

Jacobs - CHAIR

ed By
O 2472

HSB 556

STATE GOVERNMENT

Eichhorn
Boddicker
Jochum
Reynolds

SENATE/HOUSE FILE _____

BY (PROPOSED SECRETARY OF STATE BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the office of secretary of state and the
2 conduct of elections, and voter registration in the state and
3 providing effective and applicability dates.

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

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1 Section 1. Section 39.2, subsection 1, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:

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

9 Sec. 2. Section 39.3, Code 2001, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 17. "Written" and "in writing" may
12 include any mode of representing words or letters in general
13 use. A signature, when required by law, must be made by the
14 writing or markings of the person whose signature is required.
15 If a person is unable due to a physical disability to make a
16 written signature or mark, that person may substitute either
17 of the following in lieu of a signature required by law:

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

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

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

27 The commissioner shall conduct only elections authorized or
28 required by state law.

29 Sec. 4. Section 39.22, subsection 2, unnumbered paragraph
30 1, Code Supplement 2001, is amended to read as follows:

31 If the county board of supervisors does not have the power
32 provided under subsection 1 to fill the offices of trustee and
33 clerk within a township by appointment, then the offices of
34 township trustee and township clerk shall be filled by
35 election. Township trustees and the township clerk, in

1 townships which do not include a city, shall be elected by the
 2 voters of the entire township. In townships which include a
 3 city, the officers must be residents of the township outside
 4 the corporate limits of the city and shall be elected by the
 5 voters of the township who reside outside the corporate limits
 6 of the city, ~~but a township officer may be a resident of the~~
 7 city.

8 Sec. 5. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

12 Sec. 6. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
 13 OFFICE.

14 Any person elected to an office under the laws of this
 15 state shall be an eligible elector. At the time an elected
 16 official takes office the official shall be a resident of the
 17 state, district, county, township, city, or ward by or for
 18 which the person was elected, or in which the duties of the
 19 office are to be exercised. An elected official shall
 20 continue to be a resident of the state, district, county,
 21 township, city, or ward by or for which the person was
 22 elected, or in which the duties of the office are to be
 23 exercised for the duration of the term of office. This
 24 section shall not apply to United States senators or
 25 representatives in Congress or to members of the general
 26 assembly.

27 Sec. 7. Section 43.14, Code 2001, is amended by striking
 28 the section and inserting in lieu thereof the following:

29 43.14 FORM OF NOMINATION PAPERS.

30 1. Nomination papers shall include a petition and an
 31 affidavit of candidacy. All nomination petitions shall be
 32 eight and one-half by eleven inches in size and in
 33 substantially the form prescribed by the state commissioner of
 34 elections. They shall include or provide spaces for the
 35 following information:

1 a. A statement identifying the signers of the petition as
2 eligible electors of the appropriate county or legislative
3 district and of the state.

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

5 c. For nomination petitions for candidates for the general
6 assembly, a statement that the residence of the candidate is
7 within the appropriate legislative district, or if that is not
8 true that the candidate will reside there within sixty days
9 before the election. For other offices, a statement of the
10 name of the county where the candidate resides.

11 d. The political party with which the candidate is a
12 registered voter.

13 e. The office sought by the candidate, including the
14 district number, if any.

15 f. The date of the primary election for which the
16 candidate is nominated.

17 Signatures on a petition page shall be counted only if the
18 required information is written or printed at the top of the
19 page. Nomination papers on behalf of candidates for seats in
20 the general assembly need only designate the number of the
21 senatorial or representative district, as appropriate, and not
22 the county or counties, in which the candidate and the
23 petitioners reside. A signature line shall not be counted if
24 the line lacks the signature of the eligible elector and the
25 signer's address and city. The person examining the petition
26 shall mark any deficiencies on the petition and affidavit.

27 2. Signed nomination petitions and the signed and
28 notarized affidavit of candidacy shall not be altered to
29 correct deficiencies noted during examination. If the
30 nomination petition lacks a sufficient number of acceptable
31 signatures, the nomination petition shall be rejected and
32 shall be returned to the candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The political party name.

4 d. The signature of the candidate.

5 e. The signature of a notary public or other officer
6 empowered to witness oaths.

7 The candidate may replace a deficient affidavit with a
8 corrected affidavit only if the replacement affidavit is filed
9 before the filing deadline. The candidate may resubmit a
10 nomination petition that has been rejected by adding a
11 sufficient number of pages or signatures to correct the
12 deficiency. A nomination petition and affidavit filed to
13 replace rejected nomination papers shall be filed together
14 before the deadline for filing.

15 Sec. 8. Section 43.15, subsection 4, Code 2001, is amended
16 to read as follows:

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

20 Sec. 9. Section 43.24, subsection 1, paragraph d, Code
21 2001, is amended to read as follows:

22 d. Those filed with the city clerk under this chapter, at
23 least thirty-six days before the municipal city primary
24 election.

25 Sec. 10. Section 43.27, Code 2001, is amended to read as
26 follows:

27 43.27 PRINTING OF BALLOTS.

28 The ballots of each political party shall be printed in
29 black ink, on separate sheets of paper, uniform in color,
30 quality, texture, and size, with the name of the political
31 party printed at the head of said ballots, which ballots shall
32 be prepared by the commissioner in the same manner as for the
33 general election, except as in this chapter provided. The
34 commissioner may print the ballots for each political party
35 using a different color for each party. If colored paper is

1 used, all of the ballots for each separate party shall be
2 uniform in color.

3 Sec. 11. Section 43.45, Code 2001, is amended by striking
4 the section and inserting in lieu thereof the following:

5 43.45 CANVASS OF VOTES.

6 1. Upon the closing of the polls the precinct election
7 officials shall immediately publicly canvass the vote. The
8 canvass shall be conducted using the procedures established in
9 subsection 2 or 3, whichever is appropriate for the voting
10 system used in the precinct.

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

13 a. Place the ballots of the several political parties in
14 separate piles.

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

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

19 d. Place the ballots cast on behalf of each of the parties
20 in separate envelopes. Seal each envelope and place the
21 signature of all board members of the precinct across the seal
22 of the envelope so that it cannot be opened without breaking
23 the seal.

24 e. On the outside of each envelope enter the number of
25 ballots cast by each party in the precinct and contained in
26 the envelope.

27 f. Seal the tally sheets and certificates of the precinct
28 election officials in an envelope on the outside of which are
29 written or printed the names of the several political parties
30 with the names of the candidates for the different offices
31 under their party name, and opposite each candidate's name
32 enter the number of votes cast for such candidate in the
33 precinct.

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

1 h. Communicate the results in the manner required by
2 section 50.11, to the commissioner of the county in which the
3 polls are located, who shall remain on duty until the results
4 are communicated to the commissioner from each polling place
5 in the county.

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

8 a. Close the machines to prevent additional voting, and
9 print the results for the precinct.

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

14 c. Put any forms used by voters to cast write-in votes in
15 an envelope with one copy of the printed results from each
16 voting machine. Seal the envelope and place the signature of
17 all board members of the precinct across the seal of the
18 envelope so that it cannot be opened without breaking the
19 seal.

20 d. On the outside of the envelope enter the number of
21 voters from each party in the precinct. Report the number of
22 votes cast for each office by the voters of each political
23 party. A copy of the printed tape from the voting machine may
24 be used to report vote totals.

25 e. Communicate the results to the commissioner in the
26 manner required by section 50.11. The commissioner shall
27 remain on duty until the results are communicated to the
28 commissioner from each polling place in the county.

29 4. In precincts where electronic voting systems are used
30 and ballots are counted in the precinct, precinct election
31 officials shall do all of the following:

32 a. Close and secure the ballot reader to prevent the
33 insertion of additional ballots.

34 b. Print the results for the precinct.

35 c. Open the ballot container. Secure all ballots counted

1 by the vote-tabulating device. Sort the remaining ballots by
2 party. Tally all write-in votes and any other ballots not yet
3 counted. Record the results in the tally list.

4 d. Put all ballots in an envelope or other package and
5 seal it. All members of the board shall sign their names
6 across the seal of the envelope. The seal shall be placed so
7 that the envelope or package cannot be opened without breaking
8 the seal.

9 5. In precincts where electronic voting systems are used
10 and ballots are counted at a central location, precinct
11 election officials shall follow the procedures in section
12 52.32.

13 Sec. 12. Section 43.48, Code 2001, is amended to read as
14 follows:

15 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

16 Any elector of the county shall have the right, before the
17 day fixed for canvassing the returns, to ascertain the vote
18 cast for any candidate in any precinct in the county, as shown
19 on the outside of the envelope containing the tally list or on
20 printed reports from voting machines or electronic voting
21 systems.

22 Sec. 13. Section 43.114, Code 2001, is amended to read as
23 follows:

24 43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

25 In special charter cities holding a ~~municipal~~ city primary
26 election under the provisions of section 43.112 such primary
27 shall be held on the first Tuesday in October of the year in
28 which ~~general-municipal~~ regular city elections are held.

29 Sec. 14. Section 43.118, Code 2001, is amended to read as
30 follows:

31 43.118 EXPENSE.

32 The entire expense of conducting ~~said-municipal~~ the city
33 primary election and preparation of election registers shall
34 be audited by the city council and paid by the city.

35 Sec. 15. Section 44.4, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

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

25 Sec. 16. Section 45.3, unnumbered paragraph 1, Code
26 Supplement 2001, is amended by striking the unnumbered
27 paragraph.

28 Sec. 17. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

29 Nomination papers shall include a petition and an affidavit
30 of candidacy. All nomination petitions shall be eight and
31 one-half by eleven inches in size and shall be in
32 substantially the form prescribed by the state commissioner of
33 elections. They shall provide spaces for the following
34 information:

- 35 1. A statement identifying the signers of the petition as

1 eligible electors of the appropriate county or legislative
2 district and of the state of Iowa.

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

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

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

9 5. The name and date of the election for which the
10 candidate is nominated.

11 Signatures on a petition page shall be counted only if the
12 required information is written or printed at the top of the
13 page. Nomination papers on behalf of candidates for seats in
14 the general assembly need only designate the number of the
15 senatorial or representative district, as appropriate, and not
16 the county or counties, in which the candidate and the
17 petitioners reside. Signature lines on the nomination
18 petitions shall not be counted if the line lacks the signature
19 of the eligible elector and the signer's address and city.
20 The person examining the petition shall mark any deficiencies
21 on the petition.

22 The pages of the petition shall be securely fastened
23 together to form a single bundle. Nomination petitions that
24 are not bound shall be returned without further examination.
25 The state commissioner shall prescribe by rule the acceptable
26 methods for binding nomination petitions.

27 Signed nomination petitions and the signed and notarized
28 affidavit of candidacy shall not be altered to correct
29 deficiencies noted during the examination. If the nomination
30 petition lacks a sufficient number of acceptable signatures,
31 the nomination papers shall be rejected and returned to the
32 candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The signature of the candidate.

4 d. The signature of a notary public or other officer
5 empowered to witness oaths.

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

14 Sec. 18. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

15 The following requirements shall be observed in the signing
16 and preparation of nomination petitions:

17 1. A signer may sign nomination petitions for more than
18 one candidate for the same office, and the signature is not
19 invalid solely because the signer signed nomination petitions
20 for one or more other candidates for the office.

21 2. Each signer shall add the signer's residence, with
22 street and number.

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

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

34 5. Only one candidate shall be petitioned for or nominated
35 in the same nomination petition, except for the offices of

1 governor and lieutenant governor, and president and vice
2 president.

3 Sec. 19. Section 48A.9, subsection 2, Code 2001, is
4 amended to read as follows:

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

11 Sec. 20. Section 48A.11, Code 2001, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 6. A person who has been designated to
14 have power of attorney by a registrant does not have authority
15 to sign a voter registration form, except as otherwise
16 provided in section 4.1, subsection 39.

17 Sec. 21. Section 48A.27, subsection 3, paragraph a, Code
18 2001, is amended to read as follows:

19 a. Annexation of territory by a city. When an existing
20 city annexes territory, the city clerk shall furnish the
21 commissioner a detailed map of the annexed territory. If a
22 city is divided into wards for voting purposes, the detailed
23 map shall show the ward designations for the annexed
24 territory. The commissioner shall change the registration of
25 persons residing in that territory to reflect the annexation
26 and the city precinct to which each of those persons is
27 assigned. If the commissioner cannot determine the names and
28 addresses of the persons affected by the annexation, the
29 commissioner shall send each person who may be involved a
30 letter informing the person that the person's registration may
31 be in error, and requesting that each person provide the
32 commissioner with the information necessary to correct the
33 registration records.

34 Sec. 22. Section 48A.27, subsection 4, paragraph c,
35 unnumbered paragraph 2, Code 2001, is amended to read as

1 follows:

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

27 Sec. 23. Section 48A.28, subsection 3, unnumbered
 28 paragraph 2, Code 2001, is amended to read as follows:

29 The form and language of the confirmation notice and return
 30 card shall be specified by the state voter registration
 31 commission by rule.

32 Sec. 24. Section 48A.29, subsection 3, unnumbered
 33 paragraph 2, Code 2001, is amended to read as follows:

34 The notice shall be sent by forwardable mail, and shall
 35 include a postage paid preaddressed return card on which the

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

23 Sec. 25. Section 48A.30, subsection 1, paragraph a, Code
24 2001, is amended to read as follows:

25 a. The registered voter dies. For the purposes of this
26 subsection, the commissioner may accept as evidence of death a
27 notice from the state registrar of vital statistics forwarded
28 by the state registrar of voters, a written statement from a
29 member of the registered voter's household, an obituary in a
30 newspaper, a written statement from an election official, or a
31 notice from the ~~clerk-of-the-district-court-in~~ county recorder
32 of the county where the registered voter died.

33 Sec. 26. Section 48A.38, subsection 1, Code 2001, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. f. The county commissioner of registration

1 and the state registrar of voters shall remove a voter's
2 social security number from a voter registration list prepared
3 pursuant to this section.

4 Sec. 27. Section 49.21, Code 2001, is amended by adding
5 the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The commissioner shall post a
7 sign at the entrance to the polling place indicating the
8 election precinct number or name, and displaying a street map
9 showing the boundaries of the precinct.

10 Sec. 28. Section 49.30, subsection 1, Code 2001, is
11 amended to read as follows:

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

16 Sec. 29. Section 49.31, subsection 2, Code 2001, is
17 amended by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. On the general election ballot
19 the names of candidates for the nonpartisan offices listed in
20 section 39.21 shall be arranged by drawing lots for position.
21 The board of supervisors shall hold the drawing at its first
22 meeting following the deadline for receipt of objections and
23 withdrawals by candidates for the general election.

24 Sec. 30. Section 49.53, unnumbered paragraph 1, Code 2001,
25 is amended to read as follows:

26 The commissioner shall not less than four nor more than
27 twenty days before the day of each election, except those for
28 which different publication requirements are prescribed by
29 law, publish notice of the election. The notice shall contain
30 a facsimile of the portion of the ballot containing the first
31 rotation as prescribed by section 49.31, subsection 2, and
32 shall show the names of all candidates or nominees and the
33 office each seeks, and all public questions, to be voted upon
34 at the election. The sample ballot published as a part of the
35 notice may at the discretion of the commissioner be reduced in

1 size relative to the actual ballot but such reduction shall
2 not cause upper case letters appearing in candidates' names or
3 in summaries of public measures on the published sample ballot
4 to be less than ~~five-thirty-sixths-of-an-inch-high-in~~
5 ~~candidates'-names-or-in-summaries-of-public-measures~~ ninety
6 percent of the size of such upper case letters appearing on
7 the actual ballot. The notice shall also state the date of
8 the election, the hours the polls will be open, the location
9 of each polling place at which voting is to occur in the
10 election, the location of the polling places designated as
11 early ballot pick-up sites, and the names of the precincts
12 voting at each polling place, but the statement need not set
13 forth any fact which is apparent from the portion of the
14 ballot appearing as a part of the same notice. The notice
15 shall include the full text of all public measures to be voted
16 upon at the election. The notice shall also include notice of
17 testing required pursuant to sections 52.9, 52.35, and 52.38.

18 Sec. 31. Section 49.57, subsection 4, Code 2001, is
19 amended to read as follows:

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

29 Sec. 32. Section 49.64, Code 2001, is amended to read as
30 follows:

31 49.64 NUMBER OF BALLOTS DELIVERED.

32 The commissioner shall cause ballots of the kind to be
33 voted in each precinct, to be delivered to the precinct
34 election officials as follows: in general elections which are
35 presidential elections seventy-five at least fifty-five

1 ballots for every fifty votes, or fraction thereof of fifty
2 votes, cast in said the precinct at the last preceding general
3 election which was also a presidential election; and in
4 general elections which are not presidential elections,
5 seventy-five at least fifty-five ballots for every fifty
6 votes, or fraction thereof of fifty votes, cast therein at the
7 last preceding general election which was not a presidential
8 election.

9 Sec. 33. Section 49.70, Code 2001, is amended to read as
10 follows:

11 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

18 Sec. 34. Section 49.73, subsection 1, paragraph b, Code
19 2001, is amended to read as follows:

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

25 Sec. 35. Section 49.73, subsection 1, Code 2001, is
26 amended by adding the following new paragraph:

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

30 Sec. 36. Section 49.79, Code 2001, is amended to read as
31 follows:

32 49.79 CHALLENGES.

33 Any person offering to vote may be challenged as
34 unqualified by any precinct election official or ~~elector~~, and
35 it registered voter. It is the duty of each official to

1 challenge any person offering to vote whom the official knows
2 or suspects is not duly qualified. A ballot shall be received
3 from a voter who is challenged, but only in accordance with
4 section 49.81.

5 Sec. 37. Section 49.81, subsection 2, unnumbered paragraph
6 2, Code 2001, is amended to read as follows:

7 Your qualifications as a registered voter have been
8 challenged for the following reasons:

9 I.

10 II.

11 III.

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

22 Sec. 38. Section 49.84, Code 2001, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
25 voter from taking minor children into the voting booth with
26 the voter.

27 Sec. 39. Section 49.88, Code 2001, is amended by adding
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
30 voter from taking minor children into the voting booth with
31 the voter.

32 Sec. 40. Section 49.96, Code 2001, is amended to read as
33 follows:

34 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

35 Where more than one person is to be elected to the same

1 office at the same election, and all of the candidates for
 2 that office for whom the voter desires to vote were nominated
 3 by the political party or nonparty political organization for
 4 which the voter has marked a straight party or organization
 5 vote, the voter need not otherwise indicate the vote for that
 6 office. However, if a voter who has marked a straight party
 7 or organization ticket also marks the voting targets next to
 8 the names of one or more candidates of the same party or
 9 organization, only the votes cast separately for individual
 10 candidates for that office shall be counted. If the voter
 11 wishes to vote for candidates who were nominated by different
 12 political parties or nonparty political organizations, the
 13 voter must mark the voting target for each candidate the voter
 14 has chosen, whether or not the voter has also marked a
 15 straight party or organization vote.

16 Sec. 41. Section 49.124, Code 2001, is amended to read as
 17 follows:

18 49.124 TRAINING COURSE BY COMMISSIONER.

19 The commissioner shall conduct, not later than the day
 20 before each primary and general election, a training course of
 21 ~~not-more-than-two-hours~~ for all election personnel, and the
 22 commissioner may do so before any other election the
 23 commissioner administers. The personnel shall include all
 24 precinct election officials and any other persons who will be
 25 employed in or around the polling places on election day. At
 26 least two precinct election officials who will serve on each
 27 precinct election board at the forthcoming election shall
 28 attend the training course. If the entire board does not
 29 attend, those members who do attend shall so far as possible
 30 be persons who have not previously attended a similar training
 31 course.

32 Sec. 42. Section 50.11, Code 2001, is amended to read as
 33 follows:

34 50.11 PROCLAMATION OF RESULT.

35 When the canvass is completed one of the precinct election

1 officials shall publicly announce the total number of votes
2 received by each of the persons voted for, the office for
3 which the person is designated, as announced by the designated
4 tally keepers, and the number of votes for, and the number of
5 votes against, any proposition which shall have been submitted
6 to a vote of the people, ~~and the.~~ A precinct election
7 official shall communicate ~~said information~~ the election
8 results by telephone or telegraph or in person to the
9 commissioner who is conducting the election immediately upon
10 completion of the canvass, ~~and the.~~

11 Election results may be transmitted electronically from
12 voting equipment to the commissioner's office only after the
13 precinct election officials have produced a written report of
14 the election results. The devices used for the electronic
15 transmission of election results shall be approved for use by
16 the board of examiners pursuant to section 52.41. The state
17 commissioner of elections shall adopt rules establishing
18 procedures for the electronic transmission of election
19 results.

20 The commissioner shall remain on duty until such
21 information is communicated to the commissioner from each
22 polling place in the commissioner's county.

23 Sec. 43. Section 50.12, Code 2001, is amended to read as
24 follows:

25 50.12 RETURN AND PRESERVATION OF BALLOTS.

26 Immediately after making the proclamation, and before
27 separating, the board members of each precinct in which votes
28 have been received by paper ballot shall enclose in an
29 envelope or other container all ballots which have been
30 counted by them, except those endorsed "Rejected as double",
31 "Defective", or "Objected to", and securely seal the envelope.
32 The signatures of all board members of the precinct shall be
33 placed across the seal or the opening of the container so that
34 it cannot be opened without breaking the seal. The precinct
35 election officials shall return all the ballots to the

1 commissioner, who shall carefully preserve them for six
 2 months. Ballots from elections for federal offices shall be
 3 preserved for twenty-two months. The sealed packages
 4 containing voted ballots shall be opened only for an official
 5 recount authorized by section 50.48, 50.49, or 50.50, for an
 6 election contest held pursuant to chapters 57 through 62, or
 7 to destroy the ballots pursuant to section 50.19.

8 Sec. 44. Section 50.48, subsection 2, unnumbered paragraph
 9 1, Code 2001, is amended to read as follows:

10 The candidate requesting a recount under this section shall
 11 post a bond, unless the abstracts prepared pursuant to section
 12 50.24, or section 43.49 in the case of a primary election,
 13 indicate that the difference between the total number of votes
 14 cast for the apparent winner and the total number of votes
 15 cast for the candidate requesting the recount is less than the
 16 greater of fifty votes or one percent of the total number of
 17 votes cast for the office or nomination in question. If a
 18 recount is requested for an office to which more than one
 19 person was elected, the vote difference calculations shall be
 20 made using the difference between the number of votes received
 21 by the person requesting the recount and the number of votes
 22 received by the apparent winner who received the fewest votes.
 23 Where votes cast for that office or nomination were canvassed
 24 in more than one county, the abstracts prepared by the county
 25 boards in all of those counties shall be totaled for purposes
 26 of this subsection. If a bond is required, it shall be filed
 27 with the state commissioner for recounts involving a state
 28 office, including a seat in the general assembly, or a seat in
 29 the United States Congress, and with the commissioner
 30 responsible for conducting the election in all other cases,
 31 and shall be in the following amount:

32 Sec. 45. Section 50.49, unnumbered paragraph 4, Code 2001,
 33 is amended to read as follows:

34 The petitioners requesting the recount shall post a bond as
 35 required by section 50.48, subsection 2. The amount of the

1 bond shall be one thousand dollars for a public measure
2 appearing on the ballot statewide or one hundred dollars for
3 any other public measure. If the difference between the
4 affirmative and negative votes cast on the public measure is
5 less than the greater of fifty votes or one percent of the
6 total number of votes cast for and against the question, a
7 bond is not required. If approval by sixty percent of the
8 votes cast is required for adoption of the public measure, no
9 bond is required if the difference between sixty percent of
10 the total votes cast for and against the question and the
11 number of votes cast for the losing side is less than the
12 greater of fifty votes or one percent of the total number of
13 votes cast.

14 Sec. 46. Section 50.50, unnumbered paragraph 1, Code 2001,
15 is amended to read as follows:

16 The commissioner who was responsible for conducting an
17 election may request an administrative recount when the
18 commissioner suspects that voting equipment used in the
19 election malfunctioned or that programming errors may have
20 affected the outcome of the election, or if the precinct
21 election officials report counting errors to the commissioner
22 after the conclusion of the canvass of votes in the precinct.

23 An administrative recount shall be conducted by the board of
24 the special precinct established by section 53.23. Bond shall
25 not be required for an administrative recount. The state
26 commissioner may adopt rules for administrative recounts.

27 Sec. 47. Section 52.1, subsection 2, paragraphs a, b, and
28 f, Code 2001, are amended to read as follows:

29 a. "Automatic tabulating equipment" means apparatus,
30 including but not limited to electronic data processing
31 machines, which may be utilized to ascertain the manner in
32 which ~~either~~ special paper ballots ~~or-ballot-cards~~ have been
33 marked by voters, and count the votes marked thereon.

34 b. "Ballot" includes a special paper ballot ~~and-a-ballot~~
35 ~~card-and-its-associated-ballot-label~~. In appropriate

1 contexts, "ballot" also includes conventional paper ballots.

2 f. "Electronic voting system" means a system employing
3 special paper ballots ~~or ballot-cards-and-ballot-labels~~, under
4 which votes are:

5 (1) Cast by voters by marking special paper ballots with a
6 vote marking device, ~~or-by-marking-ballot-cards-by-use-of-a~~
7 ~~voting-punch-device~~; and

8 (2) Thereafter counted by use of automatic tabulating
9 equipment.

10 Sec. 48. Section 52.1, subsection 2, paragraphs c, d, and
11 k, Code 2001, are amended by striking the paragraphs.

12 Sec. 49. Section 52.25, unnumbered paragraphs 1 and 2,
13 Code 2001, are amended to read as follows:

14 The question of a constitutional convention, amendments,
15 and public measures including bond issues may be voted on
16 voting machines and on special paper ballots ~~and-ballot-cards~~
17 in the following manner:

18 The entire convention question, amendment or public measure
19 shall be printed and displayed prominently in at least four
20 places within the voting precinct, and inside each voting
21 booth, or on the left-hand side inside the curtain of each
22 voting machine, the printing to be in conformity with the
23 provisions of chapter 49. The public measure shall be
24 summarized by the commissioner and in the largest type
25 possible printed on the special paper ballots, ~~ballot-cards~~,
26 or inserts used in the voting machines, except that:

27 Sec. 50. Section 52.26, subsections 5, 6, and 7, Code
28 2001, are amended to read as follows:

29 5. Be so constructed or designed that in presidential
30 elections the voter casts a vote for the presidential electors
31 of any party or political organization by a single mark ~~or~~
32 ~~punch~~ made opposite the name of the candidates of that party
33 or organization for the offices of both president and vice
34 president of the United States, and so that the voter is also
35 provided the opportunity to write in the name of any person

1 for whom the voter desires to vote for president or vice
2 president of the United States.

3 6. Be so constructed or designed as to permit voting for
4 candidates for nomination or election of at least seven
5 different political parties or organizations, and to permit
6 voting for all of the candidates of any one political party or
7 organization by a single mark or punch, at any one election.

8 ~~7. The voting punch device shall be so constructed and~~
9 ~~designed so if an elector makes an error in marking the~~
10 ~~ballot, the machine shall indicate the error and permit the~~
11 ~~elector to make a correction according to the provisions of~~
12 ~~section 52.30, subsection 4. A punch card voting system shall~~
13 ~~not be approved for use.~~

14 Sec. 51. Section 52.27, Code 2001, is amended to read as
15 follows:

16 52.27 COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT.

17 The commissioner having jurisdiction of any precinct for
18 which the board of supervisors has adopted voting by means of
19 an electronic voting system shall, as soon as practicable
20 thereafter, provide for use at each election held in the
21 precinct special paper ballots and vote marking devices ~~or~~
22 ~~ballot cards, ballot labels and voting punch devices, as the~~
23 ~~case may be,~~ in appropriate numbers. The commissioner shall
24 have custody of all equipment required for use of the
25 electronic voting system, and shall be responsible for
26 maintaining it in good condition and for storing it between
27 elections. All provisions of chapter 49 relative to times and
28 circumstances under which voting machines are to be used in
29 any election and the number of voting machines to be provided
30 shall also govern the use of electronic voting systems, when
31 applicable.

32 Sec. 52. Section 52.28, subsection 1, Code 2001, is
33 amended to read as follows:

34 1. The commissioner of each county in which the use of an
35 electronic voting system in one or more precincts has been

1 authorized shall determine the arrangement of candidates'
 2 names and public questions upon the ballot or ballots used
 3 with the system. The ballot information, ~~whether placed on~~
 4 ~~the special paper ballot, the ballot card or the ballot label,~~
 5 shall be arranged as required by chapters 43 and 49, and by
 6 any relevant provisions of any statutes which specify the form
 7 of ballots for special elections, so far as possible within
 8 the constraints of the physical characteristics of the
 9 electronic voting system in use in that county. The state
 10 commissioner may adopt rules requiring a reasonable degree of
 11 uniformity among counties in arrangement of electronic voting
 12 system ballots.

13 Sec. 53. Section 52.28, subsection 2, Code 2001, is
 14 amended by striking the subsection.

15 Sec. 54. Section 52.29, Code 2001, is amended to read as
 16 follows:

17 52.29 ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

18 The commissioner shall provide for each precinct where an
 19 electronic voting system is in use at least four sample
 20 special paper ballots, ~~or combinations of ballot cards and~~
 21 ~~ballot labels, as the case may be,~~ which shall be exact copies
 22 of the official ballots as printed for that precinct. The
 23 sample ballots shall be arranged in the form of a diagram
 24 showing the special paper ballot ~~or the front of the voting~~
 25 ~~punch device, as the case may be,~~ as it will appear to the
 26 voter in that precinct on election day. The sample ballots
 27 shall be posted prominently within the polling place, and
 28 shall be open to public inspection during the hours the polls
 29 are open on election day.

30 Sec. 55. Section 52.33, unnumbered paragraph 1, Code 2001,
 31 is amended to read as follows:

32 In any county in which the board of supervisors has adopted
 33 voting by means of an electronic voting system, the
 34 commissioner may elect to also conduct absentee voting by use
 35 of such a system if the system so used is compatible with the

1 counting center serving the precinct polling places in the
2 county where voting is by means of an electronic voting
3 system. In any other county, the commissioner may with
4 approval of the board of supervisors conduct absentee voting
5 by use of an electronic voting system. All provisions of
6 chapter 53 shall apply to such absentee voting, so far as
7 applicable. ~~When a ballot card is used for voting by mail it~~
8 ~~shall be accompanied by a stylus, voter instructions, and a~~
9 ~~specimen ballot showing the proper positions to vote on the~~
10 ~~ballot card for each candidate or public question. The card~~
11 ~~shall be mounted on material suitable to receive the punched~~
12 ~~out chip.~~ In counties where absentee voting is conducted by
13 use of an electronic voting system, the special precinct
14 counting board shall, at the time required by chapter 53,
15 prepare absentee ballots for delivery to the counting center
16 in the manner prescribed by this chapter.

17 Sec. 56. Section 52.35, subsection 2, Code 2001, is
18 amended to read as follows:

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

1 Sec. 57. Section 52.37, subsection 1, Code 2001, is
2 amended to read as follows:

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

20 In nonpartisan elections the election officials delivering
21 the ballots are not required to be members of any political
22 party, or to be members of different political parties.

23 Sec. 58. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
24 ELECTION RESULTS.

25 With the advice of the board of examiners for voting
26 machines and electronic voting systems, the state commissioner
27 shall adopt by rule standards for the examination and testing
28 of devices for the electronic transmission of election
29 results. All voting systems which contain devices for the
30 electronic transmission of election results submitted to the
31 examiners for examination and testing after July 1, 2003,
32 shall comply with these standards.

33 Sec. 59. Section 53.8, subsection 1, Code 2001, is amended
34 to read as follows:

35 1. Upon receipt of an application for an absentee ballot

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

14 Sec. 60. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
15 COMMISSIONER'S OFFICE.

16 Not more than forty days before the date of the primary
17 election or the general election, the commissioner shall
18 provide facilities for absentee voting in person at the
19 commissioner's office. This service shall also be provided
20 for other elections as soon as the ballots are ready, but in
21 no case shall absentee ballots be available more than forty
22 days before an election.

