voters of the city and county,~~

39 28

~~at a general, primary, or special election called for that~~

39 29

~~purpose,~~

- decide the question of whether

~~an~~

- the authority shall

39 30 issue and sell revenue bonds

~~, stating~~

- The ballot shall state

39 31 the amount

~~, for any~~

- of the bonds and the purposes for which

~~it~~

-
39 32 the authority is incorporated. Registered voters of the city
39 33 and the unincorporated area of the county shall be entitled to
39 34 vote on the question. The question may be submitted at a
39 35 general election or at a special election. An affirmative
40 1 vote of a majority of the votes cast on the

~~proposition~~

-
40 2 question is required to authorize the issuance and sale of
40 3 revenue bonds.

40 4 PARAGRAPH DIVIDED.

~~A~~

- In addition to the notice required by

40 5 section 49.53, a notice of the election shall be published

40 6 once each week for at least two weeks in some newspaper

40 7 published in the county stating the date of the election, the

40 8 hours the polls will be open, and a copy of the question.

~~The~~

-
40 9

~~notice shall name the time when the question shall be~~

-
40 10

~~submitted, and a copy of the question to be submitted shall be~~

-
40 11

~~posted at each polling place during the day of election.~~

- The

40 12 authority shall call this election with the concurrence of

40 13 both incorporating units

~~, and it shall establish the voting~~

-
40 14

~~precincts and polling places, and appoint the election judges,~~

-
40 15

~~and in so doing such election procedures shall be~~

- The

40 16 election shall be conducted by the commissioner in accordance
40 17 with the provisions of chapters 49 and 50.

40 18 Sec. 77. Section 346.27, subsection 25, Code 1999, is
40 19 amended to read as follows:

40 20 25. When all bonds issued by an authority have been

40 21 retired, the authority may convey the title to the property
40 22 owned by the authority to the incorporating units in
40 23 accordance with the provisions

~~therefor~~

- contained in the
40 24 articles of incorporation

~~, or, if none,~~

- If no articles of

40 25 incorporation exist, the conveyance may be made in accordance
40 26 with any agreement adopted by the respective governing bodies
40 27 of the incorporating units, and the authority.
40 28 PARAGRAPH DIVIDED. The

~~proposition~~

- question of whether a
40 29 conveyance shall be made shall be submitted to the

~~legal~~

-
40 30 registered voters of the city and the unincorporated area of
40 31 the county

~~, utilizing the election procedures provided for~~

-
40 32

~~bond issues, and an~~

- An affirmative vote equal to at least a
40 33 majority of the total votes cast on the

~~proposition~~

- question
40 34 shall be required to authorize the conveyance. If the
40 35

~~proposition~~

- question does not carry, the authority shall
41 1 continue to operate, maintain, and manage the building under a
41 2 lease arrangement with the incorporating units.
41 3 Sec. 78. Section [372.9](#), subsection 2, Code 1999, is
41 4 amended to read as follows:
41 5 2. When a charter is filed, the council and mayor shall
41 6 notify the county commissioner of elections to publish notice
41 7 containing the full text of the proposed home rule charter, a
41 8 description of any other form of government being presented to
41 9 the voters, and the date of the election, and to conduct the
41 10 election. The notice shall be published at least twice in the
41 11 manner provided in section 362.3, except that the publications
41 12 must occur within sixty days of the filing of the home rule
41 13 charter, with a two-week interval between each publication.
41 14 The council shall provide copies of a proposed charter for
41 15 public distribution by the city clerk.
41 16 Sec. 79. Section [372.13](#), subsection 2, paragraph b, Code
41 17 1999, is amended to read as follows:
41 18 b. By a special election held to fill the office for the
41 19 remaining balance of the unexpired term. If the council opts
41 20 for a special election or a valid petition is filed under
41 21 paragraph "a", the special election may be held concurrently
41 22 with any pending election as provided by section 69.12 if by
41 23 so doing the vacancy will be filled not more than ninety days
41 24 after it occurs. Otherwise, a special election to fill the
41 25 office shall be called at the earliest practicable date. If
41 26 there are concurrent vacancies on the council and the
41 27 remaining council members do not constitute a quorum of the
41 28 full membership, a special election shall be called at the

41 29 earliest practicable date. The council shall give the county
41 30 commissioner at least sixty days' written notice of the date
41 31 chosen for the special election. The council of a city where
41 32 a primary election may be required shall give the county
41 33 commissioner at least eighty-five days' written notice of the
41 34 date chosen for the special election. A special election held
41 35 under this subsection is subject to sections 376.4 through
42 1 376.11, but the dates for actions in relation to the special
42 2 election shall be calculated with regard to the date for which
42 3 the special election is called.