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

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

6 Sec. 61. Section 53.11, unnumbered paragraph 1, Code 2001,
7 is amended by striking the unnumbered paragraph.

8 Sec. 62. Section 53.11, unnumbered paragraph 2, Code 2001,
9 is amended to read as follows:

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

21 Sec. 63. Section 53.11, Code 2001, is amended by adding
22 the following new unnumbered paragraphs:

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

28 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
29 ballots are available at a satellite absentee voting station,
30 the posting of political signs is prohibited within thirty
31 feet of the satellite absentee voting station. Electioneering
32 shall not be allowed within the sight or hearing of voters at
33 the satellite absentee voting station.

34 Sec. 64. Section 53.18, Code 2001, is amended to read as
35 follows:

1 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

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

9 Sec. 65. Section 53.19, unnumbered paragraph 3, Code 2001,
10 is amended to read as follows:

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

24 Sec. 66. Section 53.30, Code 2001, is amended to read as
25 follows:

26 53.30 BALLOT ENVELOPE PRESERVED.

27 At the conclusion of each meeting of the absentee and
28 special voter's precinct board, the board shall securely seal
29 all ballots counted by them in the manner prescribed in
30 section 50.12. The ballot envelopes, including the envelope
31 having the registered voter's affidavit thereon on it, the
32 return carrier envelope, and secrecy envelope bearing the
33 signatures of precinct election officials, as required by
34 section 53.23, shall be preserved. All applications for
35 absentee ballots, ballots rejected without being opened,

1 absentee ballot logs, and any other documents pertaining to
2 the absentee ballot process shall be preserved until such time
3 as the documents may be destroyed pursuant to section 50.19.

4 Sec. 67. Section 53.38, Code 2001, is amended to read as
5 follows:

6 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

7 Whenever a ballot is requested pursuant to section 53.39 or
8 53.45 on behalf of a voter in the armed forces of the United
9 States, the affidavit upon the ballot envelope of such voter,
10 if the voter is found to be an eligible elector of the county
11 to which the ballot is submitted, shall constitute a
12 sufficient registration under ~~the-provisions-of~~ chapter 48A
13 ~~and-the.~~ A completed federal postcard registration and
14 federal absentee ballot request form submitted by such
15 eligible elector shall also constitute a sufficient
16 registration under chapter 48A. The commissioner shall place
17 the voter's name on the registration record as a registered
18 voter, if it does not already appear there.

19 Sec. 68. Section 53.40, unnumbered paragraph 1, Code 2001,
20 is amended to read as follows:

21 A request in writing for a ballot may be made by any member
22 of the armed forces of the United States who is or will be a
23 qualified voter on the day of the election at which the ballot
24 is to be cast, at any time before the election. Any member of
25 the armed forces of the United States may request ballots for
26 all elections to be held within a calendar year. The request
27 may be made by using the federal postcard application form and
28 indicating that the applicant wishes to receive ballots for
29 all elections as permitted by state law. The county auditor
30 commissioner shall send the applicant a ballot for each
31 election held during the calendar year in which the
32 application is received. The commissioner shall forward a
33 copy of the absentee ballot request to other commissioners who
34 are responsible under section 47.2, subsection 2, for
35 conducting elections in which the applicant is eligible to

1 vote.

2 Sec. 69. Section 57.1, subsection 2, Code 2001, is amended
3 by adding the following new paragraph after paragraph f and
4 relettering the subsequent paragraphs:

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

8 Sec. 70. Section 60.4, Code 2001, is amended to read as
9 follows:

10 60.4 STATEMENT.

11 The contestant shall file the statement provided for in
12 chapter 62 in the office of the secretary of state within ~~ten~~
13 two days from the day on which the returns are canvassed by
14 the state board of canvassers, and, within the same time,
15 serve a copy of the same, with a notice of the contest, on the
16 incumbent in the manner provided by the rules of civil
17 procedure for service of an original notice.

18 Sec. 71. Section 60.5, Code 2001, is amended to read as
19 follows:

20 60.5 ORGANIZATION AND TRIAL.

21 The clerk of the court shall, immediately after the filing
22 of the statement, notify the judges herein named, and fix a
23 day for the organization of the court within ~~three~~ two days
24 thereafter, and also notify the parties to the contest. The
25 judges shall meet on the day fixed, and organize the court,
26 and make and announce such rules for the trial of the case as
27 they shall think necessary for the protection of the rights of
28 each party and a just and speedy trial of the case, and
29 commence the trial of the case as early as practicable
30 thereafter, and so arrange for and conduct the trial that a
31 final determination of the same and judgment shall be rendered
32 at least six days before the first Monday after the second
33 Wednesday in December next following.

34 Sec. 72. NEW SECTION. 62.5A STATEMENT OF INTENT TO
35 CONTEST.

1 1. Within twenty days after the board of supervisors
 2 declares a winner from the canvass of an election, the
 3 contestant shall file with the commissioner a written
 4 statement of intention to contest the election. If a recount
 5 is held for the office in question, and the recount board
 6 finds that the winner was someone other than the person
 7 declared at the original canvass of votes, a contest may be
 8 filed within twenty days after the board of supervisors
 9 declares a winner from the recount of votes.

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

11 a. The name of the contestant and that the contestant is
 12 qualified to hold such office.

13 b. The name of the incumbent.

14 c. The office contested.

15 d. The date of the election.

16 e. The particular causes of the contest pursuant to
 17 section 57.1, subsection 2. If a cause of the contest is an
 18 allegation that illegal votes were received or that legal
 19 votes were rejected, a statement shall be included setting
 20 forth the names of the persons who are alleged to have voted
 21 illegally or whose votes were rejected and the precinct where
 22 they voted or offered to vote.

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

25 Sec. 73. Section 63.8, Code 2001, is amended to read as
 26 follows:

27 63.8 VACANCIES -- TIME TO QUALIFY.

28 Persons elected or appointed to fill vacancies, and
 29 officers entitled to hold over to fill vacancies occurring
 30 through a failure to elect, appoint, or qualify, as provided
 31 in chapter 69, shall qualify within ten days from the county
 32 board's canvass of such election, or within ten days from such
 33 appointment, or failure to elect, appoint, or qualify, in the
 34 same manner as those originally elected or appointed to such
 35 offices.

1 Sec. 74. Section 69.2, Code Supplement 2001, is amended to
2 read as follows:

3 69.2 WHAT CONSTITUTES VACANCY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Sec. 75. Section 69.12, subsection 1, paragraph a, Code
10 2001, is amended to read as follows:

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

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

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

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

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

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

25 Sec. 76. Section 69.12, subsection 1, paragraph b, Code
26 2001, is amended to read as follows:

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

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

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

1 special city election.

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

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

6 Sec. 77. Section 69.14A, Code 2001, is amended by adding
7 the following new subsection:

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

13 Sec. 78. Section 275.12, subsections 3 and 4, Code
14 Supplement 2001, are amended to read as follows:

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

25 4. The area education agency board in reviewing the
26 petition as provided in sections 275.15 and 275.16 shall
27 review the proposed method of election of school directors and
28 may change or amend the plan in any manner, including the
29 ~~changing-of-boundaries-of-director-districts-if-proposed,~~ or
30 to specify a different method of electing school directors as
31 may be required by law, justice, equity, and the interest of
32 the people. In the action, the area education agency board
33 shall follow the same procedure as is required by sections
34 275.15 and 275.16 for other action on the petition by the area
35 education agency board. ~~The-area-education-agency-shall~~

1 ~~ascertain that director district boundary lines comply with~~
2 ~~the provisions of section 275.23A, subsection 1, and shall~~
3 ~~make adjustments as necessary.~~

4 Sec. 79. Section 275.25, subsection 1, unnumbered
5 paragraph 1, Code 2001, is amended to read as follows:

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

31 Sec. 80. Section 275.35, Code 2001, is amended to read as
32 follows:

33 275.35 CHANGE OF METHOD OF ELECTIONS.

34 Any existing or hereafter created or enlarged school
35 district may change the number of directors to either five or

1 seven and may also change its method of election of school
 2 directors to any method authorized by section 275.12 by
 3 submission of a proposal, stating the proposed new method of
 4 election ~~and-describing-the-boundaries-of-the-proposed~~
 5 ~~director-districts-if-any~~, by the school board of such
 6 district to the electors at any regular or special school
 7 election. The school board shall notify the county
 8 commissioner of elections who shall publish notice of the
 9 election in the manner provided in section 49.53. The
 10 election shall be conducted pursuant to chapters 39 to 53 by
 11 the county commissioner of elections. Such proposal shall be
 12 adopted if it is approved by a majority of the votes cast on
 13 the proposition.

14 If the proposal adopted by the voters requires the
 15 establishment of or change in director district boundaries,
 16 the school board shall draw the necessary boundaries within
 17 forty days after the date of the election. The boundaries
 18 shall be drawn according to the requirements of section
 19 275.23A. Following adoption by the school board, the plan
 20 shall be submitted to the state commissioner of elections for
 21 approval.

22 Sec. 81. Section 275.36, Code 2001, is amended to read as
 23 follows:

24 275.36 SUBMISSION OF CHANGE TO ELECTORS.

25 If a petition for a change in the number of directors or in
 26 the method of election of school directors, ~~describing-the~~
 27 ~~boundaries-of-the-proposed-director-districts-if-any,~~ signed
 28 ~~by-eligible-electors-of-the-school-district-equal-in-number-to~~
 29 ~~at-least-thirty-percent-of-those-who-voted-in-the-last~~
 30 ~~previous-annual-school-election-in-the-school-district,~~ but
 31 ~~not-less-than-one-hundred-persons,~~ and accompanied by
 32 ~~affidavit-as-required-by-section-275.13-be~~ is filed with the
 33 school board of a school district, ~~not-earlier-than-six-months~~
 34 ~~and-not-later-than-sixty-seven-days-before-a-regular-or~~
 35 ~~special-school-election~~ pursuant to the requirements of

1 section 278.2, the school board shall submit such proposition
2 to the voters at the regular school election or a special
3 election held not later than February 1. The petition shall
4 be accompanied by an affidavit as required by section 275.13.
5 If a proposition for a change in the number of directors or in
6 the method of election of school directors submitted to the
7 voters under this section is rejected, it shall not be
8 resubmitted to the voters of the district in substantially the
9 same form within the next three years; if it is approved, no
10 other proposal may be submitted to the voters of the district
11 under this section within the next six years.

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

22 Sec. 82. Section 275.37, Code 2001, is amended to read as
23 follows:

24 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

1 shall assign terms appropriate for the method of election used
2 by the district.

3 Sec. 83. NEW SECTION. 275.37A DECREASE IN NUMBER OF
4 DIRECTORS.

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

8 a. If at the first election in the district there are
9 three terms expiring, one director shall be elected. At the
10 second election in that district, if two terms are expiring,
11 two directors shall be elected. At the third election in that
12 district, if there are two terms expiring, two directors shall
13 be elected.

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

22 c. If at the first election there are two terms expiring,
23 no directors shall be elected. At the second election in that
24 district, if three terms are expiring, three directors shall
25 be elected, two for three years and one for two years. The
26 newly elected director who received the fewest votes in the
27 election shall be assigned a term of two years. At the third
28 election in that district, if there are two terms expiring,
29 two directors shall be elected.

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

35 Sec. 84. Section 275.55, unnumbered paragraph 1, Code

1 2001, is amended to read as follows:

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

12 Sec. 85. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
13 BOUNDARIES FOLLOWING DISSOLUTION.

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

28 2. A public hearing on the proposed changes to director
29 districts shall be held no later than May 15 following the
30 dissolution. Not less than ten nor more than twenty days
31 before the public hearing, the board shall publish notice of
32 the time and place of the hearing.

33 3. The final plan for the assignment of attached lands and
34 any other boundary changes made shall be adopted by resolution
35 of the board. The resolution shall contain a legal

1 description of the new director district boundaries and a map
 2 of the director district boundaries changed by the resolution.
 3 A copy of the resolution shall be filed with the county
 4 commissioners of elections of each county in which a portion
 5 of the school district is located. The resolution shall also
 6 be filed with the state commissioner of elections not later
 7 than June 15. The boundary changes shall take effect upon
 8 approval by the state commissioner of elections for the next
 9 regular school election, but not later than July 1.

10 Sec. 86. Section 277.23, Code 2001, is amended to read as
 11 follows:

12 277.23 DIRECTORS -- NUMBER -- CHANGE.

13 In any district including all or-part of a city of fifteen
 14 thousand or more population and in any district in which the
 15 voters have authorized seven directors, the board shall
 16 consist of seven members; in all other districts the board
 17 shall consist of five members.

18 A change from five to seven directors shall be effected in
 19 a district at the first regular election after authorization
 20 by the voters or when a district becomes wholly or in part
 21 within a city of fifteen thousand population or more in the
 22 following manner:~~---if-the-term-of-one-director-of-the-five-~~
 23 ~~member-board-expires-at-the-time-of-said-regular-election,~~
 24 ~~three-directors-shall-be-elected-to-serve-until-the-third~~
 25 ~~regular-election-thereafter,-if-the-terms-of-two-directors~~
 26 ~~expire-at-the-time-of-said-regular-election,-three-directors~~
 27 ~~shall-be-elected-to-serve-until-the-third-regular-election~~
 28 ~~thereafter-and-one-director-shall-be-elected-to-serve-a-term~~
 29 ~~the-expiration-of-which-coincides-with-the-expiration-of-the~~
 30 ~~term-of-the-director-heretofore-singly-elected~~ described in
 31 section 275.37.

32 Sec. 87. Section 278.1, subsection 8, Code 2001, is
 33 amended to read as follows:

34 8. Authorize a change in the method of conducting
 35 elections or in the number of directors as provided in

1 sections 275.35 and 275.36. If a proposition submitted to the
2 voters under this subsection or subsection 7 is rejected, it
3 may not be resubmitted to the voters of the district in
4 substantially the same form within the next three years; if it
5 is approved, no other proposal may be submitted to the voters
6 of the district under this subsection or subsection 7 within
7 the next six years. The establishment or abandonment of
8 director districts or a change in the boundaries of director
9 districts shall be implemented as prescribed in section
10 275.37.

11 Sec. 88. Section 279.6, unnumbered paragraph 2, Code 2001,
12 is amended to read as follows:

13 However, A vacancy shall be filled at the next regular
14 school election if a member of a school board resigns from the
15 board ~~prior-to-the-time-for-filing-nomination-papers-for~~
16 ~~office-as-a-school-board-member,-as-provided-in-section-277-47~~
17 not later than forty-five days before the election and the
18 notice of resignation specifies in-the-resignation-that-the
19 resignation-will-be an effective on-the date at the beginning
20 of the next term of office for elective school officials
21 begins,-the. The president of the board shall declare the
22 office vacant as of that the date and-nomination of the next
23 organizational meeting. Nomination papers shall be received
24 for the unexpired term of the resigning member. The person
25 elected at the next regular school election to fill the
26 vacancy shall take office at the same time and place as the
27 other elected school board members.

28 Sec. 89. Section 296.3, Code 2001, is amended to read as
29 follows:

30 296.3 ELECTION CALLED.

31 The Within ten days of receipt of a petition filed under
32 section 296.2, the president of the board of directors,-within
33 ten-days-of-receipt-of-a-petition-under-section-296-2, shall
34 call a meeting of the board which-shall. The meeting shall be
35 held within thirty days after the petition was received. At

1 the meeting, the board shall call the election, fixing the
 2 time of the election, which may be at the time and place of
 3 holding the regular school election, unless. However, if the
 4 board determines by unanimous vote that the proposition or
 5 propositions requested by a petition to be submitted at an
 6 election are grossly unrealistic or contrary to the needs of
 7 the school district, no election shall be called. If more
 8 than one petition has been received by the time the board
 9 meets to consider the petition triggering the meeting, the
 10 board shall act upon the petitions in the order they were
 11 received at the meeting called to consider the initial
 12 petition. The decision of the board may be appealed to the
 13 state board of education as provided in chapter 290. The
 14 president shall notify the county commissioner of elections of
 15 the time of the election.

16 Sec. 90. Section 331.207, subsection 2, Code 2001, is
 17 amended to read as follows:

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

29 Sec. 91. Section 331.207, Code 2001, is amended by adding
 30 the following new subsection:

31 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
 32 the ballots cast in the special election represents a change
 33 from plan "one" to plan "two" or "three", or from plan "two"
 34 to plan "three", as each plan is defined in section 331.206,
 35 the temporary county redistricting commission shall divide the

1 county into districts as provided in sections 331.209 and
2 331.210. The plan shall be completed not later than September
3 15 following the special election and shall be submitted to
4 the state commissioner of elections. The plan shall become
5 effective January 1.

6 Sec. 92. Section 331.651, subsection 1, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

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

17 Sec. 93. Section 336.2, unnumbered paragraphs 3, 4, and 5,
18 Code Supplement 2001, are amended to read as follows:

19 The board of supervisors of each county and the city
20 council of each city containing area within the proposed
21 district shall submit the proposition question to the
22 registered voters within their respective counties and cities
23 at any the next general ~~or-primary~~ election, ~~provided-said~~
24 ~~election-occurs.~~ The petition shall be filed not less than
25 forty eighty-two days ~~after-the-filing-of-the-petition~~ before
26 the election.

27 A library district shall be established if a majority of
28 the electors voting on the proposition question and residing
29 in the proposed library district favor its establishment.

30 The result of the election within cities maintaining a free
31 public library shall be considered separately, and no city
32 shall be included within the library district unless a
33 majority of its electors voting on the proposition question
34 favor its inclusion. In such cases the boundaries of an
35 established district may vary from those of the proposed

1 district.

2 Sec. 94. Section 336.16, unnumbered paragraph 4, Code
3 Supplement 2001, is amended to read as follows:

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

12 Sec. 95. Section 336.18, subsection 2, Code Supplement
13 2001, is amended to read as follows:

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

24 b. The proposition question may be submitted at any
25 election provided by law which covers the area of the unit
26 seeking to terminate the contract. The petition shall be
27 presented to the governing body not less than forty ten days
28 before the last day candidates may file nomination petitions
29 for the election at which the question is to be submitted.

30 Sec. 96. Section 336.18, subsection 4, paragraphs a, b,
31 and c, Code Supplement 2001, are amended to read as follows:

32 a. Eligible electors of that part of any county outside of
33 cities in a number of not less than twenty-five percent of
34 those in the area who voted for president of the United States
35 or governor at the last general election may petition the

1 board of supervisors to submit the proposition question of
2 requiring the board to provide library service for them and
3 their area by contract as provided by this section.

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

11 c. If a majority of those voting upon the proposition
12 question favors it, the board of supervisors shall within
13 thirty days appoint a board of library trustees from residents
14 of the petitioning area. Vacancies shall be filled by the
15 board.

16 Sec. 97. Section 346.27, subsection 10, Code 2001, is
17 amended to read as follows:

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

33 PARAGRAPH DIVIDED. A In addition to the notice required by
34 section 49.53, a notice of the election shall be published
35 once each week for at least two weeks in some newspaper

1 published in the county stating the date of the election, the
 2 hours the polls will be open, and a copy of the question. The
 3 ~~notice shall name the time when the question shall be~~
 4 ~~submitted, and a copy of the question to be submitted shall be~~
 5 ~~posted at each polling place during the day of election.~~ The
 6 authority shall call this election with the concurrence of
 7 both incorporating units, ~~and it shall establish the voting~~
 8 ~~precincts and polling places, and appoint the election judges,~~
 9 ~~and in so doing such election procedures shall be.~~ The
 10 election shall be conducted by the commissioner in accordance
 11 with the provisions of chapters 49 and 50.

12 Sec. 98. Section 346.27, subsection 25, Code 2001, is
 13 amended to read as follows:

14 25. When all bonds issued by an authority have been
 15 retired, the authority may convey the title to the property
 16 owned by the authority to the incorporating units in
 17 accordance with the provisions ~~therefor~~ contained in the
 18 articles of incorporation, ~~or, if none,~~ If articles of
 19 incorporation do not exist, the conveyance may be made in
 20 accordance with any agreement adopted by the respective
 21 governing bodies of the incorporating units, and the
 22 authority.

23 PARAGRAPH DIVIDED. The proposition question of whether a
 24 conveyance shall be made shall be submitted to the ~~legal~~
 25 registered voters of the city and the unincorporated area of
 26 the county, utilizing the election procedures provided for
 27 bond issues, and an. An affirmative vote equal to at least a
 28 majority of the total votes cast on the proposition question
 29 shall be required to authorize the conveyance. If the
 30 proposition question does not carry, the authority shall
 31 continue to operate, maintain, and manage the building under a
 32 lease arrangement with the incorporating units.

33 Sec. 99. Section 359.17, Code Supplement 2001, is amended
 34 to read as follows:

35 359.17 TRUSTEES -- DUTIES -- MEETINGS.

1 The board of township trustees in each township shall
2 consist of three registered voters of the township. However,
3 in townships with a taxable valuation for property tax
4 purposes of two hundred fifty million dollars or more, the
5 board of township trustees shall consist of five registered
6 voters of the township. The trustees shall act as fence
7 viewers and shall perform other duties assigned them by law.
8 The board of trustees shall meet not less than two times a
9 year. At least one of the meetings shall be scheduled to meet
10 the requirements of section 359.49.

11 Sec. 100. Section 372.9, subsection 2, Code 2001, is
12 amended to read as follows:

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

24 Sec. 101. Section 372.13, subsection 2, paragraph b, Code
25 2001, is amended to read as follows:

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

1 full membership, a special election shall be called at the
 2 earliest practicable date. The council shall give the county
 3 commissioner at least sixty days' written notice of the date
 4 chosen for the special election. The council of a city where
 5 a primary election may be required shall give the county
 6 commissioner at least eighty-five days' written notice of the
 7 date chosen for the special election. A special election held
 8 under this subsection is subject to sections 376.4 through
 9 376.11, but the dates for actions in relation to the special
 10 election shall be calculated with regard to the date for which
 11 the special election is called.

12 Sec. 102. Section 376.2, unnumbered paragraph 2, Code
 13 2001, is amended to read as follows:

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

30 Sec. 103. Section 376.6, unnumbered paragraph 2, Code
 31 2001, is amended to read as follows:

32 Each city clerk shall certify to the commissioner of
 33 elections responsible under section 47.2 for conducting
 34 elections for that city the type of nomination process to be
 35 used for the city no later than seventy-seven ninety days

1 before the date of the regular city election. If the city has
2 by ordinance chosen a runoff election or has chosen to have
3 nominations made in the manner provided by chapter 44 or 45,
4 or has repealed nomination provisions under those sections in
5 preference for the primary election method, a copy of the city
6 ordinance shall be attached. No changes in the method of
7 nomination to be used in a city shall be made after the clerk
8 has filed the certification with the commissioner, unless the
9 change will not take effect until after the next regular city
10 election.

11 Sec. 104. Section 394.2, unnumbered paragraph 1, Code
12 2001, is amended to read as follows:

13 It shall not be necessary to submit to the voters the
14 proposition of issuing bonds for refunding purposes, but prior
15 to the issuance of bonds for other purposes the council shall
16 submit to the voters of the city at a general election or a
17 regular ~~municipal~~ city election the proposition of issuing the
18 bonds. Notice of the election on the proposition of issuing
19 bonds shall be published as required by section 49.53. The
20 notice shall also state whether or not an admission fee is to
21 be charged by the zoo or zoological gardens.

22 Sec. 105. Section 400.1, unnumbered paragraph 1, Code
23 2001, is amended to read as follows:

24 In cities having a population of eight thousand or over and
25 having a paid fire department or a paid police department, the
26 mayor, one year after a regular ~~municipal~~ city election, with
27 the approval of the council, shall appoint three civil service
28 commissioners who shall hold office, one until the first
29 Monday in April of the second year, one until the first Monday
30 in April of the third year, and one until the first Monday in
31 April of the fourth year after such appointment, whose
32 successors shall be appointed for a term of four years. In
33 cities having a population of more than one hundred thousand,
34 the city council may establish, by ordinance, the number of
35 civil service commissioners at not less than three.

1 Sec. 106. Section 400.3, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 ~~Whenever~~ If the city council appoints a commission, ~~it the~~
4 city council may, by ordinance, abolish ~~it the~~ commission, and
5 the commission shall stand abolished sixty days from the date
6 of the ordinance and the powers and duties of the commission
7 shall revert to the city council except whenever a city having
8 a population of less than eight thousand provides for the
9 appointment of a civil service commission, ~~it the~~ city council
10 may by ordinance abolish such office, but ~~said the~~ ordinance
11 shall not take effect until ~~it the~~ ordinance has been
12 submitted to the voters at a regular ~~municipal~~ city election
13 and approved by a majority of the voters at such election.
14 The ordinance shall be published once each week for two
15 consecutive weeks preceding the date of ~~said the~~ election in a
16 newspaper published in and having a general circulation in
17 ~~said the~~ city. ~~In-the-event-there-is-no~~ If a newspaper is not
18 published in such city, publication may be made in any
19 newspaper having general circulation in the county.

20 Sec. 107. Section 422A.1, unnumbered paragraph 4, Code
21 Supplement 2001, is amended to read as follows:

22 A city or county shall impose a hotel and motel tax or
23 increase the tax rate, only after an election at which a
24 majority of those voting on the question favors imposition or
25 increase. However, a hotel and motel tax shall not be
26 repealed or reduced in rate if obligations are outstanding
27 which are payable as provided in section 422A.2, unless funds
28 sufficient to pay the principal, interest, and premium, if
29 any, on the outstanding obligations at and prior to maturity
30 have been properly set aside and pledged for that purpose.
31 The election shall be held at the time of ~~that-city's~~ the
32 regular city election or the county's general election or at
33 the time of a special election.

34 Sec. 108. Section 422E.2, subsection 4, paragraph b,
35 unnumbered paragraph 1, Code Supplement 2001, is amended by

1 striking the unnumbered paragraph and inserting in lieu
2 thereof the following:

3 Within ten days of the election at which a majority of
4 those voting on the question favors the imposition, repeal, or
5 change in the rate of the tax, the county auditor shall give
6 written notice of the result of the election by sending a copy
7 of the abstract of the votes from the favorable election to
8 the director of revenue and finance. Election costs shall be
9 apportioned among school districts within the county on a pro
10 rata basis in proportion to the number of registered voters in
11 each school district who reside within the county and the
12 total number of registered voters within the county.

13 Sec. 109. Sections 52.30, 62.5, and 62.8, Code 2001, are
14 repealed.

15 Sec. 110. EFFECTIVE AND APPLICABILITY DATES. The sections
16 of this Act amending Code section 43.14 and enacting Code
17 sections 45.5 and 45.6, take effect January 1, 2003, and apply
18 to elections held on or after that date.

19 EXPLANATION

20 This bill makes a number of changes to the election laws of
21 Iowa.

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

25 Code section 39.3 is amended to add new subsection 17,
26 defining the terms "written" and "in writing" for purposes of
27 election law.

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

33 Code section 39.22 is amended to provide that, if a
34 township contains a city, only residents of the township
35 outside the city may be township officers.

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

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

8 Code sections 43.14 and 43.15 are amended to remove from
9 the Code archaic and repetitive language currently required to
10 appear on nomination petitions and provides that the state
11 commissioner shall prescribe the form for the petition,
12 listing the information that must be included. Standards for
13 evaluating nomination papers are also expanded to incorporate
14 current practices in the state commissioner's office. The
15 amendment to Code section 43.14 takes effect upon enactment
16 and applies to elections held on or after that date.

17 Code section 43.24 is amended to change an incorrect
18 reference from the municipal election to the city primary
19 election as it relates to the deadline for filing objections
20 to nomination petitions or certificates of nomination.

21 Code sections 43.114, 394.2, 400.1, and 400.3 are amended
22 to change "municipal election" or "regular municipal election"
23 to "regular city election" to refer to the election held on
24 the first Tuesday following the first Monday in November of
25 each odd-numbered year.

26 Code section 43.27 is amended to permit the county
27 commissioner of elections to code ballots by color for the
28 primary election.

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

31 Code section 43.48 is amended to add voting system
32 printouts to the information required to be available to the
33 public during the time period between the primary election and
34 the county canvass of votes.

35 Code sections 43.114 and 43.118 are amended to change

1 "municipal primary election" to "city primary election".

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

4 Code sections 45.5 and 45.6 are amended to provide specific
5 requirements for the form of nomination petitions and
6 standards for their review and rejection. Redundant language
7 is removed from Code section 45.3. These are similar to the
8 requirements of Code chapter 43 for primary elections. These
9 changes take effect January 1, 2003, and apply to elections
10 held on or after that date.

11 Code section 48A.11 is amended to provide that a person who
12 has power of attorney does not have authority to sign a voter
13 registration form for a registrant unless the registrant is
14 disabled and the form is signed at the request of the
15 registrant and in the presence of the registrant.

16 Code section 48A.27 is amended to provide that, in
17 elections on annexations, if a city is divided into wards the
18 detailed map required must show the ward designations for the
19 annexed territory.

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

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

26 Code section 48A.30, pertaining to proof of death for
27 purposes of canceling voter registration, is amended to
28 correspond with a prior change in the law which made county
29 recorders responsible for maintaining records of deaths in the
30 county.

31 Code section 48A.38 is amended to require the county
32 commissioner of registration and the state registrar to remove
33 a voter's social security number from voter registration lists
34 requested by the public or by political parties.

35 Code section 49.21 is amended to require the commissioner

1 of elections to post a sign at the entrance to the polling
2 place indicating the precinct name or number and displaying a
3 street map showing the boundaries of the precinct.

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

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

9 Code section 49.53 is amended to require that a published
10 sample ballot cannot reduce upper case letters in candidates'
11 names or in summaries of public measures to less than 90
12 percent of such letters appearing on the actual ballot.

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

15 Code section 49.64 is amended to provide that, for general
16 elections, the commissioner shall deliver to each precinct at
17 least 55 ballots for every 50 ballots cast in the same general
18 election held four years previous.

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

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

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

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

35 Code sections 49.84 and 49.88 are amended to provide that

1 the requirement that the voter enter the voting booth alone
2 does not prohibit the voter from taking minor children into
3 the voting booth.

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

9 Code section 49.124 is amended to allow the county
10 commissioner of elections to determine how long to conduct
11 training courses for precinct officials and other persons who
12 will be employed around polling places on election day.
13 Currently, the county commissioner is limited to providing no
14 more than two hours of training.

15 Code section 50.11 is amended to provide for electronic
16 transmission of election results from the precinct to the
17 courthouse. The amendment to the section also requires the
18 state commissioner of elections to adopt rules and the board
19 of examiners to approve the transmission devices.

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

23 Code section 50.49 is amended to provide a formula for
24 recount bond calculations for public measure elections
25 requiring 60 percent approval.

26 Code section 50.50 is amended to add counting errors
27 reported by the precinct election officials to the reasons for
28 calling for an administrative recount.

29 Code sections 52.1, 52.25, 52.26, 52.27, 52.28, 52.29,
30 52.33, and 52.35 are amended to remove references to punch
31 card voting. Code section 52.30 is repealed for the same
32 reason. Code section 52.26 is also amended to provide that a
33 punch card voting system shall not be approved for use in
34 Iowa.

35 Code section 52.37 is amended to allow two couriers to pick

1 up ballots for central county precincts. The two couriers
2 must be of two different political parties. That section is
3 also amended to provide that, in nonpartisan elections,
4 precinct election officials are not required to be members of
5 any political party or of different political parties.

6 New Code section 52.41 is enacted to provide that all
7 devices for the electronic transmission of election results
8 submitted for examination after July 1, 2003, be approved by
9 the state commissioner with the advice of the board of
10 examiners for voting machines and electronic voting systems.

11 Code section 53.8 is amended to require the inclusion of
12 secrecy envelopes with absentee ballots delivered to voters
13 unless the ballot can be folded to conceal all of the voter's
14 marks.

15 New Code section 53.10 is enacted to separate those Code
16 provisions providing for absentee voting in the county
17 commissioner's office from the provisions for satellite
18 absentee voting in Code section 53.11. The new section
19 prohibits electioneering within 30 feet of the courthouse
20 during absentee voting. This prohibition currently applies
21 only to satellite absentee voting stations. The bill makes
22 corresponding amendments to Code section 53.11.

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

25 Code section 53.19 is amended to remove the requirement
26 that a voter who requested, but did not receive, an absentee
27 ballot sign an affidavit to that effect before being allowed
28 to cast a special ballot.

29 Code section 53.30 is amended to provide that the absentee
30 and special voters precinct board must seal the ballots after
31 counting, and specifies that all envelopes and other documents
32 must be preserved.

33 Code section 53.38 is amended to permit the federal
34 postcard registration and absentee ballot request form to be
35 used as a voter registration form in Iowa. Currently, members

1 of the military and Iowa citizens who are overseas register to
2 vote when they cast absentee ballots. This would permit the
3 commissioner to add these voters to the registration rolls
4 before the election, if sufficient information was supplied on
5 the federal postcard registration and absentee ballot request
6 form. Military and overseas voters may request ballots for
7 all elections held in a calendar year.

8 Code section 53.40 is amended to require the commissioner
9 of the overseas voter's residence to forward a copy of a
10 voter's request for an absentee ballot to any other
11 commissioner who may conduct an election in which the person
12 is qualified to vote.

13 Code section 57.1 is amended to add to the list of grounds
14 for contesting an election that the question or office was not
15 authorized or required by law to be voted upon at the election
16 in question.

17 Code section 60.4 is amended to shorten from 10 days after
18 the state canvass to two days after the state canvass the time
19 in which a contestant has to file a statement of contest and
20 serve notice of the contest on the apparent winner.

21 Code section 60.5 is amended to reduce from three days to
22 two days the time in which the clerk of court must fix a date
23 for organization of the contest court. Current Code section
24 60.5 requires that the contest court render a judgment before
25 notice of the contest is made and before the contest court is
26 required to organize.

27 Code sections 62.5 and 62.8, relating to the requirements
28 for filing a statement to contest an election, are repealed
29 and replaced with new Code section 62.5A. The new section
30 also provides that the deadline for contesting an election if
31 a recount changes the result is 20 days after the winner of
32 the recount is declared.

33 Code section 63.8 is amended to provide that persons
34 elected or appointed to fill vacancies, or who are holding
35 over to fill vacancies, must qualify for the vacant office

1 within 10 days of the county board's canvass of the election
2 or within 10 days of appointment.

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

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

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

17 Code section 275.12 is amended to require that the director
18 district boundaries, if districts are drawn, of a newly formed
19 or reorganized school district be drawn after the election
20 making the changes. Current law provides that citizen
21 petitioners shall draw the director district boundaries.

22 Code section 275.25 is amended to make the candidate
23 nomination petition requirement of new school districts the
24 same as for established school districts.

25 Code sections 275.35 and 275.36 are amended to remove the
26 question of approval of director district boundaries from the
27 election or the question of whether a school district should
28 change its method of electing directors. The amendment
29 requires director or district boundaries be drawn or redrawn
30 after the election approving the change in boundaries. The
31 section is also amended to require approval of the new
32 boundaries by the state commissioner.

33 Code section 275.37 is amended, and Code section 275.37A is
34 enacted, to provide a process for the transition from five
35 school board members to seven and from seven school board

1 members to five.

2 Code section 275.55 is amended to allow the commissioner to
3 include with the summary of the question on the ballot a map
4 showing the new school district boundaries of school districts
5 to which portions of a dissolved district are to be attached
6 if approved at the election.

7 New Code section 275.57 is enacted to provide a process for
8 attachment of territory received by a school district when an
9 adjacent school district dissolves.

10 Code sections 277.23 and 278.1 are amended to make the
11 provisions of Code section 275.37 relating to implementation
12 of a change to increase the number of director districts
13 applicable to all changes increasing the membership of school
14 boards.

15 Code section 277.23 is also amended to require that a
16 school district with all of a city with population of 15,000
17 or more located in the district must have seven directors on
18 the board. Current law requires seven directors if only a
19 part of a city with population of 15,000 or more is located in
20 the district.

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

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

32 Code section 331.207 is amended to revise the schedule for
33 special elections to change the method of electing members of
34 the county board of supervisors. The amendment requires that
35 the petition be filed by June 1, that the election be held

1 within 60 days after filing of the petition, and that a plan
2 be drawn by September 15. Current law requires that all of
3 these requirements be fulfilled between January and February.

4 Code section 331.651 is amended to provide that, in the
5 case of a vacancy in the office of county sheriff, the first
6 deputy sheriff shall hold the office of sheriff until a
7 successor is appointed or elected. Current Code provides only
8 that the deputy shall serve until another sheriff is
9 appointed.

10 Code sections 336.2, 336.16, and 336.18 are amended to move
11 the filing deadline for petitions to establish or terminate a
12 county library district from 40 days before the general
13 election to 82 days before the general election. The sections
14 are also amended to strike the provision permitting the
15 question to establish or terminate a county library district
16 to be placed on the primary election ballot.

17 Code section 346.27 is amended to strike the provision
18 permitting the question of issuance of county bonds and
19 conveyance of title to property to be placed on the primary
20 election ballot.

21 Code section 359.17 is amended to require that townships
22 with a taxable valuation of \$250 million or more be
23 represented by five township trustees rather than three
24 trustees.

25 Code section 372.9 is amended to provide that the full text
26 of a proposed home rule charter or alternative form of
27 government proposal and the date of the election on the
28 charter or alternative form must be included in the published
29 notice of the election.

30 Code section 372.13 is amended to require the city council
31 of a city with a primary election to notify the county
32 commissioner of elections of the date of a special election to
33 fill a vacancy in a city office at least 85 days before the
34 date chosen.

35 Code section 376.2 is amended to require a special election

1 to change the length of the terms of elected city officers be
2 held more than 90 days before the regular city election if the
3 changed terms are to be effective for offices filled at that
4 election.

5 Code section 376.6 is amended to change the deadline for
6 city clerks to notify the county auditor of the type of
7 nomination process to be used for city elections. The
8 amendment changes the deadline from 77 days before the
9 election to 90 days before the election.

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

12 Code section 422E.2 is amended to provide that election
13 costs for a school infrastructure sales tax shall be
14 apportioned among the school districts in the county in the
15 ratio of the number of registered voters in each school
16 district residing in the county to the total number of
17 registered voters in the county.

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REPRINTED

FEB 21 2002
Place On Calendar

HOUSE FILE 2472
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 556)

Passed House, Date (P. 617) 3-5-02 Passed Senate, Date (P. 969) 4-4-02
Vote: Ayes 96 Nays 0 Vote: Ayes 46 Nays 0
Approved 4/26/02

A BILL FOR

1 An Act relating to the office of secretary of state and the
2 conduct of elections and of voter registration in the state
3 and including effective and applicability date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2472

1 Section 1. Section 39.2, subsection 1, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:

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

9 Sec. 2. Section 39.3, Code 2001, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 17. "Written" and "in writing" may
12 include any mode of representing words or letters in general
13 use. A signature, when required by law, must be made by the
14 writing or markings of the person whose signature is required.
15 If a person is unable due to a physical disability to make a
16 written signature or mark, that person may substitute either
17 of the following in lieu of a signature required by law:

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

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

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

27 The commissioner shall conduct only elections authorized or
28 required by state law.

29 Sec. 4. Section 39.22, subsection 2, unnumbered paragraph
30 1, Code Supplement 2001, is amended to read as follows:

31 If the county board of supervisors does not have the power
32 provided under subsection 1 to fill the offices of trustee and
33 clerk within a township by appointment, then the offices of
34 township trustee and township clerk shall be filled by
35 election. Township trustees and the township clerk, in

1 townships which do not include a city, shall be elected by the
2 voters of the entire township. In townships which include a
3 city, the officers must be residents of the township outside
4 the corporate limits of the city and shall be elected by the
5 voters of the township who reside outside the corporate limits
6 of the city, ~~but a township officer may be a resident of the~~
7 city.

8 Sec. 5. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

12 Sec. 6. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
13 OFFICE.

14 Any person elected to an office under the laws of this
15 state shall be an eligible elector. At the time an elected
16 official takes office the official shall be a resident of the
17 state, district, county, township, city, or ward by or for
18 which the person was elected, or in which the duties of the
19 office are to be exercised. An elected official shall
20 continue to be a resident of the state, district, county,
21 township, city, or ward by or for which the person was
22 elected, or in which the duties of the office are to be
23 exercised for the duration of the term of office. This
24 section shall not apply to United States senators or
25 representatives in Congress or to members of the general
26 assembly.

27 Sec. 7. Section 43.14, Code 2001, is amended by striking
28 the section and inserting in lieu thereof the following:

29 43.14 FORM OF NOMINATION PAPERS.

30 1. Nomination papers shall include a petition and an
31 affidavit of candidacy. All nomination petitions shall be
32 eight and one-half by eleven inches in size and in
33 substantially the form prescribed by the state commissioner of
34 elections. They shall include or provide spaces for the
35 following information:

1 a. A statement identifying the signers of the petition as
2 eligible electors of the appropriate county or legislative
3 district and of the state.

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

5 c. For nomination petitions for candidates for the general
6 assembly, a statement that the residence of the candidate is
7 within the appropriate legislative district, or if that is not
8 true that the candidate will reside there within sixty days
9 before the election. For other offices, a statement of the
10 name of the county where the candidate resides.

11 d. The political party with which the candidate is a
12 registered voter.

13 e. The office sought by the candidate, including the
14 district number, if any.

15 f. The date of the primary election for which the
16 candidate is nominated.

17 Signatures on a petition page shall be counted only if the
18 required information is written or printed at the top of the
19 page. Nomination papers on behalf of candidates for seats in
20 the general assembly need only designate the number of the
21 senatorial or representative district, as appropriate, and not
22 the county or counties, in which the candidate and the
23 petitioners reside. A signature line shall not be counted if
24 the line lacks the signature of the eligible elector and the
25 signer's address and city. The person examining the petition
26 shall mark any deficiencies on the petition and affidavit.

27 2. Signed nomination petitions and the signed and
28 notarized affidavit of candidacy shall not be altered to
29 correct deficiencies noted during examination. If the
30 nomination petition lacks a sufficient number of acceptable
31 signatures, the nomination petition shall be rejected and
32 shall be returned to the candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The political party name.

4 d. The signature of the candidate.

5 e. The signature of a notary public or other officer
6 empowered to witness oaths.

7 The candidate may replace a deficient affidavit with a
8 corrected affidavit only if the replacement affidavit is filed
9 before the filing deadline. The candidate may resubmit a
10 nomination petition that has been rejected by adding a
11 sufficient number of pages or signatures to correct the
12 deficiency. A nomination petition and affidavit filed to
13 replace rejected nomination papers shall be filed together
14 before the deadline for filing.

15 Sec. 8. Section 43.15, subsection 4, Code 2001, is amended
16 to read as follows:

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

20 Sec. 9. Section 43.24, subsection 1, paragraph d, Code
21 2001, is amended to read as follows:

22 d. Those filed with the city clerk under this chapter, at
23 least thirty-six days before the municipal city primary
24 election.

25 Sec. 10. Section 43.27, Code 2001, is amended to read as
26 follows:

27 43.27 PRINTING OF BALLOTS.

28 The ballots of each political party shall be printed in
29 black ink, on separate sheets of paper, uniform in ~~color~~,
30 quality, texture, and size, with the name of the political
31 party printed at the head of said ballots, which ballots shall
32 be prepared by the commissioner in the same manner as for the
33 general election, except as in this chapter provided. The
34 commissioner may print the ballots for each political party
35 using a different color for each party. If colored paper is

1 used, all of the ballots for each separate party shall be
2 uniform in color.

3 Sec. 11. Section 43.45, Code 2001, is amended by striking
4 the section and inserting in lieu thereof the following:

5 43.45 CANVASS OF VOTES.

6 1. Upon the closing of the polls the precinct election
7 officials shall immediately publicly canvass the vote. The
8 canvass shall be conducted using the procedures established in
9 subsection 2 or 3, whichever is appropriate for the voting
10 system used in the precinct.

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

13 a. Place the ballots of the several political parties in
14 separate piles.

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

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

19 d. Place the ballots cast on behalf of each of the parties
20 in separate envelopes. Seal each envelope and place the
21 signature of all board members of the precinct across the seal
22 of the envelope so that it cannot be opened without breaking
23 the seal.

24 e. On the outside of each envelope enter the number of
25 ballots cast by each party in the precinct and contained in
26 the envelope.

27 f. Seal the tally sheets and certificates of the precinct
28 election officials in an envelope on the outside of which are
29 written or printed the names of the several political parties
30 with the names of the candidates for the different offices
31 under their party name, and opposite each candidate's name
32 enter the number of votes cast for such candidate in the
33 precinct.

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

1 h. Communicate the results in the manner required by
2 section 50.11, to the commissioner of the county in which the
3 polls are located, who shall remain on duty until the results
4 are communicated to the commissioner from each polling place
5 in the county.

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

8 a. Close the machines to prevent additional voting, and
9 print the results for the precinct.

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

14 c. Put any forms used by voters to cast write-in votes in
15 an envelope with one copy of the printed results from each
16 voting machine. Seal the envelope and place the signature of
17 all board members of the precinct across the seal of the
18 envelope so that it cannot be opened without breaking the
19 seal.

20 d. On the outside of the envelope enter the number of
21 voters from each party in the precinct. Report the number of
22 votes cast for each office by the voters of each political
23 party. A copy of the printed tape from the voting machine may
24 be used to report vote totals.

25 e. Communicate the results to the commissioner in the
26 manner required by section 50.11. The commissioner shall
27 remain on duty until the results are communicated to the
28 commissioner from each polling place in the county.

29 4. In precincts where electronic voting systems are used
30 and ballots are counted in the precinct, precinct election
31 officials shall do all of the following:

32 a. Close and secure the ballot reader to prevent the
33 insertion of additional ballots.

34 b. Print the results for the precinct.

35 c. Open the ballot container. Secure all ballots counted

1 by the vote-tabulating device. Sort the remaining ballots by
2 party. Tally all write-in votes and any other ballots not yet
3 counted. Record the results in the tally list.

4 d. Put all ballots in an envelope or other package and
5 seal it. All members of the board shall sign their names
6 across the seal of the envelope. The seal shall be placed so
7 that the envelope or package cannot be opened without breaking
8 the seal.

9 5. In precincts where electronic voting systems are used
10 and ballots are counted at a central location, precinct
11 election officials shall follow the procedures in section
12 52.32.

13 Sec. 12. Section 43.48, Code 2001, is amended to read as
14 follows:

15 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

16 Any elector of the county shall have the right, before the
17 day fixed for canvassing the returns, to ascertain the vote
18 cast for any candidate in any precinct in the county, as shown
19 on the outside of the envelope containing the tally list or on
20 printed reports from voting machines or electronic voting
21 systems.

22 Sec. 13. Section 43.114, Code 2001, is amended to read as
23 follows:

24 43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

25 In special charter cities holding a ~~municipal~~ city primary
26 election under the provisions of section 43.112 such primary
27 shall be held on the first Tuesday in October of the year in
28 which ~~general-municipal~~ regular city elections are held.

29 Sec. 14. Section 43.118, Code 2001, is amended to read as
30 follows:

31 43.118 EXPENSE.

32 The entire expense of conducting ~~said-municipal~~ the city
33 primary election and preparation of election registers shall
34 be audited by the city council and paid by the city.

35 Sec. 15. Section 44.4, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

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

25 Sec. 16. Section 45.3, unnumbered paragraph 1, Code
26 Supplement 2001, is amended by striking the unnumbered
27 paragraph.

28 Sec. 17. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

29 Nomination papers shall include a petition and an affidavit
30 of candidacy. All nomination petitions shall be eight and
31 one-half by eleven inches in size and shall be in
32 substantially the form prescribed by the state commissioner of
33 elections. They shall provide spaces for the following
34 information:

- 35 1. A statement identifying the signers of the petition as

1 eligible electors of the appropriate county or legislative
2 district and of the state of Iowa.

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

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

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

9 5. The name and date of the election for which the
10 candidate is nominated.

11 Signatures on a petition page shall be counted only if the
12 required information is written or printed at the top of the
13 page. Nomination papers on behalf of candidates for seats in
14 the general assembly need only designate the number of the
15 senatorial or representative district, as appropriate, and not
16 the county or counties, in which the candidate and the
17 petitioners reside. Signature lines on the nomination
18 petitions shall not be counted if the line lacks the signature
19 of the eligible elector and the signer's address and city.
20 The person examining the petition shall mark any deficiencies
21 on the petition.

22 The pages of the petition shall be securely fastened
23 together to form a single bundle. Nomination petitions that
24 are not bound shall be returned without further examination.
25 The state commissioner shall prescribe by rule the acceptable
26 methods for binding nomination petitions.

27 Signed nomination petitions and the signed and notarized
28 affidavit of candidacy shall not be altered to correct
29 deficiencies noted during the examination. If the nomination
30 petition lacks a sufficient number of acceptable signatures,
31 the nomination papers shall be rejected and returned to the
32 candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The signature of the candidate.

4 d. The signature of a notary public or other officer
5 empowered to witness oaths.

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

14 Sec. 18. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

15 The following requirements shall be observed in the signing
16 and preparation of nomination petitions:

17 1. A signer may sign nomination petitions for more than
18 one candidate for the same office, and the signature is not
19 invalid solely because the signer signed nomination petitions
20 for one or more other candidates for the office.

21 2. Each signer shall add the signer's residence, with
22 street and number.

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

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

34 5. Only one candidate shall be petitioned for or nominated
35 in the same nomination petition, except for the offices of

1 governor and lieutenant governor, and president and vice
2 president.

3 Sec. 19. Section 48A.9, subsection 2, Code 2001, is
4 amended to read as follows:

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

11 Sec. 20. Section 48A.11, Code 2001, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 6. A person who has been designated to
14 have power of attorney by a registrant does not have authority
15 to sign a voter registration form, except as otherwise
16 provided in section 39.3, subsection 17.

17 Sec. 21. Section 48A.27, subsection 3, paragraph a, Code
18 2001, is amended to read as follows:

19 a. Annexation of territory by a city. When an existing
20 city annexes territory, the city clerk shall furnish the
21 commissioner a detailed map of the annexed territory. If a
22 city is divided into wards for voting purposes, the detailed
23 map shall show the ward designations for the annexed
24 territory. The commissioner shall change the registration of
25 persons residing in that territory to reflect the annexation
26 and the city precinct to which each of those persons is
27 assigned. If the commissioner cannot determine the names and
28 addresses of the persons affected by the annexation, the
29 commissioner shall send each person who may be involved a
30 letter informing the person that the person's registration may
31 be in error, and requesting that each person provide the
32 commissioner with the information necessary to correct the
33 registration records.

34 Sec. 22. Section 48A.27, subsection 4, paragraph c,
35 unnumbered paragraph 2, Code 2001, is amended to read as

1 follows:

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

27 Sec. 23. Section 48A.28, subsection 3, unnumbered
28 paragraph 2, Code 2001, is amended to read as follows:

29 The form and language of the confirmation notice and return
30 card shall be specified by the state voter registration
31 commission by rule.

32 Sec. 24. Section 48A.29, subsection 3, unnumbered
33 paragraph 2, Code 2001, is amended to read as follows:

34 The notice shall be sent by forwardable mail, and shall
35 include a postage paid preaddressed return card on which the

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

23 Sec. 25. Section 48A.30, subsection 1, paragraph a, Code
24 2001, is amended to read as follows:

25 a. The registered voter dies. For the purposes of this
26 subsection, the commissioner may accept as evidence of death a
27 notice from the state registrar of vital statistics forwarded
28 by the state registrar of voters, a written statement from a
29 member of the registered voter's household, an obituary in a
30 newspaper, a written statement from an election official, or a
31 notice from the ~~clerk-of-the-district-court-in~~ county recorder
32 of the county where the registered voter died.

33 Sec. 26. Section 48A.38, subsection 1, Code 2001, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. f. The county commissioner of registration

1 and the state registrar of voters shall remove a voter's
2 social security number from a voter registration list prepared
3 pursuant to this section.

4 Sec. 27. Section 49.21, Code 2001, is amended by adding
5 the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The commissioner shall post a
7 sign at the entrance to the polling place indicating the
8 election precinct number or name, and displaying a street map
9 showing the boundaries of the precinct.

10 Sec. 28. Section 49.30, subsection 1, Code 2001, is
11 amended to read as follows:

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

16 Sec. 29. Section 49.31, subsection 2, Code 2001, is
17 amended by adding the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. On the general election ballot
19 the names of candidates for the nonpartisan offices listed in
20 section 39.21 shall be arranged by drawing lots for position.
21 The board of supervisors shall hold the drawing at its first
22 meeting following the deadline for receipt of objections and
23 withdrawals by candidates for the general election.

24 Sec. 30. Section 49.53, unnumbered paragraph 1, Code 2001,
25 is amended to read as follows:

26 The commissioner shall not less than four nor more than
27 twenty days before the day of each election, except those for
28 which different publication requirements are prescribed by
29 law, publish notice of the election. The notice shall contain
30 a facsimile of the portion of the ballot containing the first
31 rotation as prescribed by section 49.31, subsection 2, and
32 shall show the names of all candidates or nominees and the
33 office each seeks, and all public questions, to be voted upon
34 at the election. The sample ballot published as a part of the
35 notice may at the discretion of the commissioner be reduced in

1 size relative to the actual ballot but such reduction shall
2 not cause upper case letters appearing in candidates' names or
3 in summaries of public measures on the published sample ballot
4 to be less than ~~five-thirty-sixths-of-an-inch-high-in~~
5 ~~candidates' names or in summaries of public measures~~ ninety
6 percent of the size of such upper case letters appearing on
7 the actual ballot. The notice shall also state the date of
8 the election, the hours the polls will be open, the location
9 of each polling place at which voting is to occur in the
10 election, the location of the polling places designated as
11 early ballot pick-up sites, and the names of the precincts
12 voting at each polling place, but the statement need not set
13 forth any fact which is apparent from the portion of the
14 ballot appearing as a part of the same notice. The notice
15 shall include the full text of all public measures to be voted
16 upon at the election. The notice shall also include notice of
17 testing required pursuant to sections 52.9, 52.35, and 52.38.

18 Sec. 31. Section 49.57, subsection 4, Code 2001, is
19 amended to read as follows:

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

29 Sec. 32. Section 49.64, Code 2001, is amended to read as
30 follows:

31 49.64 NUMBER OF BALLOTS DELIVERED.

32 The commissioner shall cause ballots of the kind to be
33 voted in each precinct, to be delivered to the precinct
34 election officials as follows: in general elections which are
35 presidential elections seventy-five at least fifty-five

1 ballots for every fifty votes, or fraction thereof of fifty
2 votes, cast in ~~said~~ the precinct at the last preceding general
3 election which was also a presidential election; and in
4 general elections which are not presidential elections,
5 seventy-five at least fifty-five ballots for every fifty
6 votes, or fraction thereof of fifty votes, cast therein at the
7 last preceding general election which was not a presidential
8 election.

9 Sec. 33. Section 49.70, Code 2001, is amended to read as
10 follows:

11 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

18 Sec. 34. Section 49.73, subsection 1, paragraph b, Code
19 2001, is amended to read as follows:

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

25 Sec. 35. Section 49.73, subsection 1, Code 2001, is
26 amended by adding the following new paragraph:

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

30 Sec. 36. Section 49.79, Code 2001, is amended to read as
31 follows:

32 49.79 CHALLENGES.

33 Any person offering to vote may be challenged as
34 unqualified by any precinct election official or ~~elector~~; and
35 it registered voter. It is the duty of each official to

1 challenge any person offering to vote whom the official knows
2 or suspects is not duly qualified. A ballot shall be received
3 from a voter who is challenged, but only in accordance with
4 section 49.81.

5 Sec. 37. Section 49.81, subsection 2, unnumbered paragraph
6 2, Code 2001, is amended to read as follows:

7 Your qualifications as a registered voter have been
8 challenged for the following reasons:

9 I.

10 II.

11 III.

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

22 Sec. 38. Section 49.84, Code 2001, is amended by adding
23 the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
25 voter from taking minor children into the voting booth with
26 the voter.

27 Sec. 39. Section 49.88, Code 2001, is amended by adding
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
30 voter from taking minor children into the voting booth with
31 the voter.

32 Sec. 40. Section 49.96, Code 2001, is amended to read as
33 follows:

34 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

35 Where more than one person is to be elected to the same

1 office at the same election, and all of the candidates for
2 that office for whom the voter desires to vote were nominated
3 by the political party or nonparty political organization for
4 which the voter has marked a straight party or organization
5 vote, the voter need not otherwise indicate the vote for that
6 office. However, if a voter who has marked a straight party
7 or organization ticket also marks the voting targets next to
8 the names of one or more candidates of the same party or
9 organization, only the votes cast separately for individual
10 candidates for that office shall be counted. If the voter
11 wishes to vote for candidates who were nominated by different
12 political parties or nonparty political organizations, the
13 voter must mark the voting target for each candidate the voter
14 has chosen, whether or not the voter has also marked a
15 straight party or organization vote.

16 Sec. 41. Section 49.124, Code 2001, is amended to read as
17 follows:

18 49.124 TRAINING COURSE BY COMMISSIONER.

19 The commissioner shall conduct, not later than the day
20 before each primary and general election, a training course of
21 ~~not-more-than-two-hours~~ for all election personnel, and the
22 commissioner may do so before any other election the
23 commissioner administers. The personnel shall include all
24 precinct election officials and any other persons who will be
25 employed in or around the polling places on election day. At
26 least two precinct election officials who will serve on each
27 precinct election board at the forthcoming election shall
28 attend the training course. If the entire board does not
29 attend, those members who do attend shall so far as possible
30 be persons who have not previously attended a similar training
31 course.

32 Sec. 42. Section 50.11, Code 2001, is amended to read as
33 follows:

34 50.11 PROCLAMATION OF RESULT.

35 When the canvass is completed one of the precinct election

1 officials shall publicly announce the total number of votes
2 received by each of the persons voted for, the office for
3 which the person is designated, as announced by the designated
4 tally keepers, and the number of votes for, and the number of
5 votes against, any proposition which shall have been submitted
6 to a vote of the people, ~~and the.~~ A precinct election
7 official shall communicate said information the election
8 results by telephone or telegraph or in person to the
9 commissioner who is conducting the election immediately upon
10 completion of the canvass, and the.

11 Election results may be transmitted electronically from
12 voting equipment to the commissioner's office only after the
13 precinct election officials have produced a written report of
14 the election results. The devices used for the electronic
15 transmission of election results shall be approved for use by
16 the board of examiners pursuant to section 52.41. The state
17 commissioner of elections shall adopt rules establishing
18 procedures for the electronic transmission of election
19 results.

20 The commissioner shall remain on duty until such
21 information is communicated to the commissioner from each
22 polling place in the commissioner's county.

23 Sec. 43. Section 50.12, Code 2001, is amended to read as
24 follows:

25 50.12 RETURN AND PRESERVATION OF BALLOTS.

26 Immediately after making the proclamation, and before
27 separating, the board members of each precinct in which votes
28 have been received by paper ballot shall enclose in an
29 envelope or other container all ballots which have been
30 counted by them, except those endorsed "Rejected as double",
31 "Defective", or "Objected to", and securely seal the envelope.
32 The signatures of all board members of the precinct shall be
33 placed across the seal or the opening of the container so that
34 it cannot be opened without breaking the seal. The precinct
35 election officials shall return all the ballots to the

1 commissioner, who shall carefully preserve them for six
2 months. Ballots from elections for federal offices shall be
3 preserved for twenty-two months. The sealed packages
4 containing voted ballots shall be opened only for an official
5 recount authorized by section 50.48, 50.49, or 50.50, for an
6 election contest held pursuant to chapters 57 through 62, or
7 to destroy the ballots pursuant to section 50.19.

8 Sec. 44. Section 50.48, subsection 2, unnumbered paragraph
9 1, Code 2001, is amended to read as follows:

10 The candidate requesting a recount under this section shall
11 post a bond, unless the abstracts prepared pursuant to section
12 50.24, or section 43.49 in the case of a primary election,
13 indicate that the difference between the total number of votes
14 cast for the apparent winner and the total number of votes
15 cast for the candidate requesting the recount is less than the
16 greater of fifty votes or one percent of the total number of
17 votes cast for the office or nomination in question. If a
18 recount is requested for an office to which more than one
19 person was elected, the vote difference calculations shall be
20 made using the difference between the number of votes received
21 by the person requesting the recount and the number of votes
22 received by the apparent winner who received the fewest votes.
23 Where votes cast for that office or nomination were canvassed
24 in more than one county, the abstracts prepared by the county
25 boards in all of those counties shall be totaled for purposes
26 of this subsection. If a bond is required, it shall be filed
27 with the state commissioner for recounts involving a state
28 office, including a seat in the general assembly, or a seat in
29 the United States Congress, and with the commissioner
30 responsible for conducting the election in all other cases,
31 and shall be in the following amount:

32 Sec. 45. Section 50.49, unnumbered paragraph 4, Code 2001,
33 is amended to read as follows:

34 The petitioners requesting the recount shall post a bond as
35 required by section 50.48, subsection 2. The amount of the

1 bond shall be one thousand dollars for a public measure
2 appearing on the ballot statewide or one hundred dollars for
3 any other public measure. If the difference between the
4 affirmative and negative votes cast on the public measure is
5 less than the greater of fifty votes or one percent of the
6 total number of votes cast for and against the question, a
7 bond is not required. If approval by sixty percent of the
8 votes cast is required for adoption of the public measure, no
9 bond is required if the difference between sixty percent of
10 the total votes cast for and against the question and the
11 number of votes cast for the losing side is less than the
12 greater of fifty votes or one percent of the total number of
13 votes cast.

14 Sec. 46. Section 50.50, unnumbered paragraph 1, Code 2001,
15 is amended to read as follows:

16 The commissioner who was responsible for conducting an
17 election may request an administrative recount when the
18 commissioner suspects that voting equipment used in the
19 election malfunctioned or that programming errors may have
20 affected the outcome of the election, or if the precinct
21 election officials report counting errors to the commissioner
22 after the conclusion of the canvass of votes in the precinct.

23 An administrative recount shall be conducted by the board of
24 the special precinct established by section 53.23. Bond shall
25 not be required for an administrative recount. The state
26 commissioner may adopt rules for administrative recounts.

27 Sec. 47. Section 52.1, subsection 2, paragraphs a, b, and
28 f, Code 2001, are amended to read as follows:

29 a. "Automatic tabulating equipment" means apparatus,
30 including but not limited to electronic data processing
31 machines, which may be utilized to ascertain the manner in
32 which ~~either~~ special paper ballots ~~or-ballot-cards~~ have been
33 marked by voters, and count the votes marked thereon.

34 b. "Ballot" includes a special paper ballot ~~and-a-ballot~~
35 ~~card-and-its-associated-ballot-label~~. In appropriate

1 contexts, "ballot" also includes conventional paper ballots.

2 f. "Electronic voting system" means a system employing
3 special paper ballots ~~or-ballot-cards-and-ballot-labels~~, under
4 which votes are:

5 (1) Cast by voters by marking special paper ballots with a
6 vote marking device ~~or-by-marking-ballot-cards-by-use-of-a~~
7 ~~voting-punch-device~~; and

8 (2) Thereafter counted by use of automatic tabulating
9 equipment.