42 4 Sec. 80. Section 376.2, unnumbered paragraph 2, Code 1999,
42 5 is amended to read as follows:

42 6 Except as otherwise provided by state law or the city
42 7 charter, terms for elective offices are two years. However,
42 8 the term of an elective office may be changed to two or four
42 9 years by petition and election. Upon receipt of a valid
42 10 petition as defined in section 362.4, requesting that the term
42 11 of an elective office be changed, the council shall submit the
42 12 question at a special city election to be held within sixty
42 13 days after the petition is received. The special election
42 14 shall be held more than ninety days before the regular city
42 15 election if the change shall go into effect at the next
42 16 regular city election. If a majority of the persons voting at
42 17 the special election approves the changed term, it becomes
42 18 effective at the beginning of the term following the next
42 19 regular city election. If a majority does not approve the
42 20 changed term, the council shall not submit the same proposal
42 21 to the voters within the next four years.

42 22 Sec. 81. Section 376.6, unnumbered paragraph 2, Code 1999,
42 23 is amended to read as follows:

42 24 Each city clerk shall certify to the commissioner of
42 25 elections responsible under section 47.2 for conducting
42 26 elections for that city the type of nomination process to be
42 27 used for the city no later than

~~seventy seven~~

~~ninety days~~

42 28 before the date of the regular city election. If the city has
42 29 by ordinance chosen a runoff election or has chosen to have
42 30 nominations made in the manner provided by chapter 44 or 45,
42 31 or has repealed nomination provisions under those sections in
42 32 preference for the primary election method, a copy of the city
42 33 ordinance shall be attached. No changes in the method of
42 34 nomination to be used in a city shall be made after the clerk
42 35 has filed the certification with the commissioner, unless the
43 1 change will not take effect until after the next regular city
43 2 election.

43 3 Sec. 82. Section 422A.1, unnumbered paragraph 3, Code
43 4 1999, is amended to read as follows:

43 5 A city or county shall impose a hotel and motel tax or
43 6 increase the tax rate, only after an election at which a
43 7 majority of those voting on the question favors imposition or
43 8 increase. However, a hotel and motel tax shall not be
43 9 repealed or reduced in rate if obligations are outstanding
43 10 which are payable as provided in section 422A.2, unless funds
43 11 sufficient to pay the principal, interest, and premium, if
43 12 any, on the outstanding obligations at and prior to maturity
43 13 have been properly set aside and pledged for that purpose.
43 14 The election shall be held at the time of

~~that city's~~

~~the~~

43 15 regular city election or the county's general election or at
43 16 the time of a special election.

43 17 Sec. 83. Sections 62.5 and 62.8, Code 1999, are repealed.

43 18 EXPLANATION

43 19 Code section 39.2 is amended to prohibit holding other

43 20 elections at the same time as a city primary or runoff
43 21 elections.

43 22 Code section 39.3 is amended to add to the definition of
43 23 "school election" any special elections held for school
43 24 district purposes.

43 25 New Code section 39.5 authorizes the commissioner to
43 26 conduct only elections that are required or allowed by state
43 27 statute, thereby ruling out straw polls, public opinion polls,
43 28 nonbinding referenda, and other unauthorized elections from
43 29 being conducted as official elections.

43 30 Code section 39.26 is amended to require all candidates for
43 31 public office to be eligible electors at the time of election.

43 32 Code section 39.27 is amended to require all elected
43 33 officials, except members of the general assembly, United
43 34 States senators, and United States representatives, to be
43 35 eligible electors and residents of the jurisdiction they are
44 1 elected to represent.

44 2 Code sections 43.14 and 43.15 are amended to remove from
44 3 the Code archaic and repetitive language currently required to
44 4 appear on nomination petitions and provides that the state
44 5 commissioner shall prescribe the form for the petition,
44 6 listing the information that must be included. Standards for
44 7 evaluating nomination papers are also expanded to incorporate
44 8 current practices in the state commissioner's office.

44 9 Code section 43.27 is amended to permit the county
44 10 commissioner of elections to code ballots by color for the
44 11 primary election.

44 12 Code section 43.45 is amended to provide canvass procedures
44 13 for each type of voting system in use in the state.

44 14 Code section 43.48 is amended to add voting system
44 15 printouts to the information required to be available to the
44 16 public during the time period between the primary election and
44 17 the county canvass of votes.

44 18 Code section 44.4 is amended to conform this section to
44 19 other filing deadlines for the same election.

44 20 Code sections 45.5 and 45.6 are amended to provide specific
44 21 requirements for the form of nomination petitions and
44 22 standards for their review and rejection. These are similar
44 23 to the requirements of Code chapter 43 for primary elections.

44 24 Code section 48A.9 is amended to change the voter
44 25 registration deadline for the primary election from 10 days
44 26 before the election to 11 days before the election. The
44 27 section is also amended to permit moving the registration
44 28 deadline to the next Monday following Thanksgiving.

44 29 Code sections 48A.27 and 48A.29 are amended to require that
44 30 voters show a form of identification to prove identity, rather
44 31 than to prove residence.

44 32 Code section 48A.28 is amended to specify that the form and
44 33 language of a voter registration confirmation notice shall be
44 34 prescribed by rule.

44 35 Code section 49.30 is amended to allow separate ballots for
45 1 township offices in precincts using electronic voting systems.

45 2 Code section 49.31 is amended to eliminate the requirement
45 3 that the names of candidates for nonpartisan offices on the
45 4 general election ballot be rotated.

45 5 Code section 49.57 is amended to remove the size
45 6 specifications for the voting target on paper ballots.

45 7 Code section 49.64 is amended to remove the mathematical
45 8 formula for calculating the number of ballots to be delivered
45 9 to polling places for primary and general elections. The
45 10 section is amended to permit the commissioner to make the
45 11 decision based upon voter registration figures, previous
45 12 turnout, the content of the ballot, and other local political
45 13 conditions.

45 14 Code section 49.70 is amended to change the title of the
45 15 instructions posted in the polling places from "Card of
45 16 Instructions" to "Instructions for Voters".

45 17 Code section 49.73 is amended to permit the commissioner to
45 18 shorten voting hours for cities under 3,500 population and for
45 19 the unincorporated areas voting on local option sales tax
45 20 elections. The amendment to the section also provides that
45 21 contiguous cities voting on a local option sales tax shall
45 22 have the same hours.

45 23 Code section 49.79 is amended to specify that a registered
45 24 voter, rather than an elector, may challenge a voter as
45 25 unqualified.

45 26 Code section 49.81 changes the form of the notice issued to
45 27 a challenged voter to provide for the fact that not all
45 28 meetings of the special precinct board will convene at the
45 29 same time.

45 30 Code section 49.96 is amended to provide that if a voter
45 31 marks a straight party or organization ticket and also marks
45 32 the voting targets next to the names of one or more candidates
45 33 of the same party or organization, only the votes cast
45 34 separately for individual candidates shall be counted.

45 35 Code section 50.11 is amended to provide for electronic
46 1 transmission of election results from the precinct to the
46 2 courthouse. The amendment to the section also requires the
46 3 state commissioner of elections to adopt rules and the board
46 4 of examiners to approve the transmission devices.

46 5 Code section 50.12 is amended to explicitly state that
46 6 sealed ballot packages may not be opened except for a recount,
46 7 election contest, or to destroy the ballots.

46 8 Code section 50.48 is amended to provide a method to
46 9 calculate whether a bond is needed for offices to which more
46 10 than one person is elected. The amendment also provides that
46 11 all persons declared elected may appoint members of the
46 12 recount board.

46 13 Code section 50.49 is amended to provide a formula for
46 14 recount bond calculations for public measure elections
46 15 requiring 60 percent approval.

46 16 Code section 50.50 is amended to add counting errors
46 17 reported by the precinct election officials to the reasons for
46 18 calling for an administrative recount.

46 19 Code section 52.37 is amended to allow two couriers to pick
46 20 up ballots for central county precincts. The two couriers
46 21 must be of two different political parties.

46 22 New Code section 52.41 is enacted to provide that all
46 23 devices for the electronic transmission of election results
46 24 submitted for examination after January 1, 2000, be approved
46 25 by the state commissioner with the advice of the board of
46 26 examiners for voting machines and electronic voting systems.