10 Sec. 48. Section 52.1, subsection 2, paragraphs c, d, and
11 k, Code 2001, are amended by striking the paragraphs.

12 Sec. 49. Section 52.25, unnumbered paragraphs 1 and 2,
13 Code 2001, are amended to read as follows:

14 The question of a constitutional convention, amendments,
15 and public measures including bond issues may be voted on
16 voting machines and on special paper ballots ~~and-ballot-cards~~
17 in the following manner:

18 The entire convention question, amendment or public measure
19 shall be printed and displayed prominently in at least four
20 places within the voting precinct, and inside each voting
21 booth, or on the left-hand side inside the curtain of each
22 voting machine, the printing to be in conformity with the
23 provisions of chapter 49. The public measure shall be
24 summarized by the commissioner and in the largest type
25 possible printed on the special paper ballots ~~or-ballot-cards~~,
26 or inserts used in the voting machines, except that:

27 Sec. 50. Section 52.26, subsections 5, 6, and 7, Code
28 2001, are amended to read as follows:

29 5. Be so constructed or designed that in presidential
30 elections the voter casts a vote for the presidential electors
31 of any party or political organization by a single mark ~~or~~
32 ~~punch~~ made opposite the name of the candidates of that party
33 or organization for the offices of both president and vice
34 president of the United States, and so that the voter is also
35 provided the opportunity to write in the name of any person

1 for whom the voter desires to vote for president or vice
2 president of the United States.

3 6. Be so constructed or designed as to permit voting for
4 candidates for nomination or election of at least seven
5 different political parties or organizations, and to permit
6 voting for all of the candidates of any one political party or
7 organization by a single mark or punch, at any one election.

8 7. ~~The voting punch device shall be so constructed and~~
9 ~~designed so if an elector makes an error in marking the~~
10 ~~ballot, the machine shall indicate the error and permit the~~
11 ~~elector to make a correction according to the provisions of~~
12 ~~section 52.30, subsection 4.~~ A punch card voting system shall
13 not be approved for use.

14 Sec. 51. Section 52.27, Code 2001, is amended to read as
15 follows:

16 52.27 COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT.

17 The commissioner having jurisdiction of any precinct for
18 which the board of supervisors has adopted voting by means of
19 an electronic voting system shall, as soon as practicable
20 thereafter, provide for use at each election held in the
21 precinct special paper ballots and vote marking devices, ~~or~~
22 ~~ballot cards, ballot labels and voting punch devices, as the~~
23 ~~case may be,~~ in appropriate numbers. The commissioner shall
24 have custody of all equipment required for use of the
25 electronic voting system, and shall be responsible for
26 maintaining it in good condition and for storing it between
27 elections. All provisions of chapter 49 relative to times and
28 circumstances under which voting machines are to be used in
29 any election and the number of voting machines to be provided
30 shall also govern the use of electronic voting systems, when
31 applicable.

32 Sec. 52. Section 52.28, subsection 1, Code 2001, is
33 amended to read as follows:

34 1. The commissioner of each county in which the use of an
35 electronic voting system in one or more precincts has been

1 authorized shall determine the arrangement of candidates'
2 names and public questions upon the ballot or ballots used
3 with the system. The ballot information, ~~whether placed on~~
4 ~~the special paper ballot, the ballot card or the ballot label,~~
5 shall be arranged as required by chapters 43 and 49, and by
6 any relevant provisions of any statutes which specify the form
7 of ballots for special elections, so far as possible within
8 the constraints of the physical characteristics of the
9 electronic voting system in use in that county. The state
10 commissioner may adopt rules requiring a reasonable degree of
11 uniformity among counties in arrangement of electronic voting
12 system ballots.

13 Sec. 53. Section 52.28, subsection 2, Code 2001, is
14 amended by striking the subsection.

15 Sec. 54. Section 52.29, Code 2001, is amended to read as
16 follows:

17 52.29 ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

18 The commissioner shall provide for each precinct where an
19 electronic voting system is in use at least four sample
20 special paper ballots, ~~or combinations of ballot cards and~~
21 ~~ballot labels, as the case may be,~~ which shall be exact copies
22 of the official ballots as printed for that precinct. The
23 sample ballots shall be arranged in the form of a diagram
24 showing the special paper ballot ~~or the front of the voting~~
25 ~~punch device, as the case may be,~~ as it will appear to the
26 voter in that precinct on election day. The sample ballots
27 shall be posted prominently within the polling place, and
28 shall be open to public inspection during the hours the polls
29 are open on election day.

30 Sec. 55. Section 52.33, unnumbered paragraph 1, Code 2001,
31 is amended to read as follows:

32 In any county in which the board of supervisors has adopted
33 voting by means of an electronic voting system, the
34 commissioner may elect to also conduct absentee voting by use
35 of such a system if the system so used is compatible with the

1 counting center serving the precinct polling places in the
2 county where voting is by means of an electronic voting
3 system. In any other county, the commissioner may with
4 approval of the board of supervisors conduct absentee voting
5 by use of an electronic voting system. All provisions of
6 chapter 53 shall apply to such absentee voting, so far as
7 applicable. ~~When a ballot card is used for voting by mail it~~
8 ~~shall be accompanied by a stylus, voter instructions, and a~~
9 ~~specimen ballot showing the proper positions to vote on the~~
10 ~~ballot card for each candidate or public question. The card~~
11 ~~shall be mounted on material suitable to receive the punched~~
12 ~~out chip.~~ In counties where absentee voting is conducted by
13 use of an electronic voting system, the special precinct
14 counting board shall, at the time required by chapter 53,
15 prepare absentee ballots for delivery to the counting center
16 in the manner prescribed by this chapter.

17 Sec. 56. Section 52.35, subsection 2, Code 2001, is
18 amended to read as follows:

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

1 Sec. 57. Section 52.37, subsection 1, Code 2001, is
2 amended to read as follows:

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

20 In nonpartisan elections the election officials delivering
21 the ballots are not required to be members of any political
22 party, or to be members of different political parties.

23 Sec. 58. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
24 ELECTION RESULTS.

25 With the advice of the board of examiners for voting
26 machines and electronic voting systems, the state commissioner
27 shall adopt by rule standards for the examination and testing
28 of devices for the electronic transmission of election
29 results. All voting systems which contain devices for the
30 electronic transmission of election results submitted to the
31 examiners for examination and testing after July 1, 2003,
32 shall comply with these standards.

33 Sec. 59. Section 53.8, subsection 1, Code 2001, is amended
34 to read as follows:

35 1. Upon receipt of an application for an absentee ballot

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

14 Sec. 60. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
15 COMMISSIONER'S OFFICE.

16 Not more than forty days before the date of the primary
17 election or the general election, the commissioner shall
18 provide facilities for absentee voting in person at the
19 commissioner's office. This service shall also be provided
20 for other elections as soon as the ballots are ready, but in
21 no case shall absentee ballots be available more than forty
22 days before an election.

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

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

6 Sec. 61. Section 53.11, unnumbered paragraph 1, Code 2001,
7 is amended by striking the unnumbered paragraph.

8 Sec. 62. Section 53.11, unnumbered paragraph 2, Code 2001,
9 is amended to read as follows:

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

21 Sec. 63. Section 53.11, Code 2001, is amended by adding
22 the following new unnumbered paragraphs:

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

28 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
29 ballots are available at a satellite absentee voting station,
30 the posting of political signs is prohibited within thirty
31 feet of the satellite absentee voting station. Electioneering
32 shall not be allowed within the sight or hearing of voters at
33 the satellite absentee voting station.

34 Sec. 64. Section 53.18, Code 2001, is amended to read as
35 follows:

1 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

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

9 Sec. 65. Section 53.19, unnumbered paragraph 3, Code 2001,
10 is amended to read as follows:

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

24 Sec. 66. Section 53.30, Code 2001, is amended to read as
25 follows:

26 53.30 BALLOT ENVELOPE PRESERVED.

27 At the conclusion of each meeting of the absentee and
28 special voter's precinct board, the board shall securely seal
29 all ballots counted by them in the manner prescribed in
30 section 50.12. The ballot envelopes, including the envelope
31 having the registered voter's affidavit thereon on it, the
32 return carrier envelope, and secrecy envelope bearing the
33 signatures of precinct election officials, as required by
34 section 53.23, shall be preserved. All applications for
35 absentee ballots, ballots rejected without being opened,

1 absentee ballot logs, and any other documents pertaining to
2 the absentee ballot process shall be preserved until such time
3 as the documents may be destroyed pursuant to section 50.19.

4 Sec. 67. Section 53.38, Code 2001, is amended to read as
5 follows:

6 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

7 Whenever a ballot is requested pursuant to section 53.39 or
8 53.45 on behalf of a voter in the armed forces of the United
9 States, the affidavit upon the ballot envelope of such voter,
10 if the voter is found to be an eligible elector of the county
11 to which the ballot is submitted, shall constitute a
12 sufficient registration under ~~the provisions of~~ chapter 48A
13 ~~and the~~. A completed federal postcard registration and
14 federal absentee ballot request form submitted by such
15 eligible elector shall also constitute a sufficient
16 registration under chapter 48A. The commissioner shall place
17 the voter's name on the registration record as a registered
18 voter, if it does not already appear there.

19 Sec. 68. Section 53.40, unnumbered paragraph 1, Code 2001,
20 is amended to read as follows:

21 A request in writing for a ballot may be made by any member
22 of the armed forces of the United States who is or will be a
23 qualified voter on the day of the election at which the ballot
24 is to be cast, at any time before the election. Any member of
25 the armed forces of the United States may request ballots for
26 all elections to be held within a calendar year. The request
27 may be made by using the federal postcard application form and
28 indicating that the applicant wishes to receive ballots for
29 all elections as permitted by state law. The county auditor
30 commissioner shall send the applicant a ballot for each
31 election held during the calendar year in which the
32 application is received. The commissioner shall forward a
33 copy of the absentee ballot request to other commissioners who
34 are responsible under section 47.2, subsection 2, for
35 conducting elections in which the applicant is eligible to

1 vote.

2 Sec. 69. Section 57.1, subsection 2, Code 2001, is amended
3 by adding the following new paragraph after paragraph f and
4 relettering the subsequent paragraphs:

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

8 Sec. 70. Section 60.4, Code 2001, is amended to read as
9 follows:

10 60.4 STATEMENT.

11 The contestant shall file the statement provided for in
12 chapter 62 in the office of the secretary of state within ~~ten~~
13 two days from the day on which the returns are canvassed by
14 the state board of canvassers, and, within the same time,
15 serve a copy of the same, with a notice of the contest, on the
16 incumbent in the manner provided by the rules of civil
17 procedure for service of an original notice.

18 Sec. 71. Section 60.5, Code 2001, is amended to read as
19 follows:

20 60.5 ORGANIZATION AND TRIAL.

21 The clerk of the court shall, immediately after the filing
22 of the statement, notify the judges herein named, and fix a
23 day for the organization of the court within ~~three~~ two days
24 thereafter, and also notify the parties to the contest. The
25 judges shall meet on the day fixed, and organize the court,
26 and make and announce such rules for the trial of the case as
27 they shall think necessary for the protection of the rights of
28 each party and a just and speedy trial of the case, and
29 commence the trial of the case as early as practicable
30 thereafter, and so arrange for and conduct the trial that a
31 final determination of the same and judgment shall be rendered
32 at least six days before the first Monday after the second
33 Wednesday in December next following.

34 Sec. 72. NEW SECTION. 62.5A STATEMENT OF INTENT TO
35 CONTEST.

1 1. Within twenty days after the board of supervisors
2 declares a winner from the canvass of an election, the
3 contestant shall file with the commissioner a written
4 statement of intention to contest the election. If a recount
5 is held for the office in question, and the recount board
6 finds that the winner was someone other than the person
7 declared at the original canvass of votes, a contest may be
8 filed within twenty days after the board of supervisors
9 declares a winner from the recount of votes.

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

11 a. The name of the contestant and that the contestant is
12 qualified to hold such office.

13 b. The name of the incumbent.

14 c. The office contested.

15 d. The date of the election.

16 e. The particular causes of the contest pursuant to
17 section 57.1, subsection 2. If a cause of the contest is an
18 allegation that illegal votes were received or that legal
19 votes were rejected, a statement shall be included setting
20 forth the names of the persons who are alleged to have voted
21 illegally or whose votes were rejected and the precinct where
22 they voted or offered to vote.

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

25 Sec. 73. Section 63.8, Code 2001, is amended to read as
26 follows:

27 63.8 VACANCIES -- TIME TO QUALIFY.

28 Persons elected or appointed to fill vacancies, and
29 officers entitled to hold over to fill vacancies occurring
30 through a failure to elect, appoint, or qualify, as provided
31 in chapter 69, shall qualify within ten days from the county
32 board's canvass of such election, or within ten days from such
33 appointment, or failure to elect, appoint, or qualify, in the
34 same manner as those originally elected or appointed to such
35 offices.

1 Sec. 74. Section 69.2, Code Supplement 2001, is amended to
2 read as follows:

3 69.2 WHAT CONSTITUTES VACANCY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Sec. 75. Section 69.12, subsection 1, paragraph a, Code
10 2001, is amended to read as follows:

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

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

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

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

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

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

25 Sec. 76. Section 69.12, subsection 1, paragraph b, Code
26 2001, is amended to read as follows:

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

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

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

1 or special city election.

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

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

6 Sec. 77. Section 69.14A, Code 2001, is amended by adding
7 the following new subsection:

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

13 Sec. 78. Section 275.12, subsections 3 and 4, Code
14 Supplement 2001, are amended to read as follows:

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

25 4. The area education agency board in reviewing the
26 petition as provided in sections 275.15 and 275.16 shall
27 review the proposed method of election of school directors and
28 may change or amend the plan in any manner, including the
29 ~~changing-of-boundaries-of-director-districts-if-proposed, or~~
30 to specify a different method of electing school directors as
31 may be required by law, justice, equity, and the interest of
32 the people. In the action, the area education agency board
33 shall follow the same procedure as is required by sections
34 275.15 and 275.16 for other action on the petition by the area
35 education agency board. ~~The-area-education-agency-shall~~

~~1 ascertain-that-director-district-boundary-lines-comply-with
2 the-provisions-of-section-275.23A,--subsection-1,--and-shall
3 make-adjustments-as-necessary.~~

4 Sec. 79. Section 275.25, subsection 1, unnumbered
5 paragraph 1, Code 2001, is amended to read as follows:

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

31 Sec. 80. Section 275.35, Code 2001, is amended to read as
32 follows:

33 275.35 CHANGE OF METHOD OF ELECTIONS.

34 Any existing or hereafter created or enlarged school
35 district may change the number of directors to either five or

1 seven and may also change its method of election of school
2 directors to any method authorized by section 275.12 by
3 submission of a proposal, stating the proposed new method of
4 election ~~and-describing-the-boundaries-of-the-proposed~~
5 ~~director-districts-if-any~~, by the school board of such
6 district to the electors at any regular or special school
7 election. The school board shall notify the county
8 commissioner of elections who shall publish notice of the
9 election in the manner provided in section 49.53. The
10 election shall be conducted pursuant to chapters 39 to 53 by
11 the county commissioner of elections. Such proposal shall be
12 adopted if it is approved by a majority of the votes cast on
13 the proposition.

14 If the proposal adopted by the voters requires the
15 establishment of or change in director district boundaries,
16 the school board shall draw the necessary boundaries within
17 forty days after the date of the election. The boundaries
18 shall be drawn according to the requirements of section
19 275.23A. Following adoption by the school board, the plan
20 shall be submitted to the state commissioner of elections for
21 approval.

22 Sec. 81. Section 275.36, Code 2001, is amended to read as
23 follows:

24 275.36 SUBMISSION OF CHANGE TO ELECTORS.

25 If a petition for a change in the number of directors or in
26 the method of election of school directors, ~~describing-the~~
27 ~~boundaries-of-the-proposed-director-districts, if-any, signed~~
28 ~~by-eligible-electors-of-the-school-district-equal-in-number-to~~
29 ~~at-least-thirty-percent-of-those-who-voted-in-the-last~~
30 ~~previous-annual-school-election-in-the-school-district, but~~
31 ~~not-less-than-one-hundred-persons, and-accompanied-by~~
32 ~~affidavit-as-required-by-section-275.13-be~~ is filed with the
33 school board of a school district, ~~not-earlier-than-six-months~~
34 ~~and-not-later-than-sixty-seven-days-before-a-regular-or~~
35 ~~special-school-election~~ pursuant to the requirements of

1 section 278.2, the school board shall submit such proposition
2 to the voters at the regular school election or a special
3 election held not later than February 1. The petition shall
4 be accompanied by an affidavit as required by section 275.13.
5 If a proposition for a change in the number of directors or in
6 the method of election of school directors submitted to the
7 voters under this section is rejected, it shall not be
8 resubmitted to the voters of the district in substantially the
9 same form within the next three years; if it is approved, no
10 other proposal may be submitted to the voters of the district
11 under this section within the next six years.

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

22 Sec. 82. Section 275.37, Code 2001, is amended to read as
23 follows:

24 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

1 shall assign terms appropriate for the method of election used
2 by the district.

3 Sec. 83. NEW SECTION. 275.37A DECREASE IN NUMBER OF
4 DIRECTORS.

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

8 a. If at the first election in the district there are
9 three terms expiring, one director shall be elected. At the
10 second election in that district, if two terms are expiring,
11 two directors shall be elected. At the third election in that
12 district, if there are two terms expiring, two directors shall
13 be elected.

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

22 c. If at the first election there are two terms expiring,
23 no directors shall be elected. At the second election in that
24 district, if three terms are expiring, three directors shall
25 be elected, two for three years and one for two years. The
26 newly elected director who received the fewest votes in the
27 election shall be assigned a term of two years. At the third
28 election in that district, if there are two terms expiring,
29 two directors shall be elected.

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

35 Sec. 84. Section 275.55, unnumbered paragraph 1, Code

1 2001, is amended to read as follows:

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

12 Sec. 85. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
13 BOUNDARIES FOLLOWING DISSOLUTION.

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

28 2. A public hearing on the proposed changes to director
29 districts shall be held no later than May 15 following the
30 dissolution. Not less than ten nor more than twenty days
31 before the public hearing, the board shall publish notice of
32 the time and place of the hearing.

33 3. The final plan for the assignment of attached lands and
34 any other boundary changes made shall be adopted by resolution
35 of the board. The resolution shall contain a legal

1 description of the new director district boundaries and a map
2 of the director district boundaries changed by the resolution.
3 A copy of the resolution shall be filed with the county
4 commissioners of elections of each county in which a portion
5 of the school district is located. The resolution shall also
6 be filed with the state commissioner of elections not later
7 than June 15. The boundary changes shall take effect upon
8 approval by the state commissioner of elections for the next
9 regular school election, but not later than July 1.

10 Sec. 86. Section 277.23, Code 2001, is amended to read as
11 follows:

12 277.23 DIRECTORS -- NUMBER -- CHANGE.

13 In any district including all or-part of a city of fifteen
14 thousand or more population and in any district in which the
15 voters have authorized seven directors, the board shall
16 consist of seven members; in all other districts the board
17 shall consist of five members.

18 A change from five to seven directors shall be effected in
19 a district at the first regular election after authorization
20 by the voters or when a district becomes wholly or in part
21 within a city of fifteen thousand population or more in the
22 following manner:~~---if-the-term-of-one-director-of-the-five-~~
23 ~~member-board-expires-at-the-time-of-said-regular-election,~~
24 ~~three-directors-shall-be-elected-to-serve-until-the-third~~
25 ~~regular-election-thereafter,-if-the-terms-of-two-directors~~
26 ~~expire-at-the-time-of-said-regular-election,-three-directors~~
27 ~~shall-be-elected-to-serve-until-the-third-regular-election~~
28 ~~thereafter-and-one-director-shall-be-elected-to-serve-a-term~~
29 ~~the-expiration-of-which-coincides-with-the-expiration-of-the~~
30 ~~term-of-the-director-heretofore-singly-elected~~ described in
31 section 275.37.

32 Sec. 87. Section 278.1, subsection 8, Code 2001, is
33 amended to read as follows:

34 8. Authorize a change in the method of conducting
35 elections or in the number of directors as provided in

1 sections 275.35 and 275.36. If a proposition submitted to the
2 voters under this subsection or subsection 7 is rejected, it
3 may not be resubmitted to the voters of the district in
4 substantially the same form within the next three years; if it
5 is approved, no other proposal may be submitted to the voters
6 of the district under this subsection or subsection 7 within
7 the next six years. The establishment or abandonment of
8 director districts or a change in the boundaries of director
9 districts shall be implemented as prescribed in section
10 275.37.

11 Sec. 88. Section 279.6, unnumbered paragraph 2, Code 2001,
12 is amended to read as follows:

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

28 Sec. 89. Section 296.3, Code 2001, is amended to read as
29 follows:

30 296.3 ELECTION CALLED.

31 The Within ten days of receipt of a petition filed under
32 section 296.2, the president of the board of directors, within
33 ten-days-of-receipt-of-a-petition-under-section-296.2, shall
34 call a meeting of the board which shall. The meeting shall be
35 held within thirty days after the petition was received. At

1 the meeting, the board shall call the election, fixing the
2 time of the election, which may be at the time and place of
3 holding the regular school election, unless. However, if the
4 board determines by unanimous vote that the proposition or
5 propositions requested by a petition to be submitted at an
6 election are grossly unrealistic or contrary to the needs of
7 the school district, no election shall be called. If more
8 than one petition has been received by the time the board
9 meets to consider the petition triggering the meeting, the
10 board shall act upon the petitions in the order they were
11 received at the meeting called to consider the initial
12 petition. The decision of the board may be appealed to the
13 state board of education as provided in chapter 290. The
14 president shall notify the county commissioner of elections of
15 the time of the election.

16 Sec. 90. Section 331.207, subsection 2, Code 2001, is
17 amended to read as follows:

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

29 Sec. 91. Section 331.207, Code 2001, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
32 the ballots cast in the special election represents a change
33 from plan "one" to plan "two" or "three", or from plan "two"
34 to plan "three", as each plan is defined in section 331.206,
35 the temporary county redistricting commission shall divide the

1 county into districts as provided in sections 331.209 and
2 331.210. The plan shall be completed not later than September
3 15 following the special election and shall be submitted to
4 the state commissioner of elections. The plan shall become
5 effective January 1.

6 Sec. 92. Section 331.651, subsection 1, unnumbered
7 paragraph 1, Code 2001, is amended to read as follows:

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

17 Sec. 93. Section 336.2, unnumbered paragraphs 3, 4, and 5,
18 Code Supplement 2001, are amended to read as follows:

19 The board of supervisors of each county and the city
20 council of each city containing area within the proposed
21 district shall submit the proposition question to the
22 registered voters within their respective counties and cities
23 at any the next general or-primary election,-provided-said
24 election-occurs. The petition shall be filed not less than
25 forty eighty-two days after-the-filing-of-the-petition before
26 the election.

27 A library district shall be established if a majority of
28 the electors voting on the proposition question and residing
29 in the proposed library district favor its establishment.

30 The result of the election within cities maintaining a free
31 public library shall be considered separately, and no city
32 shall be included within the library district unless a
33 majority of its electors voting on the proposition question
34 favor its inclusion. In such cases the boundaries of an
35 established district may vary from those of the proposed

1 district.

2 Sec. 94. Section 336.16, unnumbered paragraph 4, Code
3 Supplement 2001, is amended to read as follows:

4 A library district may be terminated if a majority of the
5 electors of the unincorporated area of the county and the
6 cities included in the library district voting on the issue
7 favor the termination. The election shall be held upon motion
8 of the board of supervisors and simultaneously with a ~~primary~~
9 ~~general~~, or other county election. If the vote favors
10 termination, the termination shall be effective on the
11 succeeding July 1.

12 Sec. 95. Section 336.18, subsection 2, Code Supplement
13 2001, is amended to read as follows:

14 2. a. Contracts shall provide for the amount to be
15 contributed. They may, by mutual consent of the contracting
16 parties, be terminated at any time. They may also be
17 terminated by a majority of the voters represented by either
18 of the contracting parties, voting on ~~a-proposition~~ the
19 question to terminate which shall be submitted by the
20 governing body upon a written petition of eligible electors in
21 a number not less than five percent of those who voted in the
22 area for president of the United States or governor at the
23 last general election.

24 b. The ~~proposition~~ question may be submitted at any
25 election provided by law which covers the area of the unit
26 seeking to terminate the contract. The petition shall be
27 presented to the governing body not less than ~~forty~~ ten days
28 before the last day candidates may file nomination petitions
29 for the election at which the question is to be submitted.

30 Sec. 96. Section 336.18, subsection 4, paragraphs a, b,
31 and c, Code Supplement 2001, are amended to read as follows:

32 a. Eligible electors of that part of any county outside of
33 cities in a number of not less than twenty-five percent of
34 those in the area who voted for president of the United States
35 or governor at the last general election may petition the

1 board of supervisors to submit the proposition question of
2 requiring the board to provide library service for them and
3 their area by contract as provided by this section.

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

11 c. If a majority of those voting upon the proposition
12 question favors it, the board of supervisors shall within
13 thirty days appoint a board of library trustees from residents
14 of the petitioning area. Vacancies shall be filled by the
15 board.

16 Sec. 97. Section 346.27, subsection 10, Code 2001, is
17 amended to read as follows:

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

33 PARAGRAPH DIVIDED. A In addition to the notice required by
34 section 49.53, a notice of the election shall be published
35 once each week for at least two weeks in some newspaper

1 published in the county stating the date of the election, the
2 hours the polls will be open, and a copy of the question. The
3 ~~notice shall name the time when the question shall be~~
4 ~~submitted, and a copy of the question to be submitted shall be~~
5 ~~posted at each polling place during the day of election.~~ The
6 authority shall call this election with the concurrence of
7 both incorporating units, ~~and it shall establish the voting~~
8 ~~precincts and polling places, and appoint the election judges,~~
9 ~~and in so doing such election procedures shall be.~~ The
10 election shall be conducted by the commissioner in accordance
11 with the provisions of chapters 49 and 50.

12 Sec. 98. Section 346.27, subsection 25, Code 2001, is
13 amended to read as follows:

14 25. When all bonds issued by an authority have been
15 retired, the authority may convey the title to the property
16 owned by the authority to the incorporating units in
17 accordance with the provisions ~~therefor~~ contained in the
18 articles of incorporation, ~~or, if none,~~ If articles of
19 incorporation do not exist, the conveyance may be made in
20 accordance with any agreement adopted by the respective
21 governing bodies of the incorporating units, and the
22 authority.

23 PARAGRAPH DIVIDED. The proposition question of whether a
24 conveyance shall be made shall be submitted to the ~~legal~~
25 registered voters of the city and the unincorporated area of
26 the county, utilizing the election procedures provided for
27 ~~bond issues, and an.~~ An affirmative vote equal to at least a
28 majority of the total votes cast on the proposition question
29 shall be required to authorize the conveyance. If the
30 proposition question does not carry, the authority shall
31 continue to operate, maintain, and manage the building under a
32 lease arrangement with the incorporating units.

33 Sec. 99. Section 359.17, Code Supplement 2001, is amended
34 to read as follows:

35 359.17 TRUSTEES -- DUTIES -- MEETINGS.

1 The board of township trustees in each township shall
2 consist of three registered voters of the township. However,
3 in townships with a taxable valuation for property tax
4 purposes of two hundred fifty million dollars or more, the
5 board of township trustees shall consist of five registered
6 voters of the township. The trustees shall act as fence
7 viewers and shall perform other duties assigned them by law.
8 The board of trustees shall meet not less than two times a
9 year. At least one of the meetings shall be scheduled to meet
10 the requirements of section 359.49.

11 Sec. 100. Section 372.9, subsection 2, Code 2001, is
12 amended to read as follows:

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

24 Sec. 101. Section 372.13, subsection 2, paragraph b, Code
25 2001, is amended to read as follows:

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

1 full membership, a special election shall be called at the
2 earliest practicable date. The council shall give the county
3 commissioner at least sixty days' written notice of the date
4 chosen for the special election. The council of a city where
5 a primary election may be required shall give the county
6 commissioner at least eighty-five days' written notice of the
7 date chosen for the special election. A special election held
8 under this subsection is subject to sections 376.4 through
9 376.11, but the dates for actions in relation to the special
10 election shall be calculated with regard to the date for which
11 the special election is called.

12 Sec. 102. Section 376.2, unnumbered paragraph 2, Code
13 2001, is amended to read as follows:

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

30 Sec. 103. Section 376.6, unnumbered paragraph 2, Code
31 2001, is amended to read as follows:

32 Each city clerk shall certify to the commissioner of
33 elections responsible under section 47.2 for conducting
34 elections for that city the type of nomination process to be
35 used for the city no later than seventy-seven ninety days

1 before the date of the regular city election. If the city has
2 by ordinance chosen a runoff election or has chosen to have
3 nominations made in the manner provided by chapter 44 or 45,
4 or has repealed nomination provisions under those sections in
5 preference for the primary election method, a copy of the city
6 ordinance shall be attached. No changes in the method of
7 nomination to be used in a city shall be made after the clerk
8 has filed the certification with the commissioner, unless the
9 change will not take effect until after the next regular city
10 election.

11 Sec. 104. Section 394.2, unnumbered paragraph 1, Code
12 2001, is amended to read as follows:

13 It shall not be necessary to submit to the voters the
14 proposition of issuing bonds for refunding purposes, but prior
15 to the issuance of bonds for other purposes the council shall
16 submit to the voters of the city at a general election or a
17 regular ~~municipal~~ city election the proposition of issuing the
18 bonds. Notice of the election on the proposition of issuing
19 bonds shall be published as required by section 49.53. The
20 notice shall also state whether or not an admission fee is to
21 be charged by the zoo or zoological gardens.

22 Sec. 105. Section 400.1, unnumbered paragraph 1, Code
23 2001, is amended to read as follows:

24 In cities having a population of eight thousand or over and
25 having a paid fire department or a paid police department, the
26 mayor, one year after a regular ~~municipal~~ city election, with
27 the approval of the council, shall appoint three civil service
28 commissioners who shall hold office, one until the first
29 Monday in April of the second year, one until the first Monday
30 in April of the third year, and one until the first Monday in
31 April of the fourth year after such appointment, whose
32 successors shall be appointed for a term of four years. In
33 cities having a population of more than one hundred thousand,
34 the city council may establish, by ordinance, the number of
35 civil service commissioners at not less than three.

1 Sec. 106. Section 400.3, unnumbered paragraph 2, Code
2 2001, is amended to read as follows:

3 ~~Whenever~~ If the city council appoints a commission, ~~it the~~
4 city council may, by ordinance, abolish ~~it the~~ commission, and
5 the commission shall stand abolished sixty days from the date
6 of the ordinance and the powers and duties of the commission
7 shall revert to the city council except whenever a city having
8 a population of less than eight thousand provides for the
9 appointment of a civil service commission, ~~it the~~ city council
10 may by ordinance abolish such office, but ~~said the~~ ordinance
11 shall not take effect until ~~it the~~ ordinance has been
12 submitted to the voters at a regular ~~municipal~~ city election
13 and approved by a majority of the voters at such election.
14 The ordinance shall be published once each week for two
15 consecutive weeks preceding the date of ~~said the~~ election in a
16 newspaper published in and having a general circulation in
17 ~~said the~~ city. ~~In-the-event-there-is-no~~ If a newspaper is not
18 published in such city, publication may be made in any
19 newspaper having general circulation in the county.

20 Sec. 107. Section 422A.1, unnumbered paragraph 4, Code
21 Supplement 2001, is amended to read as follows:

22 A city or county shall impose a hotel and motel tax or
23 increase the tax rate, only after an election at which a
24 majority of those voting on the question favors imposition or
25 increase. However, a hotel and motel tax shall not be
26 repealed or reduced in rate if obligations are outstanding
27 which are payable as provided in section 422A.2, unless funds
28 sufficient to pay the principal, interest, and premium, if
29 any, on the outstanding obligations at and prior to maturity
30 have been properly set aside and pledged for that purpose.
31 The election shall be held at the time of ~~that-city's~~ the
32 regular city election or the county's general election or at
33 the time of a special election.

34 Sec. 108. Section 422E.2, subsection 4, paragraph b,
35 unnumbered paragraph 1, Code Supplement 2001, is amended by

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

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

8 Code sections 43.14 and 43.15 are amended to remove from
9 the Code archaic and repetitive language currently required to
10 appear on nomination petitions and provides that the state
11 commissioner shall prescribe the form for the petition,
12 listing the information that must be included. Standards for
13 evaluating nomination papers are also expanded to incorporate
14 current practices in the state commissioner's office. The
15 amendment to Code section 43.14 takes effect upon enactment
16 and applies to elections held on or after that date.

17 Code section 43.24 is amended to change an incorrect
18 reference from the municipal election to the city primary
19 election as it relates to the deadline for filing objections
20 to nomination petitions or certificates of nomination.

21 Code sections 43.114, 394.2, 400.1, and 400.3 are amended
22 to change "municipal election" or "regular municipal election"
23 to "regular city election" to refer to the election held on
24 the first Tuesday following the first Monday in November of
25 each odd-numbered year.

26 Code section 43.27 is amended to permit the county
27 commissioner of elections to code ballots by color for the
28 primary election.

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

31 Code section 43.48 is amended to add voting system
32 printouts to the information required to be available to the
33 public during the time period between the primary election and
34 the county canvass of votes.

35 Code sections 43.114 and 43.118 are amended to change

1 "municipal primary election" to "city primary election".

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

4 Code sections 45.5 and 45.6 are amended to provide specific
5 requirements for the form of nomination petitions and
6 standards for their review and rejection. Redundant language
7 is removed from Code section 45.3. These are similar to the
8 requirements of Code chapter 43 for primary elections. These
9 changes take effect January 1, 2003, and apply to elections
10 held on or after that date.

11 Code section 48A.11 is amended to provide that a person who
12 has power of attorney does not have authority to sign a voter
13 registration form for a registrant unless the registrant is
14 disabled and the form is signed at the request of the
15 registrant and in the presence of the registrant.

16 Code section 48A.27 is amended to provide that, in
17 elections on annexations, if a city is divided into wards the
18 detailed map required must show the ward designations for the
19 annexed territory.

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

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

26 Code section 48A.30, pertaining to proof of death for
27 purposes of canceling voter registration, is amended to
28 correspond with a prior change in the law which made county
29 recorders responsible for maintaining records of deaths in the
30 county.

31 Code section 48A.38 is amended to require the county
32 commissioner of registration and the state registrar to remove
33 a voter's social security number from voter registration lists
34 requested by the public or by political parties.

35 Code section 49.21 is amended to require the commissioner

1 of elections to post a sign at the entrance to the polling
2 place indicating the precinct name or number and displaying a
3 street map showing the boundaries of the precinct.

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

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

9 Code section 49.53 is amended to require that a published
10 sample ballot cannot reduce upper case letters in candidates'
11 names or in summaries of public measures to less than 90
12 percent of such letters appearing on the actual ballot.

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

15 Code section 49.64 is amended to provide that, for general
16 elections, the commissioner shall deliver to each precinct at
17 least 55 ballots for every 50 ballots cast in the same general
18 election held four years previous.

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

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

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

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

35 Code sections 49.84 and 49.88 are amended to provide that

1 the requirement that the voter enter the voting booth alone
2 does not prohibit the voter from taking minor children into
3 the voting booth.

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

9 Code section 49.124 is amended to allow the county
10 commissioner of elections to determine how long to conduct
11 training courses for precinct officials and other persons who
12 will be employed around polling places on election day.
13 Currently, the county commissioner is limited to providing no
14 more than two hours of training.

15 Code section 50.11 is amended to provide for electronic
16 transmission of election results from the precinct to the
17 courthouse. The amendment to the section also requires the
18 state commissioner of elections to adopt rules and the board
19 of examiners to approve the transmission devices.

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

23 Code section 50.49 is amended to provide a formula for
24 recount bond calculations for public measure elections
25 requiring 60 percent approval.

26 Code section 50.50 is amended to add counting errors
27 reported by the precinct election officials to the reasons for
28 calling for an administrative recount.

29 Code sections 52.1, 52.25, 52.26, 52.27, 52.28, 52.29,
30 52.33, and 52.35 are amended to remove references to punch
31 card voting. Code section 52.30 is repealed for the same
32 reason. Code section 52.26 is also amended to provide that a
33 punch card voting system shall not be approved for use in
34 Iowa.

35 Code section 52.37 is amended to allow two couriers to pick

1 up ballots for central county precincts. The two couriers
2 must be of two different political parties. That section is
3 also amended to provide that, in nonpartisan elections,
4 precinct election officials are not required to be members of
5 any political party or of different political parties.

6 New Code section 52.41 is enacted to provide that all
7 devices for the electronic transmission of election results
8 submitted for examination after July 1, 2003, be approved by
9 the state commissioner with the advice of the board of
10 examiners for voting machines and electronic voting systems.

11 Code section 53.8 is amended to require the inclusion of
12 secrecy envelopes with absentee ballots delivered to voters
13 unless the ballot can be folded to conceal all of the voter's
14 marks.

15 New Code section 53.10 is enacted to separate those Code
16 provisions providing for absentee voting in the county
17 commissioner's office from the provisions for satellite
18 absentee voting in Code section 53.11. The new section
19 prohibits electioneering within 30 feet of the courthouse
20 during absentee voting. This prohibition currently applies
21 only to satellite absentee voting stations. The bill makes
22 corresponding amendments to Code section 53.11.

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

25 Code section 53.19 is amended to remove the requirement
26 that a voter who requested, but did not receive, an absentee
27 ballot sign an affidavit to that effect before being allowed
28 to cast a special ballot.

29 Code section 53.30 is amended to provide that the absentee
30 and special voters precinct board must seal the ballots after
31 counting, and specifies that all envelopes and other documents
32 must be preserved.

33 Code section 53.38 is amended to permit the federal
34 postcard registration and absentee ballot request form to be
35 used as a voter registration form in Iowa. Currently, members

1 of the military and Iowa citizens who are overseas register to
2 vote when they cast absentee ballots. This would permit the
3 commissioner to add these voters to the registration rolls
4 before the election, if sufficient information was supplied on
5 the federal postcard registration and absentee ballot request
6 form. Military and overseas voters may request ballots for
7 all elections held in a calendar year.

8 Code section 53.40 is amended to require the commissioner
9 of the overseas voter's residence to forward a copy of a
10 voter's request for an absentee ballot to any other
11 commissioner who may conduct an election in which the person
12 is qualified to vote.

13 Code section 57.1 is amended to add to the list of grounds
14 for contesting an election that the question or office was not
15 authorized or required by law to be voted upon at the election
16 in question.

17 Code section 60.4 is amended to shorten from 10 days after
18 the state canvass to two days after the state canvass the time
19 in which a contestant has to file a statement of contest and
20 serve notice of the contest on the apparent winner.

21 Code section 60.5 is amended to reduce from three days to
22 two days the time in which the clerk of court must fix a date
23 for organization of the contest court. Current Code section
24 60.5 requires that the contest court render a judgment before
25 notice of the contest is made and before the contest court is
26 required to organize.

27 Code sections 62.5 and 62.8, relating to the requirements
28 for filing a statement to contest an election, are repealed
29 and replaced with new Code section 62.5A. The new section
30 also provides that the deadline for contesting an election if
31 a recount changes the result is 20 days after the winner of
32 the recount is declared.

33 Code section 63.8 is amended to provide that persons
34 elected or appointed to fill vacancies, or who are holding
35 over to fill vacancies, must qualify for the vacant office

1 within 10 days of the county board's canvass of the election
2 or within 10 days of appointment.

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

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

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

17 Code section 275.12 is amended to require that the director
18 district boundaries, if districts are drawn, of a newly formed
19 or reorganized school district be drawn after the election
20 making the changes. Current law provides that citizen
21 petitioners shall draw the director district boundaries.

22 Code section 275.25 is amended to make the candidate
23 nomination petition requirement of new school districts the
24 same as for established school districts.

25 Code sections 275.35 and 275.36 are amended to remove the
26 question of approval of director district boundaries from the
27 election or the question of whether a school district should
28 change its method of electing directors. The amendment
29 requires director or district boundaries be drawn or redrawn
30 after the election approving the change in boundaries. The
31 section is also amended to require approval of the new
32 boundaries by the state commissioner.

33 Code section 275.37 is amended, and Code section 275.37A is
34 enacted, to provide a process for the transition from five
35 school board members to seven and from seven school board

1 members to five.

2 Code section 275.55 is amended to allow the commissioner to
3 include with the summary of the question on the ballot a map
4 showing the new school district boundaries of school districts
5 to which portions of a dissolved district are to be attached
6 if approved at the election.

7 New Code section 275.57 is enacted to provide a process for
8 attachment of territory received by a school district when an
9 adjacent school district dissolves.

10 Code sections 277.23 and 278.1 are amended to make the
11 provisions of Code section 275.37 relating to implementation
12 of a change to increase the number of director districts
13 applicable to all changes increasing the membership of school
14 boards.

15 Code section 277.23 is also amended to require that a
16 school district with all of a city with population of 15,000
17 or more located in the district must have seven directors on
18 the board. Current law requires seven directors if only a
19 part of a city with population of 15,000 or more is located in
20 the district.

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

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

32 Code section 331.207 is amended to revise the schedule for
33 special elections to change the method of electing members of
34 the county board of supervisors. The amendment requires that
35 the petition be filed by June 1, that the election be held

1 within 60 days after filing of the petition, and that a plan
2 be drawn by September 15. Current law requires that all of
3 these requirements be fulfilled between January and February.

4 Code section 331.651 is amended to provide that, in the
5 case of a vacancy in the office of county sheriff, the first
6 deputy sheriff shall hold the office of sheriff until a
7 successor is appointed or elected. Current Code provides only
8 that the deputy shall serve until another sheriff is
9 appointed.

10 Code sections 336.2, 336.16, and 336.18 are amended to move
11 the filing deadline for petitions to establish or terminate a
12 county library district from 40 days before the general
13 election to 82 days before the general election. The sections
14 are also amended to strike the provision permitting the
15 question to establish or terminate a county library district
16 to be placed on the primary election ballot.

17 Code section 346.27 is amended to strike the provision
18 permitting the question of issuance of county bonds and
19 conveyance of title to property to be placed on the primary
20 election ballot.

21 Code section 359.17 is amended to require that townships
22 with a taxable valuation of \$250 million or more be
23 represented by five township trustees rather than three
24 trustees.

25 Code section 372.9 is amended to provide that the full text
26 of a proposed home rule charter or alternative form of
27 government proposal and the date of the election on the
28 charter or alternative form must be included in the published
29 notice of the election.

30 Code section 372.13 is amended to require the city council
31 of a city with a primary election to notify the county
32 commissioner of elections of the date of a special election to
33 fill a vacancy in a city office at least 85 days before the
34 date chosen.

35 Code section 376.2 is amended to require a special election

1 to change the length of the terms of elected city officers be
2 held more than 90 days before the regular city election if the
3 changed terms are to be effective for offices filled at that
4 election.

5 Code section 376.6 is amended to change the deadline for
6 city clerks to notify the county auditor of the type of
7 nomination process to be used for city elections. The
8 amendment changes the deadline from 77 days before the
9 election to 90 days before the election.

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

12 Code section 422E.2 is amended to provide that election
13 costs for a school infrastructure sales tax shall be
14 apportioned among the school districts in the county in the
15 ratio of the number of registered voters in each school
16 district residing in the county to the total number of
17 registered voters in the county.

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HOUSE FILE 2472

H-8158

1 Amend House File 2472 as follows:

2 1. Page 11, by inserting after line 2, the
3 following:

4 "Sec. _____. Section 48A.2, subsection 3, Code 2001,
5 is amended to read as follows:

6 3. "Person who is ~~mentally~~ incompetent to vote"
7 means a person who has been found to lack the mental
8 capacity to vote by reason of mental retardation in a
9 proceeding held pursuant to section 222.31 or
10 633.556."

11 Sec. _____. Section 48A.6, subsection 2, Code 2001,
12 is amended to read as follows:

13 2. A person who is ~~mentally~~ incompetent to vote.
14 Certification by the clerk of the district court that
15 any such person has been found no longer incompetent
16 by a court shall qualify such person to again be an
17 elector, subject to the other provisions of this
18 chapter."

19 2. Page 11, by inserting after line 10, the
20 following:

21 "Sec. _____. Section 48A.10, Code 2001 is amended to
22 read as follows:

23 48A.10 REGISTRATION REQUIRED.

24 If a registered voter moves to a different county,
25 the person shall submit a completed voter registration
26 form to the commissioner in order to be qualified to
27 vote in that county. An otherwise eligible elector
28 whose right to vote has been restored pursuant to
29 chapter 914 or who has been found not to be a person
30 who is ~~mentally~~ incompetent to vote may register to
31 vote."

32 3. Page 11, by inserting after line 16, the
33 following:

34 "Sec. _____. Section 48A.14, subsection 1, paragraph
35 f, Code 2001, is amended to read as follows:

36 f. The challenged registrant has been adjudged by
37 a court of law to be a person who is ~~mentally~~
38 incompetent to vote and no subsequent proceeding has
39 reversed that finding."

40 4. Page 13, by inserting after line 32, the
41 following:

42 "Sec. _____. Section 48A.30, subsection 1, paragraph
43 e, Code 2001, is amended to read as follows:

44 e. The clerk of the district court or the state
45 registrar sends notice that the registered voter has
46 been declared a person who is ~~mentally~~ incompetent to
47 vote under state law."

48 5. Page 53, by inserting after line 12, the
49 following:

50 "Sec. _____. Section 602.9102, subsection 15, Code

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1 Supplement 2001, is amended to read as follows:

2 15. Monthly, notify the county commissioner of
3 registration and the state registrar of voters of
4 persons seventeen and one-half years of age and older
5 who have been convicted of a felony during the
6 preceding calendar month or persons who at any time
7 during the preceding calendar month have been legally
8 declared to be mentally a person who is incompetent to
9 vote as that term is defined in section 48A.2.

10 Sec. ____ . Section 633.556, subsection 1, Code
11 2001, is amended to read as follows:

12 1. If the allegations of the petition as to the
13 status of the proposed ward and the necessity for the
14 appointment of a guardian are proved by clear and
15 convincing evidence, the court may appoint a guardian.
16 If the court appoints a guardian based upon mental
17 incapacity by reason of mental retardation of the
18 proposed ward, the court shall make a separate
19 determination as to the ward's competency to vote.
20 The court shall find a ward incompetent to vote only
21 upon determining that the person lacks sufficient
22 mental capacity to comprehend and exercise the right
23 to vote."

24 6. By renumbering as necessary.

By GRUNDBERG of Polk
JACOBS of Polk
JOCHUM of Dubuque

H-8158 FILED MARCH 4, 2002

*Adopted
3/5/02
(p. 617)*

HOUSE FILE 2472

H-8159

1 Amend House File 2472 as follows:

2 1. Page 1, by inserting before line 9, the
3 following:

4 "Sec. ____ . NEW SECTION. 39.2A MAIL BALLOT
5 ELECTIONS.

6 All mail ballot elections shall be conducted
7 pursuant to chapter 49B."

8 2. Page 18, by inserting after line 31, the
9 following:

10 "Sec. ____ . NEW SECTION. 49B.1 MAIL BALLOT
11 ELECTIONS -- PILOT PROJECT.

12 1. The state commissioner of elections shall
13 implement a pilot project applying the provisions of
14 this chapter to eligible cities in one county in the
15 state. The county selected for the pilot project
16 shall be a county with a population of more than
17 eighty-five thousand but less than ninety thousand and
18 which has five or more cities with a population of two
19 hundred or less.

20 2. A mail ballot election may be conducted in a
21 city with a population of two hundred or less that is
22 located in the pilot project county as provided in
23 this chapter.

24 Sec. ____ . NEW SECTION. 49B.2 DEFINITIONS.

25 As used in this chapter, unless the context
26 otherwise requires:

27 1. "Election day" is the date established by law
28 on which a particular election would be held if that
29 election were being conducted by means other than a
30 mail ballot election.

31 2. "Return verification envelope" means an
32 envelope that contains a secrecy envelope and that is
33 designed to allow election officials, upon examination
34 of the outside of the envelope, to determine that the
35 ballot is being submitted by someone who is in fact a
36 registered voter and who has not already voted.

37 3. "Secrecy envelope" means an envelope that is
38 used to contain the elector's ballot and that is
39 designed to conceal the voter's vote and to prevent
40 the voter's ballot from being distinguished from the
41 ballots of other voters.

42 Sec. ____ . NEW SECTION. 49B.3 MAIL BALLOT
43 ELECTION PROCEDURE.

44 The state commissioner of elections shall prescribe
45 uniform procedures and forms to be used in the conduct
46 of mail ballot elections.

47 Sec. ____ . NEW SECTION. 49B.4 INITIATION BY
48 GOVERNING BODY.

49 1. If the city council of a city with a population
50 of two hundred or less determines that it is

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1 economically and administratively feasible to conduct
2 the regular city election or a special city election
3 by mail, the city council, by resolution, may require
4 the county commissioner of elections to conduct the
5 election under this chapter by filing the resolution
6 with the county commissioner not later than ninety
7 days before the date of the election.

8 2. After the resolution is filed, the county
9 commissioner shall prepare a written plan for conduct
10 of the election as provided in section 49B.5. At
11 least seventy-one days before the date set for the
12 election, the county commissioner shall forward a copy
13 of the written plan to the city council concerned.

14 Sec. ____ . NEW SECTION. 49B.5 WRITTEN PLAN FOR
15 CONDUCT OF ELECTION -- AMENDMENTS -- APPROVAL
16 PROCEDURE.

17 1. The county commissioner shall prepare a written
18 plan, including a timetable, for the conduct of a mail
19 ballot election and shall submit it to the state
20 commissioner of elections at least seventy-one days
21 before the date of the election.

22 2. The plan may be amended by the county
23 commissioner any time before the sixty-fourth day
24 before the date of the election by notifying the state
25 commissioner of elections in writing of any changes.

26 3. Within five days after receiving the plan, and
27 as soon as possible after receiving any amendments,
28 the state commissioner of elections shall approve,
29 disapprove, or recommend changes to the plan or
30 amendments. The final plan shall be approved and
31 available to the public at least two days before the
32 deadline for candidates to file nomination papers in
33 the office of the city clerk.

34 4. When the written plan has been approved, the
35 county commissioner shall proceed to conduct the
36 election according to the approved plan.

37 Sec. ____ . NEW SECTION. 49B.6 PUBLICATION OF
38 NOTICE.

39 The county commissioner shall, not more than ten
40 days and not less than four days before the date that
41 ballots are to be mailed, publish notice that a mail
42 ballot election will be conducted. The notice shall
43 be published in a newspaper of general circulation in
44 each city for which the mail ballot election will be
45 conducted. The notice shall include all of the
46 following information:

47 1. The date ballots will be mailed.

48 2. The last day that a voter can request an
49 absentee ballot.

50 3. Voter registration deadlines.

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1 4. Location or locations where mail ballots can be
2 deposited pursuant to section 49B.13.

3 5. Instructions for obtaining a replacement ballot
4 if a voter's ballot is destroyed, spoiled, lost, or
5 not received pursuant to section 49B.9.

6 The county commissioner is not required to publish
7 a sample ballot.

8 Sec. ____ . NEW SECTION. 49B.7 MAILING BALLOTS.

9 1. Official ballots for a mail ballot election
10 shall be prepared and all other initial procedures for
11 elections shall be followed as otherwise provided by
12 law.

13 2. The county commissioner of elections shall mail
14 an official ballot to every registered voter of the
15 city conducting the election on a date not sooner than
16 the twentieth day before the date of the election and
17 not later than the tenth day before the date of the
18 election. An exception shall be made for those
19 ballots delivered as prescribed in section 49B.12.

20 3. All ballots shall be mailed by first class
21 mail.

22 4. Ballots mailed by the county commissioner shall
23 be addressed to the address of each voter appearing in
24 the registration records of the city, and placed in an
25 envelope which is prominently marked "Do Not Forward".

26 5. The ballot shall contain the following warning:
27 "Any person who, by use of violence, threats of
28 violence, or any means of duress, procures the vote of
29 a voter for or against any measure or candidate is
30 subject, upon conviction, to imprisonment or to a
31 fine, or both."

32 Sec. ____ . NEW SECTION. 49B.8 REGISTRATION.

33 The county commissioner shall not mail a ballot
34 under this chapter to any voter not registered thirty
35 days before the date of the election. Voters
36 registered less than thirty days before the date of
37 the election, but before the close of registration,
38 may apply for a ballot under section 49B.9.

39 Sec. ____ . NEW SECTION. 49B.9 REPLACEMENT
40 BALLOTS.

41 If the mail ballot is destroyed, spoiled, lost, or
42 not received by the voter, the voter may obtain a
43 replacement ballot from the county commissioner as
44 provided in this section. A voter seeking a
45 replacement ballot shall sign a statement, on a form
46 prescribed by the state commissioner, that the ballot
47 was destroyed, spoiled, lost, or not received. The
48 voter or the voter's designee shall deliver the
49 statement to the county commissioner before noon on
50 the date of the election. The voter may mail the

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1 statement to the county commissioner. However, a
2 county commissioner shall not transmit a ballot by
3 mail under this section unless the statement is
4 received before five p.m. on the fourth day before the
5 date of the election. When a statement is timely
6 received under this section, the county commissioner
7 shall give the ballot to the voter if the voter is
8 present in the office of the county commissioner, or
9 promptly mail the ballot to the voter at the address
10 contained in the statement, except when prohibited by
11 this section. If the voter is present in the county
12 commissioner's office, the ballot shall be voted at
13 that time. The county commissioner shall keep a
14 record of each replacement ballot provided under this
15 section. If a voter, having received and voted a
16 replacement ballot as provided under this section,
17 later finds the lost ballot, the voter shall return
18 the lost ballot to the county commissioner.

19 Sec. _____. NEW SECTION. 49B.10 VOTING AND RETURN
20 OF BALLOT.

21 1. A registered voter, upon receipt of a mail
22 ballot, shall mark the ballot in such a manner that no
23 other person will know how the ballot is marked and
24 shall place it in the secrecy envelope provided with
25 the ballot.

26 A voter who is blind, cannot read, or because of a
27 physical disability is unable to mark the ballot, may
28 be assisted by any person selected by the voter.

29 2. The voter shall place the secrecy envelope
30 containing the ballot in the return verification
31 envelope and sign and securely seal the return
32 verification envelope. The sealed return verification
33 envelope shall be returned to the county commissioner
34 by one of the following methods:

35 a. The sealed return verification envelope may be
36 delivered by the registered voter or the voter's
37 designee to the county commissioner's office or a
38 place designated by the commissioner no later than the
39 time the polls close on election day.

40 b. The sealed return verification envelope may be
41 mailed, postage paid, to the county commissioner. In
42 order for the ballot to be counted, the return
43 verification envelope must be clearly postmarked by an
44 officially authorized postal service not later than
45 the day before the election and received by the county
46 commissioner not later than the time established for
47 the canvass by the board of supervisors for that
48 election. The county commissioner shall contact the
49 post office serving the county commissioner's office
50 at the latest practical hour before the canvass by the

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1 board of supervisors for that election, and shall
2 arrange for return verification envelopes received in
3 that post office but not yet delivered to the
4 commissioner's office to be brought to the
5 commissioner's office before the canvass for that
6 election by the board of supervisors.

7 Sec. ____ . NEW SECTION. 49B.11 ABSENTEE BALLOTS.

8 1. A registered voter who will be absent from the
9 city during the time when the ballots are mailed may
10 do either of the following:

11 a. Vote in person in the county commissioner's
12 office as soon as ballots are available and until noon
13 the day before the ballots are scheduled to be mailed.

14 b. Make a written request, signed by the voter and
15 addressed to the county commissioner, that the ballot
16 be mailed to an address other than that which appears
17 on the voter's registration record. Written requests
18 shall be accepted until noon the day before the
19 ballots are scheduled to be mailed.

20 2. Ballots mailed to voters pursuant to this
21 section shall be mailed the same day that all other
22 ballots are mailed.

23 Sec. ____ . NEW SECTION. 49B.12 BALLOTING BY
24 CONFINED PERSONS.

25 A person who is a resident or patient in a health
26 care facility or hospital located in the county in
27 which the election is to be held shall not be mailed a
28 ballot but shall have a ballot delivered in the manner
29 prescribed by section 53.22, subsection 1.

30 Sec. ____ . NEW SECTION. 49B.13 PERSONAL DELIVERY
31 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

32 A ballot dropoff station for the deposit of mail
33 ballots may be established in the city conducting the
34 mail ballot election at the direction of the county
35 commissioner. A ballot dropoff station established at
36 the direction of the commissioner shall be open from
37 eight a.m. until five p.m. on the day of the election.

38 Sec. ____ . NEW SECTION. 49B.14 RECEIPT OF BALLOT
39 -- SIGNATURE VERIFICATION.

40 When a mail ballot is returned, the county
41 commissioner, or the county commissioner's designees,
42 shall first examine the return verification envelope
43 to determine whether it was submitted by a registered
44 voter who has not previously voted. A ballot shall be
45 counted only if it is returned in the return
46 verification envelope, the envelope is signed by the
47 voter to whom the ballot is issued, and the signature
48 has been verified as provided in this section.

49 The county commissioner or the county
50 commissioner's designees shall verify the signature of

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1 each voter on the return verification envelope with
2 the signature in the voter's registration records and
3 may commence verification at any time before election
4 day. If a voter to whom a replacement ballot has been
5 issued under section 49B.9 returns more than one
6 ballot, only the replacement ballot shall be counted.

7 If the voter's signature is verified and the ballot
8 is otherwise valid, the county commissioner or the
9 county commissioner's designees shall deposit the
10 ballot unopened in an official ballot box.

11 Sec. ____ . NEW SECTION. 49B.15 PROCEDURE FOR
12 INVALID BALLOTS.

13 If the county commissioner is not convinced that
14 the individual who signed the return verification
15 envelope is the voter whose name appears on the
16 registration card, the county commissioner shall not
17 deposit the ballot in a ballot box but shall do all of
18 the following:

19 1. Give notice to the voter as follows:

20 a. As soon as possible after receipt of a voter's
21 ballot, give notice to the voter, either by telephone
22 or by first class mail, if the county commissioner is
23 unable to verify the voter's signature.

24 b. Inform the voter that the voter may appear in
25 person at the county commissioner's office before the
26 close of the polls on election day and verify the
27 signature.

28 2. Permit any voter appearing pursuant to
29 subsection 1, paragraph "b", to:

30 a. Verify the voter's signature, after proof of
31 identification, by affirming that the signature is in
32 fact the voter's or by completing a new registration
33 card containing the voter's current signature.

34 b. If necessary, request and receive a replacement
35 ballot and vote at that time.

36 3. If the discrepancy is not rectified to the
37 county commissioner's satisfaction, present the
38 unopened envelope and the registration card to the
39 special precinct election board for a determination.
40 If the election board is unable to resolve the issue
41 to its satisfaction, the ballot shall not be counted.

42 Sec. ____ . NEW SECTION. 49B.16 COUNTING BALLOTS.

43 Mail ballots shall be counted in the manner
44 prescribed by section 53.23 for absentee ballots. The
45 county commissioner shall supervise the procedures for
46 the handling, counting, and canvassing of ballots to
47 ensure the safety and confidentiality of all ballots.

48 Sec. ____ . NEW SECTION. 49B.17 CHALLENGES.

49 Votes cast pursuant to this chapter may be
50 challenged in the manner prescribed by section 53.31

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1 for absentee ballots.
 2 Sec. ____ . NEW SECTION. 49B.18 CANVASS OF VOTES.
 3 The provisions of chapter 50 relating to canvass of
 4 votes apply to this chapter only to the extent they do
 5 not conflict with this chapter.
 6 Sec. ____ . NEW SECTION. 49B.19 OTHER LAWS.
 7 All laws which apply to elections apply to mail
 8 ballot elections held under this chapter to the extent
 9 applicable.
 10 Sec. ____ . NEW SECTION. 49B.20 RULES.
 11 The state commissioner of elections shall adopt
 12 rules pursuant to chapter 17A to govern the procedures
 13 and forms necessary to administer this chapter. The
 14 authority of the state commissioner to adopt rules
 15 under this chapter shall be liberally construed.
 16 Sec. ____ . NEW SECTION. 49B.21 MISCONDUCT --
 17 VIOLATIONS -- PENALTIES.
 18 1. A person who, by use of violence, threats of
 19 violence, or any means of duress, procures or
 20 endeavors to procure the vote of a voter for or
 21 against any measure or candidate commits an aggravated
 22 misdemeanor.
 23 2. A person who violates or attempts to violate
 24 any provision or requirement of this chapter for which
 25 a penalty is not otherwise provided commits a simple
 26 misdemeanor."
 27 3. Title page, line 2, by inserting after the
 28 word "state" the following: ", including the
 29 establishment of a pilot project in certain counties
 30 allowing elections in cities with a population of two
 31 hundred or less to be conducted by mail ballots and
 32 providing penalties,".
 33 4. By renumbering as necessary.

By SCHERRMAN of Dubuque

H-8159 FILED MARCH 4, 2002*Lost 3/5/02 (p. 615)***HOUSE FILE 2472****H-8172**

1 Amend House File 2472 as follows:
 2 1. Page 18, by striking lines 8 and 9, and
 3 inserting the following: "the names of one or more
 4 candidates for any office, only the votes cast
 5 separately for individual".

By TREMMEL of Wapello

H-8172 FILED MARCH 4, 2002*adopted
3/5/02
(p. 617)*



S- 3/5/02 State Gov
S- 3/11/02 Do Pass

HOUSE FILE 2472
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 556)

(As Amended and Passed by the House March 5, 2002)

Passed House, ^(p. 1296) Date 4-10-02 Passed Senate, ^(p. 969) Date 4-4-02
Vote: Ayes 95 Nays 0 Vote: Ayes 46 Nays 0
Approved 4/26/02

A BILL FOR

1 An Act relating to the office of secretary of state and the
2 conduct of elections and of voter registration in the state
3 and including effective and applicability date provisions.

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

5

HOUSE FILE 2472

S-5150

- 1 Amend House File 2472, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 26 through 28.
- 4 2. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
STEVE KING, Chairperson

S-5150 FILED MARCH 12, 2002

Adopted
4-4-02 (p. 967)

15
16
17
18
19
20

1 Section 1. Section 39.2, subsection 1, unnumbered
2 paragraph 2, Code 2001, is amended to read as follows:

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

9 Sec. 2. Section 39.3, Code 2001, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 17. "Written" and "in writing" may
12 include any mode of representing words or letters in general
13 use. A signature, when required by law, must be made by the
14 writing or markings of the person whose signature is required.
15 If a person is unable due to a physical disability to make a
16 written signature or mark, that person may substitute either
17 of the following in lieu of a signature required by law:

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

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

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

27 The commissioner shall conduct only elections authorized or
28 required by state law.

29 Sec. 4. Section 39.22, subsection 2, unnumbered paragraph
30 1, Code Supplement 2001, is amended to read as follows:

31 If the county board of supervisors does not have the power
32 provided under subsection 1 to fill the offices of trustee and
33 clerk within a township by appointment, then the offices of
34 township trustee and township clerk shall be filled by
35 election. Township trustees and the township clerk, in

1 townships which do not include a city, shall be elected by the
2 voters of the entire township. In townships which include a
3 city, the officers must be residents of the township outside
4 the corporate limits of the city and shall be elected by the
5 voters of the township who reside outside the corporate limits
6 of the city, ~~but a township officer may be a resident of the~~
7 city.