46 27 Code section 53.8 is amended to require the inclusion of
46 28 secrecy envelopes with absentee ballots delivered to voters
46 29 unless the ballot can be folded to conceal all of the voter's
46 30 marks.

46 31 New Code section 53.10 is enacted to separate those Code
46 32 provisions providing for absentee voting in the county
46 33 commissioner's office from the provisions for satellite
46 34 absentee voting in Code section 53.11. The new section
46 35 prohibits electioneering within 30 feet of the courthouse
47 1 during absentee voting. This prohibition currently applies
47 2 only to satellite absentee voting stations. The bill makes
47 3 corresponding amendments to Code section 53.11.

47 4 Code section 53.18 is amended to make a complete reference
47 5 to the absentee and special voters precinct board.

47 6 Code section 53.19 is amended to remove the requirement
47 7 that a voter who requested, but did not receive, an absentee
47 8 ballot sign an affidavit to that effect before being allowed
47 9 to cast a special ballot.

47 10 Code section 53.30 is amended to provide that the absentee
47 11 and special voters precinct board must seal the ballots after
47 12 counting, and specifies that all envelopes and other documents
47 13 must be preserved.

47 14 Code section 53.38 is amended to permit the federal
47 15 postcard registration and absentee ballot request form to be
47 16 used as a voter registration form in Iowa. Currently, members
47 17 of the military and Iowa citizens who are overseas register to
47 18 vote when they cast absentee ballots. This would permit the
47 19 commissioner to add these voters to the registration roles
47 20 before the election, if sufficient information was supplied on
47 21 the federal postcard registration and absentee ballot request
47 22 form. Military and overseas voters may request ballots for
47 23 all elections held in a calendar year.

47 24 Code section 53.40 is amended to require the commissioner
47 25 of the overseas voter's residence to forward a copy of a
47 26 voter's request for an absentee ballot to any other
47 27 commissioner who may conduct an election in which the person
47 28 is qualified to vote.

47 29 Code section 57.1 is amended to add to the list of grounds
47 30 for contesting an election that the question or office was not
47 31 authorized or required by law to be voted upon at the election
47 32 in question.

47 33 Code sections 62.5 and 62.8, relating to the requirements
47 34 for filing a statement to contest an election, are repealed
47 35 and replaced with new Code section 62.5A. The new section
48 1 also provides that the deadline for contesting an election if
48 2 a recount changes the result is 20 days after the winner of
48 3 the recount is declared.

48 4 Code section 69.2 is amended to provide a method for
48 5 determining and declaring a vacancy in a local appointive or
48 6 elective office.

48 7 Code section 69.12 is amended to prohibit vacancies in
48 8 office being filled at the primary election. Other provisions
48 9 of the Code specify that partisan offices are filled at the
48 10 general election or at special elections. The section is also
48 11 amended to correct an internal reference in the Code relating
48 12 to the candidate filing deadlines for city offices in cities
48 13 with a primary election.

48 14 Code section 69.14A is amended to prohibit filling a
48 15 vacancy in a county office at a special election held between
48 16 the primary and the general election if a nomination to fill
48 17 that office was made at the primary election.

48 18 Code section 176A.8 is amended by striking the paragraph
48 19 requiring agriculture extension councils to publish notice of
48 20 the general election ballot at the councils' expense.
48 21 Publication is statutorily required as part of the county
48 22 commissioner of elections' duties.

48 23 Code section 176A.8 is also amended to change the
48 24 qualifications of signers of nomination petitions for
48 25 candidates for agriculture extension councils in order to be
48 26 uniform throughout the Code section.

48 27 Code section 256.63 is amended to permit counties to
48 28 canvass regional library board elections at regular meetings
48 29 of the board of supervisors.

48 30 Code section 256.64 is amended to remove a requirement that
48 31 vacancies on regional library boards may only be filled by
48 32 election if the vacancy occurs less than 90 days before the
48 33 election. The amendment requires all vacancies to be filled
48 34 by appointment.

48 35 Code section 275.12 is amended to require that the director
49 1 district boundaries, if districts are drawn, of a newly formed
49 2 or reorganized school district be drawn after the election
49 3 making the changes. Current law provides that citizen
49 4 petitioners may draw the director district boundaries.

49 5 Code section 275.25 is amended to make the candidate
49 6 nomination petition requirement of new school districts the
49 7 same as for established school districts.