8 Sec. 5. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

12 Sec. 6. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC
13 OFFICE.

14 Any person elected to an office under the laws of this
15 state shall be an eligible elector. At the time an elected
16 official takes office the official shall be a resident of the
17 state, district, county, township, city, or ward by or for
18 which the person was elected, or in which the duties of the
19 office are to be exercised. An elected official shall
20 continue to be a resident of the state, district, county,
21 township, city, or ward by or for which the person was
22 elected, or in which the duties of the office are to be
23 exercised for the duration of the term of office. This
24 section shall not apply to United States senators or
25 representatives in Congress or to members of the general
26 assembly.

27 Sec. 7. Section 43.14, Code 2001, is amended by striking
28 the section and inserting in lieu thereof the following:

29 43.14 FORM OF NOMINATION PAPERS.

30 1. Nomination papers shall include a petition and an
31 affidavit of candidacy. All nomination petitions shall be
32 eight and one-half by eleven inches in size and in
33 substantially the form prescribed by the state commissioner of
34 elections. They shall include or provide spaces for the
35 following information:

1 a. A statement identifying the signers of the petition as
2 eligible electors of the appropriate county or legislative
3 district and of the state.

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

5 c. For nomination petitions for candidates for the general
6 assembly, a statement that the residence of the candidate is
7 within the appropriate legislative district, or if that is not
8 true that the candidate will reside there within sixty days
9 before the election. For other offices, a statement of the
10 name of the county where the candidate resides.

11 d. The political party with which the candidate is a
12 registered voter.

13 e. The office sought by the candidate, including the
14 district number, if any.

15 f. The date of the primary election for which the
16 candidate is nominated.

17 Signatures on a petition page shall be counted only if the
18 required information is written or printed at the top of the
19 page. Nomination papers on behalf of candidates for seats in
20 the general assembly need only designate the number of the
21 senatorial or representative district, as appropriate, and not
22 the county or counties, in which the candidate and the
23 petitioners reside. A signature line shall not be counted if
24 the line lacks the signature of the eligible elector and the
25 signer's address and city. The person examining the petition
26 shall mark any deficiencies on the petition and affidavit.

27 2. Signed nomination petitions and the signed and
28 notarized affidavit of candidacy shall not be altered to
29 correct deficiencies noted during examination. If the
30 nomination petition lacks a sufficient number of acceptable
31 signatures, the nomination petition shall be rejected and
32 shall be returned to the candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The political party name.

4 d. The signature of the candidate.

5 e. The signature of a notary public or other officer
6 empowered to witness oaths.

7 The candidate may replace a deficient affidavit with a
8 corrected affidavit only if the replacement affidavit is filed
9 before the filing deadline. The candidate may resubmit a
10 nomination petition that has been rejected by adding a
11 sufficient number of pages or signatures to correct the
12 deficiency. A nomination petition and affidavit filed to
13 replace rejected nomination papers shall be filed together
14 before the deadline for filing.

15 Sec. 8. Section 43.15, subsection 4, Code 2001, is amended
16 to read as follows:

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

20 Sec. 9. Section 43.24, subsection 1, paragraph d, Code
21 2001, is amended to read as follows:

22 d. Those filed with the city clerk under this chapter, at
23 least thirty-six days before the municipal city primary
24 election.

25 Sec. 10. Section 43.27, Code 2001, is amended to read as
26 follows:

27 43.27 PRINTING OF BALLOTS.

28 The ballots of each political party shall be printed in
29 black ink, on separate sheets of paper, uniform in ~~color~~,
30 quality, texture, and size, with the name of the political
31 party printed at the head of said ballots, which ballots shall
32 be prepared by the commissioner in the same manner as for the
33 general election, except as in this chapter provided. The
34 commissioner may print the ballots for each political party
35 using a different color for each party. If colored paper is

1 used, all of the ballots for each separate party shall be
2 uniform in color.

3 Sec. 11. Section 43.45, Code 2001, is amended by striking
4 the section and inserting in lieu thereof the following:

5 43.45 CANVASS OF VOTES.

6 1. Upon the closing of the polls the precinct election
7 officials shall immediately publicly canvass the vote. The
8 canvass shall be conducted using the procedures established in
9 subsection 2 or 3, whichever is appropriate for the voting
10 system used in the precinct.

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

13 a. Place the ballots of the several political parties in
14 separate piles.

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

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

19 d. Place the ballots cast on behalf of each of the parties
20 in separate envelopes. Seal each envelope and place the
21 signature of all board members of the precinct across the seal
22 of the envelope so that it cannot be opened without breaking
23 the seal.

24 e. On the outside of each envelope enter the number of
25 ballots cast by each party in the precinct and contained in
26 the envelope.

27 f. Seal the tally sheets and certificates of the precinct
28 election officials in an envelope on the outside of which are
29 written or printed the names of the several political parties
30 with the names of the candidates for the different offices
31 under their party name, and opposite each candidate's name
32 enter the number of votes cast for such candidate in the
33 precinct.

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

1 h. Communicate the results in the manner required by
2 section 50.11, to the commissioner of the county in which the
3 polls are located, who shall remain on duty until the results
4 are communicated to the commissioner from each polling place
5 in the county.

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

8 a. Close the machines to prevent additional voting, and
9 print the results for the precinct.

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

14 c. Put any forms used by voters to cast write-in votes in
15 an envelope with one copy of the printed results from each
16 voting machine. Seal the envelope and place the signature of
17 all board members of the precinct across the seal of the
18 envelope so that it cannot be opened without breaking the
19 seal.

20 d. On the outside of the envelope enter the number of
21 voters from each party in the precinct. Report the number of
22 votes cast for each office by the voters of each political
23 party. A copy of the printed tape from the voting machine may
24 be used to report vote totals.

25 e. Communicate the results to the commissioner in the
26 manner required by section 50.11. The commissioner shall
27 remain on duty until the results are communicated to the
28 commissioner from each polling place in the county.

29 4. In precincts where electronic voting systems are used
30 and ballots are counted in the precinct, precinct election
31 officials shall do all of the following:

32 a. Close and secure the ballot reader to prevent the
33 insertion of additional ballots.

34 b. Print the results for the precinct.

35 c. Open the ballot container. Secure all ballots counted

1 by the vote-tabulating device. Sort the remaining ballots by
2 party. Tally all write-in votes and any other ballots not yet
3 counted. Record the results in the tally list.

4 d. Put all ballots in an envelope or other package and
5 seal it. All members of the board shall sign their names
6 across the seal of the envelope. The seal shall be placed so
7 that the envelope or package cannot be opened without breaking
8 the seal.

9 5. In precincts where electronic voting systems are used
10 and ballots are counted at a central location, precinct
11 election officials shall follow the procedures in section
12 52.32.

13 Sec. 12. Section 43.48, Code 2001, is amended to read as
14 follows:

15 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

16 Any elector of the county shall have the right, before the
17 day fixed for canvassing the returns, to ascertain the vote
18 cast for any candidate in any precinct in the county, as shown
19 on the outside of the envelope containing the tally list or on
20 printed reports from voting machines or electronic voting
21 systems.

22 Sec. 13. Section 43.114, Code 2001, is amended to read as
23 follows:

24 43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

25 In special charter cities holding a ~~municipal~~ city primary
26 election under the provisions of section 43.112 such primary
27 shall be held on the first Tuesday in October of the year in
28 which ~~general-municipal~~ regular city elections are held.

29 Sec. 14. Section 43.118, Code 2001, is amended to read as
30 follows:

31 43.118 EXPENSE.

32 The entire expense of conducting ~~said-municipal~~ the city
33 primary election and preparation of election registers shall
34 be audited by the city council and paid by the city.

35 Sec. 15. Section 44.4, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

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

25 Sec. 16. Section 45.3, unnumbered paragraph 1, Code
26 Supplement 2001, is amended by striking the unnumbered
27 paragraph.

28 Sec. 17. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

29 Nomination papers shall include a petition and an affidavit
30 of candidacy. All nomination petitions shall be eight and
31 one-half by eleven inches in size and shall be in
32 substantially the form prescribed by the state commissioner of
33 elections. They shall provide spaces for the following
34 information:

35 1. A statement identifying the signers of the petition as

1 eligible electors of the appropriate county or legislative
2 district and of the state of Iowa.

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

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

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

9 5. The name and date of the election for which the
10 candidate is nominated.

11 Signatures on a petition page shall be counted only if the
12 required information is written or printed at the top of the
13 page. Nomination papers on behalf of candidates for seats in
14 the general assembly need only designate the number of the
15 senatorial or representative district, as appropriate, and not
16 the county or counties, in which the candidate and the
17 petitioners reside. Signature lines on the nomination
18 petitions shall not be counted if the line lacks the signature
19 of the eligible elector and the signer's address and city.

20 The person examining the petition shall mark any deficiencies
21 on the petition.

22 The pages of the petition shall be securely fastened
23 together to form a single bundle. Nomination petitions that
24 are not bound shall be returned without further examination.
25 The state commissioner shall prescribe by rule the acceptable
26 methods for binding nomination petitions.

27 Signed nomination petitions and the signed and notarized
28 affidavit of candidacy shall not be altered to correct
29 deficiencies noted during the examination. If the nomination
30 petition lacks a sufficient number of acceptable signatures,
31 the nomination papers shall be rejected and returned to the
32 candidate.

33 The nomination papers shall be rejected if the affidavit
34 lacks any of the following:

35 a. The candidate's name.

1 b. The name of the office sought, including the district,
2 if any.

3 c. The signature of the candidate.

4 d. The signature of a notary public or other officer
5 empowered to witness oaths.

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

14 Sec. 18. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

15 The following requirements shall be observed in the signing
16 and preparation of nomination petitions:

17 1. A signer may sign nomination petitions for more than
18 one candidate for the same office, and the signature is not
19 invalid solely because the signer signed nomination petitions
20 for one or more other candidates for the office.

21 2. Each signer shall add the signer's residence, with
22 street and number.

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

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

34 5. Only one candidate shall be petitioned for or nominated
35 in the same nomination petition, except for the offices of

1 governor and lieutenant governor, and president and vice
2 president.

3 Sec. 19. Section 48A.2, subsection 3, Code 2001, is
4 amended to read as follows:

5 3. "Person who is mentally incompetent to vote" means a
6 person who has been found to lack the mental capacity to vote
7 by reason of mental retardation in a proceeding held pursuant
8 to section 222.31 or 633.556.

9 Sec. 20. Section 48A.6, subsection 2, Code 2001, is
10 amended to read as follows:

11 2. A person who is mentally incompetent to vote.
12 Certification by the clerk of the district court that any such
13 person has been found no longer incompetent by a court shall
14 qualify such person to again be an elector, subject to the
15 other provisions of this chapter.

16 Sec. 21. Section 48A.9, subsection 2, Code 2001, is
17 amended to read as follows:

18 2. The commissioner's office shall be open from eight a.m.
19 until at least five p.m. on the day registration closes before
20 each regularly scheduled election. However, if the last day
21 to register to vote for a regularly scheduled election falls
22 on the day after Thanksgiving, the deadline shall be the
23 following Monday.

24 Sec. 22. Section 48A.10, Code 2001 is amended to read as
25 follows:

26 48A.10 REGISTRATION REQUIRED.

27 If a registered voter moves to a different county, the
28 person shall submit a completed voter registration form to the
29 commissioner in order to be qualified to vote in that county.
30 An otherwise eligible elector whose right to vote has been
31 restored pursuant to chapter 914 or who has been found not to
32 be a person who is mentally incompetent to vote may register
33 to vote.

34 Sec. 23. Section 48A.11, Code 2001, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 6. A person who has been designated to
2 have power of attorney by a registrant does not have authority
3 to sign a voter registration form, except as otherwise
4 provided in section 39.3, subsection 17.

5 Sec. 24. Section 48A.14, subsection 1, paragraph f, Code
6 2001, is amended to read as follows:

7 f. The challenged registrant has been adjudged by a court
8 of law to be a person who is mentally incompetent to vote and
9 no subsequent proceeding has reversed that finding.

10 Sec. 25. Section 48A.27, subsection 3, paragraph a, Code
11 2001, is amended to read as follows:

12 a. Annexation of territory by a city. When an existing
13 city annexes territory, the city clerk shall furnish the
14 commissioner a detailed map of the annexed territory. If a
15 city is divided into wards for voting purposes, the detailed
16 map shall show the ward designations for the annexed
17 territory. The commissioner shall change the registration of
18 persons residing in that territory to reflect the annexation
19 and the city precinct to which each of those persons is
20 assigned. If the commissioner cannot determine the names and
21 addresses of the persons affected by the annexation, the
22 commissioner shall send each person who may be involved a
23 letter informing the person that the person's registration may
24 be in error, and requesting that each person provide the
25 commissioner with the information necessary to correct the
26 registration records.

27 Sec. 26. Section 48A.27, subsection 4, paragraph c,
28 unnumbered paragraph 2, Code 2001, is amended to read as
29 follows:

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

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

20 Sec. 27. Section 48A.28, subsection 3, unnumbered
21 paragraph 2, Code 2001, is amended to read as follows:

22 The form and language of the confirmation notice and return
23 card shall be specified by the state voter registration
24 commission by rule.

25 Sec. 28. Section 48A.29, subsection 3, unnumbered
26 paragraph 2, Code 2001, is amended to read as follows:

27 The notice shall be sent by forwardable mail, and shall
28 include a postage paid preaddressed return card on which the
29 registered voter may state the registered voter's current
30 address. The notice shall contain a statement in
31 substantially the following form: "Information received by
32 this office indicates that you are no longer a resident of
33 (residence address) in (name of county) County, Iowa. If the
34 information is not correct, and you still live at that
35 address, please complete and mail the attached postage paid

1 card at least ten days before the primary or general election
2 and at least eleven days before any other election at which
3 you wish to vote. If the information is correct, and you have
4 moved within the county, you may update your registration by
5 listing your new address on the card and mailing it back. If
6 you have moved outside the county, please contact a local
7 official in your new area for assistance in registering there.
8 If you do not mail in the card, you may be required to show
9 identification ~~proving-your-residence-in-(name-of-county)~~
10 County before being allowed to vote in (name of county)
11 County. If you do not return the card, and you do not vote in
12 some election in (name of county) County, Iowa, on or before
13 (date of second general election following the date of the
14 notice) your name will be removed from the list of registered
15 voters in that county."

16 Sec. 29. Section 48A.30, subsection 1, paragraph a, Code
17 2001, is amended to read as follows:

18 a. The registered voter dies. For the purposes of this
19 subsection, the commissioner may accept as evidence of death a
20 notice from the state registrar of vital statistics forwarded
21 by the state registrar of voters, a written statement from a
22 member of the registered voter's household, an obituary in a
23 newspaper, a written statement from an election official, or a
24 notice from the ~~clerk-of-the-district-court-in~~ county recorder
25 of the county where the registered voter died.

26 Sec. 30. Section 48A.30, subsection 1, paragraph e, Code
27 2001, is amended to read as follows:

28 e. The clerk of the district court or the state registrar
29 sends notice that the registered voter has been declared a
30 person who is mentally incompetent to vote under state law.

31 Sec. 31. Section 48A.38, subsection 1, Code 2001, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. f. The county commissioner of registration
34 and the state registrar of voters shall remove a voter's
35 social security number from a voter registration list prepared

1 pursuant to this section.

2 Sec. 32. Section 49.21, Code 2001, is amended by adding
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The commissioner shall post a
5 sign at the entrance to the polling place indicating the
6 election precinct number or name, and displaying a street map
7 showing the boundaries of the precinct.

8 Sec. 33. Section 49.30, subsection 1, Code 2001, is
9 amended to read as follows:

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

14 Sec. 34. Section 49.31, subsection 2, Code 2001, is
15 amended by adding the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. On the general election ballot
17 the names of candidates for the nonpartisan offices listed in
18 section 39.21 shall be arranged by drawing lots for position.
19 The board of supervisors shall hold the drawing at its first
20 meeting following the deadline for receipt of objections and
21 withdrawals by candidates for the general election.

22 Sec. 35. Section 49.53, unnumbered paragraph 1, Code 2001,
23 is amended to read as follows:

24 The commissioner shall not less than four nor more than
25 twenty days before the day of each election, except those for
26 which different publication requirements are prescribed by
27 law, publish notice of the election. The notice shall contain
28 a facsimile of the portion of the ballot containing the first
29 rotation as prescribed by section 49.31, subsection 2, and
30 shall show the names of all candidates or nominees and the
31 office each seeks, and all public questions, to be voted upon
32 at the election. The sample ballot published as a part of the
33 notice may at the discretion of the commissioner be reduced in
34 size relative to the actual ballot but such reduction shall
35 not cause upper case letters appearing in candidates' names or

1 in summaries of public measures on the published sample ballot
2 to be less than ~~five-thirty-sixths-of-an-inch-high-in~~
3 ~~candidates'-names-or-in-summaries-of-public-measures~~ ninety
4 percent of the size of such upper case letters appearing on
5 the actual ballot. The notice shall also state the date of
6 the election, the hours the polls will be open, the location
7 of each polling place at which voting is to occur in the
8 election, the location of the polling places designated as
9 early ballot pick-up sites, and the names of the precincts
10 voting at each polling place, but the statement need not set
11 forth any fact which is apparent from the portion of the
12 ballot appearing as a part of the same notice. The notice
13 shall include the full text of all public measures to be voted
14 upon at the election. The notice shall also include notice of
15 testing required pursuant to sections 52.9, 52.35, and 52.38.

16 Sec. 36. Section 49.57, subsection 4, Code 2001, is
17 amended to read as follows:

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

27 Sec. 37. Section 49.64, Code 2001, is amended to read as
28 follows:

29 49.64 NUMBER OF BALLOTS DELIVERED.

30 The commissioner shall cause ballots of the kind to be
31 voted in each precinct, to be delivered to the precinct
32 election officials as follows: in general elections which are
33 presidential elections seventy-five at least fifty-five
34 ballots for every fifty votes, or fraction thereof of fifty
35 votes, cast in ~~said~~ the precinct at the last preceding general

1 election which was also a presidential election; and in
2 general elections which are not presidential elections,
3 ~~seventy-five~~ at least fifty-five ballots for every fifty
4 votes, or fraction thereof of fifty votes, cast therein at the
5 last preceding general election which was not a presidential
6 election.

7 Sec. 38. Section 49.70, Code 2001, is amended to read as
8 follows:

9 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

16 Sec. 39. Section 49.73, subsection 1, paragraph b, Code
17 2001, is amended to read as follows:

18 b. Any election conducted for a city of three thousand
19 five hundred or less population, including a local option
20 sales and services tax election conducted pursuant to section
21 422B.1. At elections conducted pursuant to chapter 422B,
22 contiguous cities shall have the same voting hours.

23 Sec. 40. Section 49.73, subsection 1, Code 2001, is
24 amended by adding the following new paragraph:

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

28 Sec. 41. Section 49.79, Code 2001, is amended to read as
29 follows:

30 49.79 CHALLENGES.

31 Any person offering to vote may be challenged as
32 unqualified by any precinct election official or ~~elector~~ and
33 it registered voter. It is the duty of each official to
34 challenge any person offering to vote whom the official knows
35 or suspects is not duly qualified. A ballot shall be received

1 from a voter who is challenged, but only in accordance with
2 section 49.81.

3 Sec. 42. Section 49.81, subsection 2, unnumbered paragraph
4 2, Code 2001, is amended to read as follows:

5 Your qualifications as a registered voter have been
6 challenged for the following reasons:

- 7 I.
- 8 II.
- 9 III.

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

20 Sec. 43. Section 49.84, Code 2001, is amended by adding
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
23 voter from taking minor children into the voting booth with
24 the voter.

25 Sec. 44. Section 49.88, Code 2001, is amended by adding
26 the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
28 voter from taking minor children into the voting booth with
29 the voter.

30 Sec. 45. Section 49.96, Code 2001, is amended to read as
31 follows:

32 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

33 Where more than one person is to be elected to the same
34 office at the same election, and all of the candidates for
35 that office for whom the voter desires to vote were nominated

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

14 Sec. 46. Section 49.124, Code 2001, is amended to read as
15 follows:

16 49.124 TRAINING COURSE BY COMMISSIONER.

17 The commissioner shall conduct, not later than the day
18 before each primary and general election, a training course of
19 ~~not-more-than-two-hours~~ for all election personnel, and the
20 commissioner may do so before any other election the
21 commissioner administers. The personnel shall include all
22 precinct election officials and any other persons who will be
23 employed in or around the polling places on election day. At
24 least two precinct election officials who will serve on each
25 precinct election board at the forthcoming election shall
26 attend the training course. If the entire board does not
27 attend, those members who do attend shall so far as possible
28 be persons who have not previously attended a similar training
29 course.

30 Sec. 47. Section 50.11, Code 2001, is amended to read as
31 follows:

32 50.11 PROCLAMATION OF RESULT.

33 When the canvass is completed one of the precinct election
34 officials shall publicly announce the total number of votes
35 received by each of the persons voted for, the office for

1 which the person is designated, as announced by the designated
2 tally keepers, and the number of votes for, and the number of
3 votes against, any proposition which shall have been submitted
4 to a vote of the people~~7-and-the.~~ A precinct election
5 official shall communicate said-information the election
6 results by telephone or-telegraph or in person to the
7 commissioner who is conducting the election immediately upon
8 completion of the canvass~~7-and-the.~~

9 Election results may be transmitted electronically from
10 voting equipment to the commissioner's office only after the
11 precinct election officials have produced a written report of
12 the election results. The devices used for the electronic
13 transmission of election results shall be approved for use by
14 the board of examiners pursuant to section 52.41. The state
15 commissioner of elections shall adopt rules establishing
16 procedures for the electronic transmission of election
17 results.

18 The commissioner shall remain on duty until such
19 information is communicated to the commissioner from each
20 polling place in the commissioner's county.

21 Sec. 48. Section 50.12, Code 2001, is amended to read as
22 follows:

23 50.12 RETURN AND PRESERVATION OF BALLOTS.

24 Immediately after making the proclamation, and before
25 separating, the board members of each precinct in which votes
26 have been received by paper ballot shall enclose in an
27 envelope or other container all ballots which have been
28 counted by them, except those endorsed "Rejected as double",
29 "Defective", or "Objected to", and securely seal the envelope.
30 The signatures of all board members of the precinct shall be
31 placed across the seal or the opening of the container so that
32 it cannot be opened without breaking the seal. The precinct
33 election officials shall return all the ballots to the
34 commissioner, who shall carefully preserve them for six
35 months. Ballots from elections for federal offices shall be

1 preserved for twenty-two months. The sealed packages
2 containing voted ballots shall be opened only for an official
3 recount authorized by section 50.48, 50.49, or 50.50, for an
4 election contest held pursuant to chapters 57 through 62, or
5 to destroy the ballots pursuant to section 50.19.

6 Sec. 49. Section 50.48, subsection 2, unnumbered paragraph
7 1, Code 2001, is amended to read as follows:

8 The candidate requesting a recount under this section shall
9 post a bond, unless the abstracts prepared pursuant to section
10 50.24, or section 43.49 in the case of a primary election,
11 indicate that the difference between the total number of votes
12 cast for the apparent winner and the total number of votes
13 cast for the candidate requesting the recount is less than the
14 greater of fifty votes or one percent of the total number of
15 votes cast for the office or nomination in question. If a
16 recount is requested for an office to which more than one
17 person was elected, the vote difference calculations shall be
18 made using the difference between the number of votes received
19 by the person requesting the recount and the number of votes
20 received by the apparent winner who received the fewest votes.

21 Where votes cast for that office or nomination were canvassed
22 in more than one county, the abstracts prepared by the county
23 boards in all of those counties shall be totaled for purposes
24 of this subsection. If a bond is required, it shall be filed
25 with the state commissioner for recounts involving a state
26 office, including a seat in the general assembly, or a seat in
27 the United States Congress, and with the commissioner
28 responsible for conducting the election in all other cases,
29 and shall be in the following amount:

30 Sec. 50. Section 50.49, unnumbered paragraph 4, Code 2001,
31 is amended to read as follows:

32 The petitioners requesting the recount shall post a bond as
33 required by section 50.48, subsection 2. The amount of the
34 bond shall be one thousand dollars for a public measure
35 appearing on the ballot statewide or one hundred dollars for

1 any other public measure. If the difference between the
2 affirmative and negative votes cast on the public measure is
3 less than the greater of fifty votes or one percent of the
4 total number of votes cast for and against the question, a
5 bond is not required. If approval by sixty percent of the
6 votes cast is required for adoption of the public measure, no
7 bond is required if the difference between sixty percent of
8 the total votes cast for and against the question and the
9 number of votes cast for the losing side is less than the
10 greater of fifty votes or one percent of the total number of
11 votes cast.

12 Sec. 51. Section 50.50, unnumbered paragraph 1, Code 2001,
13 is amended to read as follows:

14 The commissioner who was responsible for conducting an
15 election may request an administrative recount when the
16 commissioner suspects that voting equipment used in the
17 election malfunctioned or that programming errors may have
18 affected the outcome of the election, or if the precinct
19 election officials report counting errors to the commissioner
20 after the conclusion of the canvass of votes in the precinct.

21 An administrative recount shall be conducted by the board of
22 the special precinct established by section 53.23. Bond shall
23 not be required for an administrative recount. The state
24 commissioner may adopt rules for administrative recounts.

25 Sec. 52. Section 52.1, subsection 2, paragraphs a, b, and
26 f, Code 2001, are amended to read as follows:

27 a. "Automatic tabulating equipment" means apparatus,
28 including but not limited to electronic data processing
29 machines, which may be utilized to ascertain the manner in
30 which either special paper ballots or ~~ballot-cards~~ have been
31 marked by voters, and count the votes marked thereon.

32 b. "Ballot" includes a special paper ballot ~~and-a-ballot~~
33 ~~card-and-its-associated-ballot-label~~. In appropriate
34 contexts, "ballot" also includes conventional paper ballots.

35 f. "Electronic voting system" means a system employing

1 special paper ballots ~~or-ballot-cards-and-ballot-labels~~, under
2 which votes are:

3 (1) Cast by voters by marking special paper ballots with a
4 vote marking device, ~~or-by-marking-ballot-cards-by-use-of-a~~
5 ~~voting-punch-device~~; and

6 (2) Thereafter counted by use of automatic tabulating
7 equipment.

8 Sec. 53. Section 52.1, subsection 2, paragraphs c, d, and
9 k, Code 2001, are amended by striking the paragraphs.

10 Sec. 54. Section 52.25, unnumbered paragraphs 1 and 2,
11 Code 2001, are amended to read as follows:

12 The question of a constitutional convention, amendments,
13 and public measures including bond issues may be voted on
14 voting machines and on special paper ballots ~~and-ballot-cards~~
15 in the following manner:

16 The entire convention question, amendment or public measure
17 shall be printed and displayed prominently in at least four
18 places within the voting precinct, and inside each voting
19 booth, or on the left-hand side inside the curtain of each
20 voting machine, the printing to be in conformity with the
21 provisions of chapter 49. The public measure shall be
22 summarized by the commissioner and in the largest type
23 possible printed on the special paper ballots, ~~ballot-cards~~,
24 or inserts used in the voting machines, except that:

25 Sec. 55. Section 52.26, subsections 5, 6, and 7, Code
26 2001, are amended to read as follows:

27 5. Be so constructed or designed that in presidential
28 elections the voter casts a vote for the presidential electors
29 of any party or political organization by a single mark ~~or~~
30 ~~punch~~ made opposite the name of the candidates of that party
31 or organization for the offices of both president and vice
32 president of the United States, and so that the voter is also
33 provided the opportunity to write in the name of any person
34 for whom the voter desires to vote for president or vice
35 president of the United States.

1 6. Be so constructed or designed as to permit voting for
2 candidates for nomination or election of at least seven
3 different political parties or organizations, and to permit
4 voting for all of the candidates of any one political party or
5 organization by a single mark or punch, at any one election.

6 ~~7. The voting punch device shall be so constructed and~~
7 ~~designed so if an elector makes an error in marking the~~
8 ~~ballot, the machine shall indicate the error and permit the~~
9 ~~elector to make a correction according to the provisions of~~
10 ~~section 52.30, subsection 4. A punch card voting system shall~~
11 ~~not be approved for use.~~

12 Sec. 56. Section 52.27, Code 2001, is amended to read as
13 follows:

14 52.27 COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT.

15 The commissioner having jurisdiction of any precinct for
16 which the board of supervisors has adopted voting by means of
17 an electronic voting system shall, as soon as practicable
18 thereafter, provide for use at each election held in the
19 precinct special paper ballots and vote marking devices, ~~or~~
20 ~~ballot cards, ballot labels and voting punch devices, as the~~
21 ~~case may be,~~ in appropriate numbers. The commissioner shall
22 have custody of all equipment required for use of the
23 electronic voting system, and shall be responsible for
24 maintaining it in good condition and for storing it between
25 elections. All provisions of chapter 49 relative to times and
26 circumstances under which voting machines are to be used in
27 any election and the number of voting machines to be provided
28 shall also govern the use of electronic voting systems, when
29 applicable.

30 Sec. 57. Section 52.28, subsection 1, Code 2001, is
31 amended to read as follows:

32 1. The commissioner of each county in which the use of an
33 electronic voting system in one or more precincts has been
34 authorized shall determine the arrangement of candidates'
35 names and public questions upon the ballot or ballots used

1 with the system. The ballot information, ~~whether placed on~~
2 ~~the special paper ballot, the ballot card or the ballot label,~~
3 shall be arranged as required by chapters 43 and 49, and by
4 any relevant provisions of any statutes which specify the form
5 of ballots for special elections, so far as possible within
6 the constraints of the physical characteristics of the
7 electronic voting system in use in that county. The state
8 commissioner may adopt rules requiring a reasonable degree of
9 uniformity among counties in arrangement of electronic voting
10 system ballots.

11 Sec. 58. Section 52.28, subsection 2, Code 2001, is
12 amended by striking the subsection.

13 Sec. 59. Section 52.29, Code 2001, is amended to read as
14 follows:

15 52.29 ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

16 The commissioner shall provide for each precinct where an
17 electronic voting system is in use at least four sample
18 special paper ballots, ~~or combinations of ballot cards and~~
19 ~~ballot labels, as the case may be,~~ which shall be exact copies
20 of the official ballots as printed for that precinct. The
21 sample ballots shall be arranged in the form of a diagram
22 showing the special paper ballot ~~or the front of the voting~~
23 ~~punch device, as the case may be,~~ as it will appear to the
24 voter in that precinct on election day. The sample ballots
25 shall be posted prominently within the polling place, and
26 shall be open to public inspection during the hours the polls
27 are open on election day.

28 Sec. 60. Section 52.33, unnumbered paragraph 1, Code 2001,
29 is amended to read as follows:

30 In any county in which the board of supervisors has adopted
31 voting by means of an electronic voting system, the
32 commissioner may elect to also conduct absentee voting by use
33 of such a system if the system so used is compatible with the
34 counting center serving the precinct polling places in the
35 county where voting is by means of an electronic voting

1 system. In any other county, the commissioner may with
2 approval of the board of supervisors conduct absentee voting
3 by use of an electronic voting system. All provisions of
4 chapter 53 shall apply to such absentee voting, so far as
5 applicable. ~~When a ballot card is used for voting by mail it
6 shall be accompanied by a stylus, voter instructions, and a
7 specimen ballot showing the proper positions to vote on the
8 ballot card for each candidate or public question. The card
9 shall be mounted on material suitable to receive the punched
10 out chip.~~ In counties where absentee voting is conducted by
11 use of an electronic voting system, the special precinct
12 counting board shall, at the time required by chapter 53,
13 prepare absentee ballots for delivery to the counting center
14 in the manner prescribed by this chapter.

15 Sec. 61. Section 52.35, subsection 2, Code 2001, is
16 amended to read as follows:

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

34 Sec. 62. Section 52.37, subsection 1, Code 2001, is
35 amended to read as follows:

1 1. The sealed ballot container from each precinct shall be
2 delivered to the counting center by two ~~of-the~~ election
3 officials ~~of-that-precinct~~, not members of the same political
4 party if the ballot contains partisan offices, who shall
5 travel together in the same vehicle and shall have the
6 container under their immediate joint control until they
7 surrender it to the commissioner or the commissioner's
8 designee in charge of the counting center. The commissioner
9 may designate two precinct election officials, of different
10 political parties if the ballot contains partisan offices, to
11 collect the sealed ballot containers from more than one
12 precinct to deliver to the counting center. The commissioner
13 or designee shall, in the presence of the two precinct
14 election officials who delivered the container, enter on a
15 record kept for the purpose that the container was received,
16 the time the container was received, and the condition of the
17 seal upon receipt.

18 In nonpartisan elections the election officials delivering
19 the ballots are not required to be members of any political
20 party, or to be members of different political parties.

21 Sec. 63. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF
22 ELECTION RESULTS.

23 With the advice of the board of examiners for voting
24 machines and electronic voting systems, the state commissioner
25 shall adopt by rule standards for the examination and testing
26 of devices for the electronic transmission of election
27 results. All voting systems which contain devices for the
28 electronic transmission of election results submitted to the
29 examiners for examination and testing after July 1, 2003,
30 shall comply with these standards.

31 Sec. 64. Section 53.8, subsection 1, Code 2001, is amended
32 to read as follows:

33 1. Upon receipt of an application for an absentee ballot
34 and immediately after the absentee ballots are printed, the
35 commissioner shall mail an absentee ballot to the applicant

1 within twenty-four hours, except as otherwise provided in
2 subsection 3. The absentee ballot shall be enclosed in an
3 unsealed envelope bearing a serial number and affidavit. The
4 absentee ballot and unsealed envelope shall be enclosed in or
5 with a carrier envelope which bears the same serial number as
6 the unsealed envelope. The absentee ballot, unsealed
7 envelope, and carrier envelope shall be enclosed in a third
8 envelope to be sent to the registered voter. If the ballot
9 cannot be folded so that all of the votes cast on the ballot
10 will be hidden, the commissioner shall also enclose a secrecy
11 envelope with the absentee ballot.

12 Sec. 65. NEW SECTION. 53.10 ABSENTEE VOTING AT THE
13 COMMISSIONER'S OFFICE.

14 Not more than forty days before the date of the primary
15 election or the general election, the commissioner shall
16 provide facilities for absentee voting in person at the
17 commissioner's office. This service shall also be provided
18 for other elections as soon as the ballots are ready, but in
19 no case shall absentee ballots be available more than forty
20 days before an election.

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

34 During the hours when absentee ballots are available in the
35 office of the commissioner, the posting of political signs is

1 prohibited within thirty feet of the absentee voting site. No
2 electioneering shall be allowed within the sight or hearing of
3 voters at the absentee voting site.

4 Sec. 66. Section 53.11, unnumbered paragraph 1, Code 2001,
5 is amended by striking the unnumbered paragraph.

6 Sec. 67. Section 53.11, unnumbered paragraph 2, Code 2001,
7 is amended to read as follows:

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

19 Sec. 68. Section 53.11, Code 2001, is amended by adding
20 the following new unnumbered paragraphs:

21 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting
22 at satellite absentee voting stations shall be the same as
23 specified in section 53.10 for voting at the commissioner's
24 office. Additional procedures shall be prescribed by rule by
25 the state commissioner.

26 NEW UNNUMBERED PARAGRAPH. During the hours when absentee
27 ballots are available at a satellite absentee voting station,
28 the posting of political signs is prohibited within thirty
29 feet of the satellite absentee voting station. Electioneering
30 shall not be allowed within the sight or hearing of voters at
31 the satellite absentee voting station.

32 Sec. 69. Section 53.18, Code 2001, is amended to read as
33 follows:

34 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

35 Upon receipt of the absentee ballot, the commissioner shall

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

7 Sec. 70. Section 53.19, unnumbered paragraph 3, Code 2001,
8 is amended to read as follows:

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

22 Sec. 71. Section 53.30, Code 2001, is amended to read as
23 follows:

24 53.30 BALLOT ENVELOPE PRESERVED.

25 At the conclusion of each meeting of the absentee and
26 special voter's precinct board, the board shall securely seal
27 all ballots counted by them in the manner prescribed in
28 section 50.12. The ballot envelopes, including the envelope
29 having the registered voter's affidavit thereon on it, the
30 return carrier envelope, and secrecy envelope bearing the
31 signatures of precinct election officials, as required by
32 section 53.23, shall be preserved. All applications for
33 absentee ballots, ballots rejected without being opened,
34 absentee ballot logs, and any other documents pertaining to
35 the absentee ballot process shall be preserved until such time

1 as the documents may be destroyed pursuant to section 50.19.

2 Sec. 72. Section 53.38, Code 2001, is amended to read as
3 follows:

4 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

5 Whenever a ballot is requested pursuant to section 53.39 or
6 53.45 on behalf of a voter in the armed forces of the United
7 States, the affidavit upon the ballot envelope of such voter,
8 if the voter is found to be an eligible elector of the county
9 to which the ballot is submitted, shall constitute a
10 sufficient registration under ~~the provisions of~~ chapter 48A
11 and the. A completed federal postcard registration and
12 federal absentee ballot request form submitted by such
13 eligible elector shall also constitute a sufficient
14 registration under chapter 48A. The commissioner shall place
15 the voter's name on the registration record as a registered
16 voter, if it does not already appear there.

17 Sec. 73. Section 53.40, unnumbered paragraph 1, Code 2001,
18 is amended to read as follows:

19 A request in writing for a ballot may be made by any member
20 of the armed forces of the United States who is or will be a
21 qualified voter on the day of the election at which the ballot
22 is to be cast, at any time before the election. Any member of
23 the armed forces of the United States may request ballots for
24 all elections to be held within a calendar year. The request
25 may be made by using the federal postcard application form and
26 indicating that the applicant wishes to receive ballots for
27 all elections as permitted by state law. The county ~~auditor~~
28 commissioner shall send the applicant a ballot for each
29 election held during the calendar year in which the
30 application is received. The commissioner shall forward a
31 copy of the absentee ballot request to other commissioners who
32 are responsible under section 47.2, subsection 2, for
33 conducting elections in which the applicant is eligible to
34 vote.

35 Sec. 74. Section 57.1, subsection 2, Code 2001, is amended

1 by adding the following new paragraph after paragraph f and
2 relettering the subsequent paragraphs:

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

6 Sec. 75. Section 60.4, Code 2001, is amended to read as
7 follows:

8 60.4 STATEMENT.

9 The contestant shall file the statement provided for in
10 chapter 62 in the office of the secretary of state within ten
11 two days from the day on which the returns are canvassed by
12 the state board of canvassers, and, within the same time,
13 serve a copy of the same, with a notice of the contest, on the
14 incumbent in the manner provided by the rules of civil
15 procedure for service of an original notice.

16 Sec. 76. Section 60.5, Code 2001, is amended to read as
17 follows:

18 60.5 ORGANIZATION AND TRIAL.

19 The clerk of the court shall, immediately after the filing
20 of the statement, notify the judges herein named, and fix a
21 day for the organization of the court within three two days
22 thereafter, and also notify the parties to the contest. The
23 judges shall meet on the day fixed, and organize the court,
24 and make and announce such rules for the trial of the case as
25 they shall think necessary for the protection of the rights of
26 each party and a just and speedy trial of the case, and
27 commence the trial of the case as early as practicable
28 thereafter, and so arrange for and conduct the trial that a
29 final determination of the same and judgment shall be rendered
30 at least six days before the first Monday after the second
31 Wednesday in December next following.

32 Sec. 77. NEW SECTION. 62.5A STATEMENT OF INTENT TO
33 CONTEST.

34 1. Within twenty days after the board of supervisors
35 declares a winner from the canvass of an election, the

1 contestant shall file with the commissioner a written
2 statement of intention to contest the election. If a recount
3 is held for the office in question, and the recount board
4 finds that the winner was someone other than the person
5 declared at the original canvass of votes, a contest may be
6 filed within twenty days after the board of supervisors
7 declares a winner from the recount of votes.

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

9 a. The name of the contestant and that the contestant is
10 qualified to hold such office.

11 b. The name of the incumbent.

12 c. The office contested.

13 d. The date of the election.

14 e. The particular causes of the contest pursuant to
15 section 57.1, subsection 2. If a cause of the contest is an
16 allegation that illegal votes were received or that legal
17 votes were rejected, a statement shall be included setting
18 forth the names of the persons who are alleged to have voted
19 illegally or whose votes were rejected and the precinct where
20 they voted or offered to vote.

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

23 Sec. 78. Section 63.8, Code 2001, is amended to read as
24 follows:

25 63.8 VACANCIES -- TIME TO QUALIFY.

26 Persons elected or appointed to fill vacancies, and
27 officers entitled to hold over to fill vacancies occurring
28 through a failure to elect, appoint, or qualify, as provided
29 in chapter 69, shall qualify within ten days from the county
30 board's canvass of such election, or within ten days from such
31 appointment, or failure to elect, appoint, or qualify, in the
32 same manner as those originally elected or appointed to such
33 offices.

34 Sec. 79. Section 69.2, Code Supplement 2001, is amended to
35 read as follows:

1 69.2 WHAT CONSTITUTES VACANCY.

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

4 ~~1-~~ a. A failure to elect at the proper election, or to
5 appoint within the time fixed by law, unless the incumbent
6 holds over.

7 ~~2-~~ b. A failure of the incumbent or holdover officer to
8 qualify within the time prescribed by law.

9 ~~3-~~ c. The incumbent ceasing to be a resident of the state,
10 district, county, township, city, or ward by or for which the
11 incumbent was elected or appointed, or in which the duties of
12 the office are to be exercised. This subsection shall not
13 apply to appointed city officers.

14 ~~4-~~ d. The resignation or death of the incumbent, or of the
15 officer-elect before qualifying.

16 ~~5-~~ e. The removal of the incumbent from, or forfeiture of,
17 the office, or the decision of a competent tribunal declaring
18 the office vacant.

19 ~~6-~~ f. The conviction of the incumbent of a felony, an
20 aggravated misdemeanor, or of any public offense involving the
21 violation of the incumbent's oath of office.

22 ~~7-~~ g. The board of supervisors declares a vacancy in an
23 elected county office upon finding that the county officer has
24 been physically absent from the county for sixty consecutive
25 days except in the case of a medical emergency; temporary
26 active military duty; or temporary service with another
27 government service, agency, or department.

28 ~~8-~~ h. The incumbent simultaneously holding more than one
29 elective office at the same level of government. This
30 subsection does not apply to the county agricultural extension
31 council or the soil and water conservation district
32 commission.

33 ~~9-~~ i. An incumbent statewide elected official or member of
34 the general assembly simultaneously holding more than one
35 elective office.

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

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

1 was rendered. The court shall hear the appeal in equity and
2 determine anew all questions arising in the case.

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

7 Sec. 80. Section 69.12, subsection 1, paragraph a, Code
8 2001, is amended to read as follows:

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

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

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

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

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

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

23 Sec. 81. Section 69.12, subsection 1, paragraph b, Code
24 2001, is amended to read as follows:

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

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

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

35 (3) The fortieth day ~~prior-to~~ before a regularly scheduled

1 school election.

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

4 Sec. 82. Section 69.14A, Code 2001, is amended by adding
5 the following new subsection:

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

11 Sec. 83. Section 275.12, subsections 3 and 4, Code
12 Supplement 2001, are amended to read as follows:

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

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

1 ~~make-adjustments-as-necessary-~~

2 Sec. 84. Section 275.25, subsection 1, unnumbered
3 paragraph 1, Code 2001, is amended to read as follows:

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

29 Sec. 85. Section 275.35, Code 2001, is amended to read as
30 follows:

31 275.35 CHANGE OF METHOD OF ELECTIONS.

32 Any existing or hereafter created or enlarged school
33 district may change the number of directors to either five or
34 seven and may also change its method of election of school
35 directors to any method authorized by section 275.12 by

1 submission of a proposal, stating the proposed new method of
2 election ~~and-describing-the-boundaries-of-the-proposed~~
3 ~~director-districts-if-any~~, by the school board of such
4 district to the electors at any regular or special school
5 election. The school board shall notify the county
6 commissioner of elections who shall publish notice of the
7 election in the manner provided in section 49.53. The
8 election shall be conducted pursuant to chapters 39 to 53 by
9 the county commissioner of elections. Such proposal shall be
10 adopted if it is approved by a majority of the votes cast on
11 the proposition.

12 If the proposal adopted by the voters requires the
13 establishment of or change in director district boundaries,
14 the school board shall draw the necessary boundaries within
15 forty days after the date of the election. The boundaries
16 shall be drawn according to the requirements of section
17 275.23A. Following adoption by the school board, the plan
18 shall be submitted to the state commissioner of elections for
19 approval.

20 Sec. 86. Section 275.36, Code 2001, is amended to read as
21 follows:

22 275.36 SUBMISSION OF CHANGE TO ELECTORS.

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

1 election held not later than February 1. The petition shall
2 be accompanied by an affidavit as required by section 275.13.
3 If a proposition for a change in the number of directors or in
4 the method of election of school directors submitted to the
5 voters under this section is rejected, it shall not be
6 resubmitted to the voters of the district in substantially the
7 same form within the next three years; if it is approved, no
8 other proposal may be submitted to the voters of the district
9 under this section within the next six years.

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

20 Sec. 87. Section 275.37, Code 2001, is amended to read as
21 follows:

22 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

1 Sec. 88. NEW SECTION. 275.37A DECREASE IN NUMBER OF
2 DIRECTORS.

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

6 a. If at the first election in the district there are
7 three terms expiring, one director shall be elected. At the
8 second election in that district, if two terms are expiring,
9 two directors shall be elected. At the third election in that
10 district, if there are two terms expiring, two directors shall
11 be elected.

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

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

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

33 Sec. 89. Section 275.55, unnumbered paragraph 1, Code
34 2001, is amended to read as follows:

35 The board of the school district shall call a special

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

10 Sec. 90. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT
11 BOUNDARIES FOLLOWING DISSOLUTION.

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

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

31 3. The final plan for the assignment of attached lands and
32 any other boundary changes made shall be adopted by resolution
33 of the board. The resolution shall contain a legal
34 description of the new director district boundaries and a map
35 of the director district boundaries changed by the resolution.

1 A copy of the resolution shall be filed with the county
2 commissioners of elections of each county in which a portion
3 of the school district is located. The resolution shall also
4 be filed with the state commissioner of elections not later
5 than June 15. The boundary changes shall take effect upon
6 approval by the state commissioner of elections for the next
7 regular school election, but not later than July 1.

8 Sec. 91. Section 277.23, Code 2001, is amended to read as
9 follows:

10 277.23 DIRECTORS -- NUMBER -- CHANGE.

11 In any district including all or-part of a city of fifteen
12 thousand or more population and in any district in which the
13 voters have authorized seven directors, the board shall
14 consist of seven members; in all other districts the board
15 shall consist of five members.

16 A change from five to seven directors shall be effected in
17 a district at the first regular election after authorization
18 by the voters or when a district becomes wholly or in part
19 within a city of fifteen thousand population or more in the
20 following manner:~~--if the term of one director of the five-~~
21 ~~member board expires at the time of said regular election,~~
22 ~~three directors shall be elected to serve until the third~~
23 ~~regular election thereafter, if the terms of two directors~~
24 ~~expire at the time of said regular election, three directors~~
25 ~~shall be elected to serve until the third regular election~~
26 ~~thereafter and one director shall be elected to serve a term~~
27 ~~the expiration of which coincides with the expiration of the~~
28 ~~term of the director heretofore singly elected~~ described in
29 section 275.37.

30 Sec. 92. Section 278.1, subsection 8, Code 2001, is
31 amended to read as follows:

32 8. Authorize a change in the method of conducting
33 elections or in the number of directors as provided in
34 sections 275.35 and 275.36. If a proposition submitted to the
35 voters under this subsection or subsection 7 is rejected, it

1 may not be resubmitted to the voters of the district in
2 substantially the same form within the next three years; if it
3 is approved, no other proposal may be submitted to the voters
4 of the district under this subsection or subsection 7 within
5 the next six years. The establishment or abandonment of
6 director districts or a change in the boundaries of director
7 districts shall be implemented as prescribed in section
8 275.37.

9 Sec. 93. Section 279.6, unnumbered paragraph 2, Code 2001,
10 is amended to read as follows:

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

26 Sec. 94. Section 296.3, Code 2001, is amended to read as
27 follows:

28 296.3 ELECTION CALLED.

29 The Within ten days of receipt of a petition filed under
30 section 296.2, the president of the board of directors, within
31 ten days of receipt of a petition under section 296.2, shall
32 call a meeting of the board ~~which shall.~~ The meeting shall be
33 held within thirty days after the petition was received. At
34 the meeting, the board shall call the election, fixing the
35 time of the election, which may be at the time and place of

1 holding the regular school election, ~~unless~~. However, if the
2 board determines by unanimous vote that the proposition or
3 propositions requested by a petition to be submitted at an
4 election are grossly unrealistic or contrary to the needs of
5 the school district, no election shall be called. If more
6 than one petition has been received by the time the board
7 meets to consider the petition triggering the meeting, the
8 board shall act upon the petitions in the order they were
9 received at the meeting called to consider the initial
10 petition. The decision of the board may be appealed to the
11 state board of education as provided in chapter 290. The
12 president shall notify the county commissioner of elections of
13 the time of the election.

14 Sec. 95. Section 331.207, subsection 2, Code 2001, is
15 amended to read as follows:

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

27 Sec. 96. Section 331.207, Code 2001, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 4A. If the plan adopted by a plurality of
30 the ballots cast in the special election represents a change
31 from plan "one" to plan "two" or "three", or from plan "two"
32 to plan "three", as each plan is defined in section 331.206,
33 the temporary county redistricting commission shall divide the
34 county into districts as provided in sections 331.209 and
35 331.210. The plan shall be completed not later than September

1 15 following the special election and shall be submitted to
2 the state commissioner of elections. The plan shall become
3 effective January 1.

4 Sec. 97. Section 331.651, subsection 1, unnumbered
5 paragraph 1, Code 2001, is amended to read as follows:

6 The office of sheriff is an elective office ~~except-that,~~
7 However, if a vacancy occurs in the office, the first deputy
8 shall assume the office after qualifying as provided in this
9 section ~~and.~~ The first deputy shall hold the office until a
10 successor is appointed or elected to the unexpired term as
11 provided in chapter 69. If a sheriff is suspended from
12 office, the district court may appoint a sheriff until a
13 temporary appointment is made by the board as provided in
14 section 66.19.

15 Sec. 98. Section 336.2, unnumbered paragraphs 3, 4, and 5,
16 Code Supplement 2001, are amended to read as follows:

17 The board of supervisors of each county and the city
18 council of each city containing area within the proposed
19 district shall submit the proposition question to the
20 registered voters within their respective counties and cities
21 at any the next general ~~or-primary~~ election, ~~provided-said~~
22 ~~election-occurs.~~ The petition shall be filed not less than
23 forty eighty-two days ~~after-the-filing-of-the-petition~~ before
24 the election.

25 A library district shall be established if a majority of
26 the electors voting on the proposition question and residing
27 in the proposed library district favor its establishment.

28 The result of the election within cities maintaining a free
29 public library shall be considered separately, and no city
30 shall be included within the library district unless a
31 majority of its electors voting on the proposition question
32 favor its inclusion. In such cases the boundaries of an
33 established district may vary from those of the proposed
34 district.

35 Sec. 99. Section 336.16, unnumbered paragraph 4, Code

1 Supplement 2001, is amended to read as follows:

2 A library district may be terminated if a majority of the
3 electors of the unincorporated area of the county and the
4 cities included in the library district voting on the issue
5 favor the termination. The election shall be held upon motion
6 of the board of supervisors and simultaneously with a ~~primary~~
7 ~~general~~ or other county election. If the vote favors
8 termination, the termination shall be effective on the
9 succeeding July 1.

10 Sec. 100. Section 336.18, subsection 2, Code Supplement
11 2001, is amended to read as follows:

12 2. a. Contracts shall provide for the amount to be
13 contributed. They may, by mutual consent of the contracting
14 parties, be terminated at any time. They may also be
15 terminated by a majority of the voters represented by either
16 of the contracting parties, voting on ~~a-proposition~~ the
17 question to terminate which shall be submitted by the
18 governing body upon a written petition of eligible electors in
19 a number not less than five percent of those who voted in the
20 area for president of the United States or governor at the
21 last general election.

22 b. The ~~proposition~~ question may be submitted at any
23 election provided by law which covers the area of the unit
24 seeking to terminate the contract. The petition shall be
25 presented to the governing body not less than ~~forty~~ ten days
26 before the last day candidates may file nomination petitions
27 for the election at which the question is to be submitted.

28 Sec. 101. Section 336.18, subsection 4, paragraphs a, b,
29 and c, Code Supplement 2001, are amended to read as follows:

30 a. Eligible electors of that part of any county outside of
31 cities in a number of not less than twenty-five percent of
32 those in the area who voted for president of the United States
33 or governor at the last general election may petition the
34 board of supervisors to submit the ~~proposition~~ question of
35 requiring the board to provide library service for them and

1 their area by contract as provided by this section.

2 b. The board of supervisors shall submit the proposition
3 question to the voters of the county residing outside of
4 cities at the next general election, ~~primary or general,~~
5 ~~provided that the petition has been.~~ The petition shall be
6 filed not less than forty ten days ~~prior to the date of~~ before
7 the last day candidates may file nomination petitions for the
8 election at which the question is to be submitted.

9 c. If a majority of those voting upon the proposition
10 question favors it, the board of supervisors shall within
11 thirty days appoint a board of library trustees from residents
12 of the petitioning area. Vacancies shall be filled by the
13 board.

14 Sec. 102. Section 346.27, subsection 10, Code 2001, is
15 amended to read as follows:

16 10. After the incorporation of an authority, and before
17 the sale of any issue of revenue bonds, except refunding
18 bonds, the authority shall ~~submit in a single countywide call~~
19 an election to the registered voters of the city and county,
20 ~~at a general, primary, or special election called for that~~
21 purpose, decide the question of whether an the authority shall
22 issue and sell revenue bonds, ~~stating.~~ The ballot shall state
23 the amount, for any of the bonds and the purposes for which it
24 the authority is incorporated. Registered voters of the city
25 and the unincorporated area of the county shall be entitled to
26 vote on the question. The question may be submitted at a
27 general election or at a special election. An affirmative
28 vote of a majority of the votes cast on the proposition
29 question is required to authorize the issuance and sale of
30 revenue bonds.

31 PARAGRAPH DIVIDED. A In addition to the notice required by
32 section 49.53, a notice of the election shall be published
33 once each week for at least two weeks in some newspaper
34 published in the county stating the date of the election, the
35 hours the polls will be open, and a copy of the question. The

1 notice-shall-name-the-time-when-the-question-shall-be
2 submitted, and a copy of the question to be submitted shall be
3 posted at each polling place during the day of election. The
4 authority shall call this election with the concurrence of
5 both incorporating units, and it shall establish the voting
6 precincts and polling places, and appoint the election judges,
7 and in so doing such election procedures shall be. The
8 election shall be conducted by the commissioner in accordance
9 with the provisions of chapters 49 and 50.

10 Sec. 103. Section 346.27, subsection 25, Code 2001, is
11 amended to read as follows:

12 25. When all bonds issued by an authority have been
13 retired, the authority may convey the title to the property
14 owned by the authority to the incorporating units in
15 accordance with the provisions therefor contained in the
16 articles of incorporation, or if none. If articles of
17 incorporation do not exist, the conveyance may be made in
18 accordance with any agreement adopted by the respective
19 governing bodies of the incorporating units, and the
20 authority.

21 PARAGRAPH DIVIDED. The proposition question of whether a
22 conveyance shall be made shall be submitted to the legal
23 registered voters of the city and the unincorporated area of
24 the county, utilizing the election procedures provided for
25 bond issues, and an. An affirmative vote equal to at least a
26 majority of the total votes cast on the proposition question
27 shall be required to authorize the conveyance. If the
28 proposition question does not carry, the authority shall
29 continue to operate, maintain, and manage the building under a
30 lease arrangement with the incorporating units.

31 Sec. 104. Section 359.17, Code Supplement 2001, is amended
32 to read as follows:

33 359.17 TRUSTEES -- DUTIES -- MEETINGS.

34 The board of township trustees in each township shall
35 consist of three registered voters of the township. However,

1 in townships with a taxable valuation for property tax
2 purposes of two hundred fifty million dollars or more, the
3 board of township trustees shall consist of five registered
4 voters of the township. The trustees shall act as fence
5 viewers and shall perform other duties assigned them by law.
6 The board of trustees shall meet not less than two times a
7 year. At least one of the meetings shall be scheduled to meet
8 the requirements of section 359.49.

9 Sec. 105. Section 372.9, subsection 2, Code 2001, is
10 amended to read as follows:

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

22 Sec. 106. Section 372.13, subsection 2, paragraph b, Code
23 2001, is amended to read as follows:

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

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

10 Sec. 107. Section 376.2, unnumbered paragraph 2, Code
11 2001, is amended to read as follows:

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

28 Sec. 108. Section 376.6, unnumbered paragraph 2, Code
29 2001, is amended to read as follows:

30 Each city clerk shall certify to the commissioner of
31 elections responsible under section 47.2 for conducting
32 elections for that city the type of nomination process to be
33 used for the city no later than ~~seventy-seven~~ ninety days
34 before the date of the regular city election. If the city has
35 by ordinance chosen a runoff election or has chosen to have

1 nominations made in the manner provided by chapter 44 or 45,
2 or has repealed nomination provisions under those sections in
3 preference for the primary election method, a copy of the city
4 ordinance shall be attached. No changes in the method of
5 nomination to be used in a city shall be made after the clerk
6 has filed the certification with the commissioner, unless the
7 change will not take effect until after the next regular city
8 election.

9 Sec. 109. Section 394.2, unnumbered paragraph 1, Code
10 2001, is amended to read as follows:

11 It shall not be necessary to submit to the voters the
12 proposition of issuing bonds for refunding purposes, but prior
13 to the issuance of bonds for other purposes the council shall
14 submit to the voters of the city at a general election or a
15 regular ~~municipal~~ city election the proposition of issuing the
16 bonds. Notice of the election on the proposition of issuing
17 bonds shall be published as required by section 49.53. The
18 notice shall also state whether or not an admission fee is to
19 be charged by the zoo or zoological gardens.

20 Sec. 110. Section 400.1, unnumbered paragraph 1, Code
21 2001, is amended to read as follows:

22 In cities having a population of eight thousand or over and
23 having a paid fire department or a paid police department, the
24 mayor, one year after a regular ~~municipal~~ city election, with
25 the approval of the council, shall appoint three civil service
26 commissioners who shall hold office, one until the first
27 Monday in April of the second year, one until the first Monday
28 in April of the third year, and one until the first Monday in
29 April of the fourth year after such appointment, whose
30 successors shall be appointed for a term of four years. In
31 cities having a population of more than one hundred thousand,
32 the city council may establish, by ordinance, the number of
33 civil service commissioners at not less than three.

34 Sec. 111. Section 400.3, unnumbered paragraph 2, Code
35 2001, is amended to read as follows:

1 Whenever If the city council appoints a commission, ~~it~~ the
2 city council may, by ordinance, abolish ~~it~~ the commission, and
3 the commission shall stand abolished sixty days from the date
4 of the ordinance and the powers and duties of the commission
5 shall revert to the city council except whenever a city having
6 a population of less than eight thousand provides for the
7 appointment of a civil service commission, ~~it~~ the city council
8 may by ordinance abolish such office, but ~~said~~ the ordinance
9 shall not take effect until ~~it~~ the ordinance has been
10 submitted to the voters at a regular ~~municipal~~ city election
11 and approved by a majority of the voters at such election.
12 The ordinance shall be published once each week for two
13 consecutive weeks preceding the date of ~~said~~ the election in a
14 newspaper published in and having a general circulation in
15 ~~said~~ the city. ~~In-the-event-there-is-no~~ If a newspaper is not
16 published in such city, publication may be made in any
17 newspaper having general circulation in the county.

18 Sec. 112. Section 422A.1, unnumbered paragraph 4, Code
19 Supplement 2001, is amended to read as follows:

20 A city or county shall impose a hotel and motel tax or
21 increase the tax rate, only after an election at which a
22 majority of those voting on the question favors imposition or
23 increase. However, a hotel and motel tax shall not be
24 repealed or reduced in rate if obligations are outstanding
25 which are payable as provided in section 422A.2, unless funds
26 sufficient to pay the principal, interest, and premium, if
27 any, on the outstanding obligations at and prior to maturity
28 have been properly set aside and pledged for that purpose.
29 The election shall be held at the time of ~~that-city's~~ the
30 regular city election or the county's general election or at
31 the time of a special election.

32 Sec. 113. Section 422E.2, subsection 4, paragraph b,
33 unnumbered paragraph 1, Code Supplement 2001, is amended by
34 striking the unnumbered paragraph and inserting in lieu
35 thereof the following:

1 Within ten days of the election at which a majority of
2 those voting on the question favors the imposition, repeal, or
3 change in the rate of the tax, the county auditor shall give
4 written notice of the result of the election by sending a copy
5 of the abstract of the votes from the favorable election to
6 the director of revenue and finance. Election costs shall be
7 apportioned among school districts within the county on a pro
8 rata basis in proportion to the number of registered voters in
9 each school district who reside within the county and the
10 total number of registered voters within the county.

11 Sec. 114. Section 602.8102, subsection 15, Code Supplement
12 2001, is amended to read as follows:

13 15. Monthly, notify the county commissioner of
14 registration and the state registrar of voters of persons
15 seventeen and one-half years of age and older who have been
16 convicted of a felony during the preceding calendar month or
17 persons who at any time during the preceding calendar month
18 have been legally declared to be mentally a person who is
19 incompetent to vote as that term is defined in section 48A.2.

20 Sec. 115. Section 633.556, subsection 1, Code 2001, is
21 amended to read as follows:

22 1. If the allegations of the petition as to the status of
23 the proposed ward and the necessity for the appointment of a
24 guardian are proved by clear and convincing evidence, the
25 court may appoint a guardian. If the court appoints a
26 guardian based upon mental incapacity by reason of mental
27 retardation of the proposed ward, the court shall make a
28 separate determination as to the ward's competency to vote.
29 The court shall find a ward incompetent to vote only upon
30 determining that the person lacks sufficient mental capacity
31 to comprehend and exercise the right to vote.

32 Sec. 116. Sections 52.30, 62.5, and 62.8, Code 2001, are
33 repealed.

34 Sec. 117. EFFECTIVE AND APPLICABILITY DATES. The sections
35 of this Act amending Code section 43.14 and enacting Code

1 sections 45.5 and 45.6, take effect January 1, 2003, and apply
2 to elections held on or after that date.

3

HOUSE FILE 2472

S-5263

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 6, by inserting after the word
4 "person" the following: "described in section 222.2,
5 subsection 4,".
6 2. Page 11, by striking line 7, and inserting the
7 following: "in a proceeding held pursuant".

By PATRICIA HARPER

S-5263 FILED MARCH 27, 2002

*W/O
4-4-02
(p. 967)*

HOUSE FILE 2472

S-5375

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 29 through page 2,
4 line 7.
5 2. By striking page 54, line 34 through page 55,
6 line 2, and inserting the following:
7 "Sec. ____ . EFFECTIVE AND APPLICABILITY DATE. This
8 Act takes effect January 1, 2003, and applies to
9 elections held on or after that date."
10 3. By renumbering as necessary.

By STEVE KING

S-5375 FILED APRIL 3, 2002

*adopted
4-4-02 (p. 967)*

HOUSE FILE 2472

S-5377

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 7, by striking the words "by
4 reason of mental retardation".
5 2. Page 54, by striking lines 20 through 31.
6 3. By renumbering as necessary.