49 8 Code sections 275.35 and 275.36 are amended to remove the
49 9 question of approval of director district boundaries from the
49 10 election or the question of whether a school district should

49 11 change its method of electing directors. The amendment
49 12 requires director or district boundaries be drawn or redrawn
49 13 after the election approving the change in boundaries. The
49 14 section is also amended to require approval of the new
49 15 boundaries by the state commissioner.
49 16 Code section 275.37 is amended, and Code section 275.37A is
49 17 enacted, to provide a process for the transition from five
49 18 school board members to seven and from seven school board
49 19 members to five.
49 20 Code section 275.55 is amended to allow the commissioner to
49 21 include with the summary of the question on the ballot a map
49 22 showing the new school district boundaries of school districts
49 23 to which portions of a dissolved district are to be attached
49 24 if approved at the election.
49 25 New Code section 275.57 is enacted to provide a process for
49 26 attachment of territory received by a school district when an
49 27 adjacent school district dissolves.
49 28 Code section 277.4 is amended to require the number for
49 29 calculation of the number of signatures required on nomination
49 30 petitions for school board candidates be taken from the number
49 31 of active registered voters only. A registration becomes
49 32 inactive when the voter is believed to have moved from the
49 33 county of registration and the registrant does not respond to
49 34 a request to verify status.
49 35 Code sections 277.23 and 278.1 are amended to make the
50 1 provisions of Code section 275.37 relating to implementation
50 2 of a change to increase the number of director districts
50 3 applicable to all changes increasing the membership of school
50 4 boards.
50 5 Code section 279.6 is amended to provide that the deadline
50 6 for submission of a resignation if the office is to appear on
50 7 the ballot at the next regular school election is not later
50 8 than 45 days before the election.
50 9 Code section 296.3 is amended to require that, within 10
50 10 days after receiving a petition for a bond election, the
50 11 president of the school board call a meeting of the board to
50 12 set an election date. The section is also amended to require
50 13 that the meeting be held within 30 days of receipt of the
50 14 petition. If more than one petition is received, the board
50 15 must consider them in the order they were received.
50 16 Code section 331.207 is amended to revise the schedule for
50 17 special elections to change the method of electing members of
50 18 the county board of supervisors. The amendment requires that
50 19 the petition be filed by June 1, that the election be held
50 20 within 60 days after filing of the petition, and that a plan
50 21 be drawn by September 15. Current law requires that all of
50 22 these requirements be fulfilled between January and February.
50 23 Code section 331.651 is amended to provide that, in the
50 24 case of a vacancy in the office of county sheriff, the first
50 25 deputy sheriff shall hold the office of sheriff until a
50 26 successor is appointed or elected. Current Code provides only
50 27 that the deputy shall serve until another sheriff is
50 28 appointed.
50 29 Code sections 336.2, 336.16, and 336.18 are amended to move
50 30 the filing deadline for petitions to establish or terminate a
50 31 county library district from 40 days before the general
50 32 election to 82 days before the general election. The sections
50 33 are also amended to strike the provision permitting the
50 34 question to establish or terminate a county library district
50 35 to be placed on the primary election ballot.
51 1 Code section 346.27 is amended to strike the provision
51 2 permitting the question of issuance of county bonds and
51 3 conveyance of title to property to be placed on the primary
51 4 election ballot.
51 5 Code section 372.9 is amended to provide that the full text
51 6 of a proposed home rule charter or alternative form of
51 7 government proposal and the date of the election on the

51 8 charter or alternative form must be included in the published
51 9 notice of the election.

51 10 Code section 372.13 is amended to require the city council
51 11 of a city with a primary election to notify the county
51 12 commissioner of elections of the date of a special election to
51 13 fill a vacancy in a city office at least 85 days before the
51 14 date chosen.

51 15 Code section 376.2 is amended to require a special election
51 16 to change the length of the terms of elected city officers be
51 17 held more than 90 days before the regular city election if the
51 18 changed terms are to be effective for offices filled at that
51 19 election.

51 20 Code section 376.6 is amended to change the deadline for
51 21 city clerks to notify the county auditor of the type of
51 22 nomination process to be used for city elections. The
51 23 amendment changes the deadline from 77 days before the
51 24 election to 90 days before the election.

51 25 Code section 422A.1 is amended to refer to the regular city
51 26 election, rather than the city general election.

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