By PATRICIA HARPER

S-5377 FILED APRIL 3, 2002

O/O 4/4/02 (p. 969)

HOUSE FILE 2472**S-5397**

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 6, by inserting after the word
4 "person" the following: "described in section 222.2,
5 subsection 4,".
6 2. Page 11, by striking line 7, and inserting the
7 following: "in a proceeding held pursuant".
8 3. Page 54, lines 26 and 27, by striking the
9 words "by reason of mental retardation".
10 4. Page 54, line 27, by inserting after the word
11 "ward" the following: "because the proposed ward is a
12 person described in section 222.2, subsection 4".

By PATRICIA HARPER

S-5397 FILED APRIL 4, 2002

ADOPTED (P.969)

HOUSE FILE 2472**S-5393**

1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, line 22, by striking the words
4 "contiguous cities" and inserting the following: "all
5 polling places".

By STEVE KING

S-5393 FILED APRIL 4, 2002

ADOPTED

(P.969)

SENATE AMENDMENT TO HOUSE FILE 2472

H-8536

- 1 Amend House File 2472, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 26 through 28.
4 2. By striking page 1, line 29 through page 2,
5 line 7.
6 3. Page 11, line 6, by inserting after the word
7 "person" the following: "described in section 222.2,
8 subsection 4,".
9 4. Page 11, by striking line 7, and inserting the
10 following: "in a proceeding held pursuant".
11 5. Page 17, line 22, by striking the words
12 "contiguous cities" and inserting the following: "all
13 polling places".
14 6. Page 54, lines 26 and 27, by striking the
15 words "by reason of mental retardation".
16 7. Page 54, line 27, by inserting after the word
17 "ward" the following: "because the proposed ward is a
18 person described in section 222.2, subsection 4".
19 8. By striking page 54, line 34 through page 55,
20 line 2, and inserting the following:
21 "Sec. ____ EFFECTIVE AND APPLICABILITY DATE. This
22 Act takes effect January 1, 2003, and applies to
23 elections held on or after that date."
24 9. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8536 FILED APRIL 8, 2002

*House Concurred 4-10-02
(P. 1296)*

HOUSE FILE 2472

AN ACT

RELATING TO THE OFFICE OF SECRETARY OF STATE AND THE CONDUCT
OF ELECTIONS AND OF VOTER REGISTRATION IN THE STATE AND
INCLUDING EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 39.2, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 2. Section 39.3, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 17. "Written" and "in writing" may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

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

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

Sec. 3. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

Sec. 4. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC OFFICE.

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

Sec. 5. Section 43.14, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

43.14 FORM OF NOMINATION PAPERS.

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

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

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

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

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

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

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

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

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

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

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

The candidate may replace a deficient affidavit with a corrected affidavit only if the replacement affidavit is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to

replace rejected nomination papers shall be filed together before the deadline for filing.

Sec. 6. Section 43.15, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 7. Section 43.24, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. Those filed with the city clerk under this chapter, at least thirty-six days before the ~~municipal~~ city primary election.

Sec. 8. Section 43.27, Code 2001, is amended to read as follows:

43.27 PRINTING OF BALLOTS.

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

Sec. 9. Section 43.45, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

43.45 CANVASS OF VOTES.

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Put any forms used by voters to cast write-in votes in an envelope with one copy of the printed results from each voting machine. Seal the envelope and place the signature of

all board members of the precinct across the seal of the envelope so that it cannot be opened without breaking the seal.

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

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

4. In precincts where electronic voting systems are used and ballots are counted in the precinct, precinct election officials shall do all of the following:

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

b. Print the results for the precinct.

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

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

5. In precincts where electronic voting systems are used and ballots are counted at a central location, precinct election officials shall follow the procedures in section 52.32.

Sec. 10. Section 43.48, Code 2001, is amended to read as follows:

43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

Any elector of the county shall have the right, before the day fixed for canvassing the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown

on the outside of the envelope containing the tally list or on printed reports from voting machines or electronic voting systems.

Sec. 11. Section 43.114, Code 2001, is amended to read as follows:

43.114 TIME OF HOLDING SPECIAL CHARTER CITY PRIMARY.

In special charter cities holding a ~~municipal~~ city primary election under the provisions of section 43.112 such primary shall be held on the first Tuesday in October of the year in which ~~general-municipal~~ regular city elections are held.

Sec. 12. Section 43.118, Code 2001, is amended to read as follows:

43.118 EXPENSE.

The entire expense of conducting ~~said-municipal~~ the city primary election and preparation of election registers shall be audited by the city council and paid by the city.

Sec. 13. Section 44.4, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

city office shall be filed not more than seventy-two days nor later than five p.m. on the forty-seventh day before the city election with the city clerk, who shall process them as provided by law.

Sec. 14. Section 45.3, unnumbered paragraph 1, Code Supplement 2001, is amended by striking the unnumbered paragraph.

Sec. 15. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

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

1. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state of Iowa.
2. The name of the candidate nominated by the petition.
3. A statement that the candidate is a resident of the appropriate ward, city, county, school district, or legislative or other district as required by section 45.1.
4. The office sought by the candidate, including the district number, if any.
5. The name and date of the election for which the candidate is nominated.

Signatures on a petition page shall be counted only if the required information is written or printed at the top of the page. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside. Signature lines on the nomination petitions shall not be counted if the line lacks the signature of the eligible elector and the signer's address and city. The person examining the petition shall mark any deficiencies on the petition.

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

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

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

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

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

Sec. 16. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

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

1. A signer may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination petitions for one or more other candidates for the office.
2. Each signer shall add the signer's residence, with street and number.

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

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

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

Sec. 17. Section 48A.2, subsection 3, Code 2001, is amended to read as follows:

3. "Person who is mentally incompetent to vote" means a person described in section 222.2, subsection 4, who has been found to lack the mental capacity to vote in a proceeding held pursuant to section 222.31 or 633.556.

Sec. 18. Section 48A.6, subsection 2, Code 2001, is amended to read as follows:

2. A person who is mentally incompetent to vote. Certification by the clerk of the district court that any such person has been found no longer incompetent by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter.

Sec. 19. Section 48A.9, subsection 2, Code 2001, is amended to read as follows:

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

Sec. 20. Section 48A.10, Code 2001, is amended to read as follows:

48A.10 REGISTRATION REQUIRED.

If a registered voter moves to a different county, the person shall submit a completed voter registration form to the commissioner in order to be qualified to vote in that county. An otherwise eligible elector whose right to vote has been restored pursuant to chapter 914 or who has been found not to be a person who is mentally incompetent to vote may register to vote.

Sec. 21. Section 48A.11, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A person who has been designated to have power of attorney by a registrant does not have authority to sign a voter registration form, except as otherwise provided in section 39.3, subsection 17.

Sec. 22. Section 48A.14, subsection 1, paragraph f, Code 2001, is amended to read as follows:

f. The challenged registrant has been adjudged by a court of law to be a person who is mentally incompetent to vote and no subsequent proceeding has reversed that finding.

Sec. 23. Section 48A.27, subsection 3, paragraph a, Code 2001, is amended to read as follows:

a. Annexation of territory by a city. When an existing city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. If a city is divided into wards for voting purposes, the detailed map shall show the ward designations for the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing the person that the person's registration may be in error, and requesting that each person provide the commissioner with the information necessary to correct the registration records.

Sec. 24. Section 48A.27, subsection 4, paragraph c, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 25. Section 48A.28, subsection 3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 26. Section 48A.29, subsection 3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the

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

Sec. 27. Section 48A.30, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a written statement from a member of the registered voter's household, an obituary in a newspaper, a written statement from an election official, or a notice from the clerk of the district court in county recorder of the county where the registered voter died.

Sec. 28. Section 48A.30, subsection 1, paragraph e, Code 2001, is amended to read as follows:

e. The clerk of the district court or the state registrar sends notice that the registered voter has been declared a person who is mentally incompetent to vote under state law.

Sec. 29. Section 48A.38, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The county commissioner of registration and the state registrar of voters shall remove a voter's social security number from a voter registration list prepared pursuant to this section.

Sec. 30. Section 49.21, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commissioner shall post a sign at the entrance to the polling place indicating the election precinct number or name, and displaying a street map showing the boundaries of the precinct.

Sec. 31. Section 49.30, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 32. Section 49.31, subsection 2, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The board of supervisors shall hold the drawing at its first meeting following the deadline for receipt of objections and withdrawals by candidates for the general election.

Sec. 33. Section 49.53, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall contain a facsimile of the portion of the ballot containing the first rotation as prescribed by section 49.31, subsection 2, and shall show the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The sample ballot published as a part of the

notice may at the discretion of the commissioner be reduced in size relative to the actual ballot but such reduction shall not cause upper case letters appearing in candidates' names or in summaries of public measures on the published sample ballot to be less than five-thirty-sixths-of-an-inch-high-in candidates' names or in summaries of public measures ninety percent of the size of such upper case letters appearing on the actual ballot. The notice shall also state the date of the election, the hours the polls will be open, the location of each polling place at which voting is to occur in the election, the location of the polling places designated as early ballot pick-up sites, and the names of the precincts voting at each polling place, but the statement need not set forth any fact which is apparent from the portion of the ballot appearing as a part of the same notice. The notice shall include the full text of all public measures to be voted upon at the election. The notice shall also include notice of testing required pursuant to sections 52.9, 52.35, and 52.38.

Sec. 34. Section 49.57, subsection 4, Code 2001, is amended to read as follows:

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

Sec. 35. Section 49.64, Code 2001, is amended to read as follows:

49.64 NUMBER OF BALLOTS DELIVERED.

The commissioner shall cause ballots of the kind to be voted in each precinct, to be delivered to the precinct election officials as follows: in general elections which are presidential elections seventy-five at least fifty-five ballots for every fifty votes, or fraction thereof of fifty

votes, cast in said the precinct at the last preceding general election which was also a presidential election; and in general elections which are not presidential elections, seventy-five at least fifty-five ballots for every fifty votes, or fraction thereof of fifty votes, cast therein at the last preceding general election which was not a presidential election.

Sec. 36. Section 49.70, Code 2001, is amended to read as follows:

49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

Sec. 37. Section 49.73, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. Any election conducted for a city of three thousand five hundred or less population, including a local option sales and services tax election conducted pursuant to section 422B.1. At elections conducted pursuant to chapter 422B, all polling places shall have the same voting hours.

Sec. 38. Section 49.73, subsection 1, Code 2001, is amended by adding the following new paragraph:

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

Sec. 39. Section 49.79, Code 2001, is amended to read as follows:

49.79 CHALLENGES.

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

Sec. 40. Section 49.81, subsection 2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

- I.
- II.
- III.

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

Sec. 41. Section 49.84, Code 2001, is amended by adding the following new unnumbered paragraph:

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

Sec. 42. Section 49.88, Code 2001, is amended by adding the following new unnumbered paragraph:

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

Sec. 43. Section 49.96, Code 2001, is amended to read as follows:

49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

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

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

Sec. 44. Section 49.124, Code 2001, is amended to read as follows:

49.124 TRAINING COURSE BY COMMISSIONER.

The commissioner shall conduct, not later than the day before each primary and general election, a training course of ~~not more than two hours~~ for all election personnel, and the commissioner may do so before any other election the commissioner administers. The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. At least two precinct election officials who will serve on each precinct election board at the forthcoming election shall attend the training course. If the entire board does not attend, those members who do attend shall so far as possible be persons who have not previously attended a similar training course.

Sec. 45. Section 50.11, Code 2001, is amended to read as follows:

50.11 PROCLAMATION OF RESULT.

When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which the person is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people, ~~and the.~~ A precinct election official shall communicate said information the election results by telephone or telegraph or in person to the

commissioner who is conducting the election immediately upon completion of the canvass; and the_

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

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

Sec. 46. Section 50.12, Code 2001, is amended to read as follows:

50.12 RETURN AND PRESERVATION OF BALLOTS.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for six months. Ballots from elections for federal offices shall be preserved for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, or to destroy the ballots pursuant to section 50.19.

Sec. 47. Section 50.48, subsection 2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The candidate requesting a recount under this section shall post a bond, unless the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than the greater of fifty votes or one percent of the total number of votes cast for the office or nomination in question. If a recount is requested for an office to which more than one person was elected, the vote difference calculations shall be made using the difference between the number of votes received by the person requesting the recount and the number of votes received by the apparent winner who received the fewest votes. Where votes cast for that office or nomination were canvassed in more than one county, the abstracts prepared by the county boards in all of those counties shall be totaled for purposes of this subsection. If a bond is required, it shall be filed with the state commissioner for recounts involving a state office, including a seat in the general assembly, or a seat in the United States Congress, and with the commissioner responsible for conducting the election in all other cases, and shall be in the following amount:

Sec. 48. Section 50.49, unnumbered paragraph 4, Code 2001, is amended to read as follows:

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

greater of fifty votes or one percent of the total number of votes cast.

Sec. 49. Section 50.50, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 50. Section 52.1, subsection 2, paragraphs a, b, and f, Code 2001, are amended to read as follows:

a. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, which may be utilized to ascertain the manner in which either special paper ballots or ~~ballot-cards~~ have been marked by voters, and count the votes marked thereon.

b. "Ballot" includes a special paper ballot ~~and a ballot card and its associated ballot label.~~ In appropriate contexts, "ballot" also includes conventional paper ballots.

f. "Electronic voting system" means a system employing special paper ballots ~~or ballot-cards-and-ballot-labels,~~ under which votes are:

(1) Cast by voters by marking special paper ballots with a vote marking device, ~~or by marking ballot-cards-by-use-of-a voting-punch-device;~~ and

(2) Thereafter counted by use of automatic tabulating equipment.

Sec. 51. Section 52.1, subsection 2, paragraphs c, d, and k, Code 2001, are amended by striking the paragraphs.

Sec. 52. Section 52.25, unnumbered paragraphs 1 and 2, Code 2001, are amended to read as follows:

The question of a constitutional convention, amendments, and public measures including bond issues may be voted on voting machines and on special paper ballots ~~and ballot-cards~~ in the following manner:

The entire convention question, amendment or public measure shall be printed and displayed prominently in at least four places within the voting precinct, and inside each voting booth, or on the left-hand side inside the curtain of each voting machine, the printing to be in conformity with the provisions of chapter 49. The public measure shall be summarized by the commissioner and in the largest type possible printed on the special paper ballots, ~~ballot-cards,~~ or inserts used in the voting machines, except that:

Sec. 53. Section 52.26, subsections 5, 6, and 7, Code 2001, are amended to read as follows:

5. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark or punch made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

6. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations, and to permit voting for all of the candidates of any one political party or organization by a single mark or punch, at any one election.

7. ~~The voting punch device shall be so constructed and designed so if an elector makes an error in marking the ballot, the machine shall indicate the error and permit the elector to make a correction according to the provisions of section 52.30, subsection 4.~~ A punch card voting system shall not be approved for use.

Sec. 54. Section 52.27, Code 2001, is amended to read as follows:

52.27 COMMISSIONER TO PROVIDE ELECTRONIC VOTING EQUIPMENT.

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The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an electronic voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct special paper ballots and vote marking devices, ~~or ballot-cards, ballot-labels-and-voting-punch-devices, as-the-case-may-be,~~ in appropriate numbers. The commissioner shall have custody of all equipment required for use of the electronic voting system, and shall be responsible for maintaining it in good condition and for storing it between elections. All provisions of chapter 49 relative to times and circumstances under which voting machines are to be used in any election and the number of voting machines to be provided shall also govern the use of electronic voting systems, when applicable.

Sec. 55. Section 52.28, subsection 1, Code 2001, is amended to read as follows:

1. The commissioner of each county in which the use of an electronic voting system in one or more precincts has been authorized shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information, ~~whether-placed-on-the-special-paper-ballot, the-ballot-card-or-the-ballot-label,~~ shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the electronic voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of electronic voting system ballots.

Sec. 56. Section 52.28, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 57. Section 52.29, Code 2001, is amended to read as follows:

52.29 ELECTRONIC VOTING SYSTEM SAMPLE BALLOTS.

The commissioner shall provide for each precinct where an electronic voting system is in use at least four sample special paper ballots, ~~or-combinations-of-ballot-cards-and-ballot-labels, as-the-case-may-be,~~ which shall be exact copies of the official ballots as printed for that precinct. The sample ballots shall be arranged in the form of a diagram showing the special paper ballot ~~or-the-front-of-the-voting-punch-device, as-the-case-may-be,~~ as it will appear to the voter in that precinct on election day. The sample ballots shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day.

Sec. 58. Section 52.33, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In any county in which the board of supervisors has adopted voting by means of an electronic voting system, the commissioner may elect to also conduct absentee voting by use of such a system if the system so used is compatible with the counting center serving the precinct polling places in the county where voting is by means of an electronic voting system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an electronic voting system. All provisions of chapter 53 shall apply to such absentee voting, so far as applicable. ~~When-a-ballot-card-is-used-for-voting-by-mail-it shall-be-accompanied-by-a-stylus, voter-instructions, and-a-specimen-ballot-showing-the-proper-positions-to-vote-on-the-ballot-card-for-each-candidate-or-public-question.--The-card shall-be-mounted-on-material-suitable-to-receive-the-punched-out-chip.~~ In counties where absentee voting is conducted by use of an electronic voting system, the special precinct counting board shall, at the time required by chapter 53, prepare absentee ballots for delivery to the counting center in the manner prescribed by this chapter.

Sec. 59. Section 52.35, subsection 2, Code 2001, is amended to read as follows:

2. The test shall be conducted by processing a preaudited group of ballots punched or marked so as to record a predetermined number of valid votes for each candidate, and on each public question, on the ballot. The test group shall include for each office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. Any observer may submit an additional test group of ballots which, if so submitted, shall also be tested. The state commissioner shall promulgate administrative rules establishing procedures for any additional test group of ballots submitted by an observer. If any error is detected, its cause shall be ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and kept with the records of the election.

Sec. 60. Section 52.37, subsection 1, Code 2001, is amended to read as follows:

1. The sealed ballot container from each precinct shall be delivered to the counting center by two of the election officials of that precinct, not members of the same political party if the ballot contains partisan offices, who shall travel together in the same vehicle and shall have the container under their immediate joint control until they surrender it to the commissioner or the commissioner's designee in charge of the counting center. The commissioner may designate two precinct election officials, of different political parties if the ballot contains partisan offices, to collect the sealed ballot containers from more than one precinct to deliver to the counting center. The commissioner or designee shall, in the presence of the two precinct election officials who delivered the container, enter on a record kept for the purpose that the container was received, the time the container was received, and the condition of the seal upon receipt.

In nonpartisan elections the election officials delivering the ballots are not required to be members of any political party, or to be members of different political parties.

Sec. 61. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

With the advice of the board of examiners for voting machines and electronic voting systems, the state commissioner shall adopt by rule standards for the examination and testing of devices for the electronic transmission of election results. All voting systems which contain devices for the electronic transmission of election results submitted to the examiners for examination and testing after July 1, 2003, shall comply with these standards.

Sec. 62. Section 53.8, subsection 1, Code 2001, is amended to read as follows:

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

Sec. 63. NEW SECTION. 53.10 ABSENTEE VOTING AT THE COMMISSIONER'S OFFICE.

Not more than forty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available more than forty days before an election.

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

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

Sec. 64. Section 53.11, unnumbered paragraph 1, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 65. Section 53.11, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 66. Section 53.11, Code 2001, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting at satellite absentee voting stations shall be the same as

specified in section 53.10 for voting at the commissioner's office. Additional procedures shall be prescribed by rule by the state commissioner.

NEW UNNUMBERED PARAGRAPH. During the hours when absentee ballots are available at a satellite absentee voting station, the posting of political signs is prohibited within thirty feet of the satellite absentee voting station. Electioneering shall not be allowed within the sight or hearing of voters at the satellite absentee voting station.

Sec. 67. Section 53.18, Code 2001, is amended to read as follows:

53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

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

Sec. 68. Section 53.19, unnumbered paragraph 3, Code 2001, is amended to read as follows:

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

Sec. 69. Section 53.30, Code 2001, is amended to read as follows:

53.30 BALLOT ENVELOPE PRESERVED.

At the conclusion of each meeting of the absentee and special voter's precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the envelope having the registered voter's affidavit thereon on it, the return carrier envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

Sec. 70. Section 53.38, Code 2001, is amended to read as follows:

53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

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

Sec. 71. Section 53.40, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A request in writing for a ballot may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held within a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for

all elections as permitted by state law. The county auditor commissioner shall send the applicant a ballot for each election held during the calendar year in which the application is received. The commissioner shall forward a copy of the absentee ballot request to other commissioners who are responsible under section 47.2, subsection 2, for conducting elections in which the applicant is eligible to vote.

Sec. 72. Section 57.1, subsection 2, Code 2001, is amended by adding the following new paragraph after paragraph f and relettering the subsequent paragraphs:

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

Sec. 73. Section 60.4, Code 2001, is amended to read as follows:

60.4 STATEMENT.

The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten two days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

Sec. 74. Section 60.5, Code 2001, is amended to read as follows:

60.5 ORGANIZATION AND TRIAL.

The clerk of the court shall, immediately after the filing of the statement, notify the judges herein named, and fix a day for the organization of the court within three two days thereafter, and also notify the parties to the contest. The judges shall meet on the day fixed, and organize the court, and make and announce such rules for the trial of the case as they shall think necessary for the protection of the rights of each party and a just and speedy trial of the case, and commence the trial of the case as early as practicable thereafter, and so arrange for and conduct the trial that a

final determination of the same and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December next following.

Sec. 75. NEW SECTION. 62.5A STATEMENT OF INTENT TO CONTEST.

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

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

- a. The name of the contestant and that the contestant is qualified to hold such office.
- b. The name of the incumbent.
- c. The office contested.
- d. The date of the election.
- e. The particular causes of the contest pursuant to section 57.1, subsection 2. If a cause of the contest is an allegation that illegal votes were received or that legal votes were rejected, a statement shall be included setting forth the names of the persons who are alleged to have voted illegally or whose votes were rejected and the precinct where they voted or offered to vote.
- f. The affidavit of the contestant, or some elector of the county, affirming the causes set forth are true.

Sec. 76. Section 63.8, Code 2001, is amended to read as follows:

63.8 VACANCIES -- TIME TO QUALIFY.

Persons elected or appointed to fill vacancies, and officers entitled to hold over to fill vacancies occurring through a failure to elect, appoint, or qualify, as provided in chapter 69, shall qualify within ten days from the county board's canvass of such election, or within ten days from such

appointment, or failure to elect, appoint, or qualify, in the same manner as those originally elected or appointed to such offices.

Sec. 77. Section 69.2, Code Supplement 2001, is amended to read as follows:

69.2 WHAT CONSTITUTES VACANCY.

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

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

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

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

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

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

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

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

8- h. The incumbent simultaneously holding more than one elective office at the same level of government. This subsection does not apply to the county agricultural extension council or the soil and water conservation district commission.

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

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

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

in possession of the office after the judgment appealed from was rendered. The court shall hear the appeal in equity and determine anew all questions arising in the case.

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

Sec. 78. Section 69.12, subsection 1, paragraph a, Code 2001, is amended to read as follows:

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

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

(2) Fifty-two or more days prior-to before the election, if it is a regularly scheduled or special city election. However, for those cities which may be required to hold a primary election, the vacancy shall be filled at the next pending election if it occurs seventy-three or more days before a regularly scheduled or special city election.

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

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

Sec. 79. Section 69.12, subsection 1, paragraph b, Code 2001, is amended to read as follows:

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

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

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

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

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

Sec. 80. Section 69.14A, Code 2001, is amended by adding the following new subsection:

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

Sec. 81. Section 275.12, subsections 3 and 4, Code Supplement 2001, are amended to read as follows:

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

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

Sec. 82. Section 275.25, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 83. Section 275.35, Code 2001, is amended to read as follows:

275.35 CHANGE OF METHOD OF ELECTIONS.

Any existing or hereafter created or enlarged school district may change the number of directors to either five or seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election ~~and describing the boundaries of the proposed director districts if any,~~ by the school board of such district to the electors at any regular or special school election. The school board shall notify the county

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

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

Sec. 84. Section 275.36, Code 2001, is amended to read as follows:

275.36 SUBMISSION OF CHANGE TO ELECTORS.

~~If a petition for a change in the number of directors or in the method of election of school directors, describing the boundaries of the proposed director districts, if any, signed by eligible electors of the school district equal in number to at least thirty percent of those who voted in the last previous annual school election in the school district, but not less than one hundred persons, and accompanied by affidavit as required by section 275.13 be~~ is filed with the school board of a school district, ~~not earlier than six months and not later than sixty-seven days before a regular or special school election pursuant to the requirements of section 278.2,~~ the school board shall submit such proposition to the voters at the regular school election or a special election held not later than February 1. The petition shall be accompanied by an affidavit as required by section 275.13. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no

other proposal may be submitted to the voters of the district under this section within the next six years.

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

Sec. 85. Section 275.37, Code 2001, is amended to read as follows:

275.37 INCREASE IN NUMBER OF DIRECTORS.

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

Sec. 86. NEW SECTION. 275.37A DECREASE IN NUMBER OF DIRECTORS.

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

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

district, if there are two terms expiring, two directors shall be elected.

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

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

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

Sec. 87. Section 275.55, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 88. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT BOUNDARIES FOLLOWING DISSOLUTION.

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

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

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

Sec. 89. Section 277.23, Code 2001, is amended to read as follows:

277.23 DIRECTORS -- NUMBER -- CHANGE.

In any district including all or part of a city of fifteen thousand or more population and in any district in which the voters have authorized seven directors, the board shall

consist of seven members; in all other districts the board shall consist of five members.

A change from five to seven directors shall be effected in a district at the first regular election after authorization by the voters or when a district becomes wholly or in part within a city of fifteen thousand population or more in the following manner: ~~if the term of one director of the five-member board expires at the time of said regular election, three directors shall be elected to serve until the third regular election thereafter; if the terms of two directors expire at the time of said regular election, three directors shall be elected to serve until the third regular election thereafter and one director shall be elected to serve a term the expiration of which coincides with the expiration of the term of the director heretofore singly elected described in section 275.37.~~

Sec. 90. Section 278.1, subsection 8, Code 2001, is amended to read as follows:

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

Sec. 91. Section 279.6, unnumbered paragraph 2, Code 2001, is amended to read as follows:

However, a vacancy shall be filled at the next regular school election if a member of a school board resigns from the board prior to the time for filing nomination papers for office as a school board member, as provided in section 277.4, not later than forty-five days before the election and the

notice of resignation specifies in the resignation that the resignation will be an effective on the date at the beginning of the next term of office for elective school officials begins, the. The president of the board shall declare the office vacant as of that the date and nomination of the next organizational meeting. Nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

Sec. 92. Section 296.3, Code 2001, is amended to read as follows:

296.3 ELECTION CALLED.

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

Sec. 93. Section 331.207, subsection 2, Code 2001, is amended to read as follows:

2. The petition shall be filed with the auditor county commissioner by January June 1 of a general election an odd-

numbered year, subject to subsection 5. The special election shall be held ~~at least one hundred days before the primary election within sixty days after the day the petition was received~~. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election which shall be held not less than five nor more than twenty days from the date of last publication.

Sec. 94. Section 331.207, Code 2001, is amended by adding the following new subsection:

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

Sec. 95. Section 331.651, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

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

Sec. 96. Section 336.2, unnumbered paragraphs 3, 4, and 5, Code Supplement 2001, are amended to read as follows:

The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the proposition question to the

registered voters within their respective counties and cities at any the next general or primary election ~~provided said election occurs~~. The petition shall be filed not less than forty eighty-two days after the filing of the petition before the election.

A library district shall be established if a majority of the electors voting on the proposition question and residing in the proposed library district favor its establishment.

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

Sec. 97. Section 336.16, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

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

Sec. 98. Section 336.18, subsection 2, Code Supplement 2001, is amended to read as follows:

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

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

Sec. 99. Section 336.18, subsection 4, paragraphs a, b, and c, Code Supplement 2001, are amended to read as follows:

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

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

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

Sec. 100. Section 346.27, subsection 10, Code 2001, is amended to read as follows:

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

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

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

Sec. 101. Section 346.27, subsection 25, Code 2001, is amended to read as follows:

25. When all bonds issued by an authority have been retired, the authority may convey the title to the property owned by the authority to the incorporating units in accordance with the provisions ~~therefor~~ contained in the articles of incorporation, ~~or, if none,~~ if articles of incorporation do not exist, the conveyance may be made in accordance with any agreement adopted by the respective governing bodies of the incorporating units, and the authority.

PARAGRAPH DIVIDED. The proposition question of whether a conveyance shall be made shall be submitted to the legal registered voters of the city and the unincorporated area of the county, utilizing the election procedures provided for bond issues, and an. An affirmative vote equal to at least a

majority of the total votes cast on the proposition question shall be required to authorize the conveyance. If the proposition question does not carry, the authority shall continue to operate, maintain, and manage the building under a lease arrangement with the incorporating units.

Sec. 102. Section 359.17, Code Supplement 2001, is amended to read as follows:

359.17 TRUSTEES -- DUTIES -- MEETINGS.

The board of township trustees in each township shall consist of three registered voters of the township. However, in townships with a taxable valuation for property tax purposes of two hundred fifty million dollars or more, the board of township trustees shall consist of five registered voters of the township. The trustees shall act as fence viewers and shall perform other duties assigned them by law. The board of trustees shall meet not less than two times a year. At least one of the meetings shall be scheduled to meet the requirements of section 359.49.

Sec. 103. Section 372.9, subsection 2, Code 2001, is amended to read as follows:

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

Sec. 104. Section 372.13, subsection 2, paragraph b, Code 2001, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently

with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. The council shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least eighty-five days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

Sec. 105. Section 376.2, unnumbered paragraph 2, Code 2001, is amended to read as follows:

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

Sec. 106. Section 376.6, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Each city clerk shall certify to the commissioner of elections responsible under section 47.2 for conducting elections for that city the type of nomination process to be used for the city no later than ~~seventy-seven~~ ninety days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

Sec. 107. Section 394.2, unnumbered paragraph 1, Code 2001, is amended to read as follows:

It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city at a general election or a regular ~~municipal~~ city election the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published as required by section 49.53. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens.

Sec. 108. Section 400.1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular ~~municipal~~ city election, with the approval of the council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than one hundred thousand,

the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

Sec. 109. Section 400.3, unnumbered paragraph 2, Code 2001, is amended to read as follows:

~~Whenever~~ If the city council appoints a commission, ~~it the~~ the city council may, by ordinance, abolish ~~it the~~ the commission, and the commission shall stand abolished sixty days from the date of the ordinance and the powers and duties of the commission shall revert to the city council except whenever a city having a population of less than eight thousand provides for the appointment of a civil service commission, ~~it the~~ the city council may by ordinance abolish such office, but ~~said the~~ the ordinance shall not take effect until ~~it the~~ the ordinance has been submitted to the voters at a regular ~~municipal~~ city election and approved by a majority of the voters at such election. The ordinance shall be published once each week for two consecutive weeks preceding the date of ~~said the~~ the election in a newspaper published in and having a general circulation in ~~said the~~ the city. ~~In-the-event-there-is-no~~ If a newspaper is not published in such city, publication may be made in any newspaper having general circulation in the county.

Sec. 110. Section 422A.1, unnumbered paragraph 4, Code Supplement 2001, is amended to read as follows:

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

Sec. 111. Section 422E.2, subsection 4, paragraph b, unnumbered paragraph 1, Code Supplement 2001, is amended by

striking the unnumbered paragraph and inserting in lieu thereof the following:

Within ten days of the election at which a majority of those voting on the question favors the imposition, repeal, or change in the rate of the tax, the county auditor shall give written notice of the result of the election by sending a copy of the abstract of the votes from the favorable election to the director of revenue and finance. Election costs shall be apportioned among school districts within the county on a pro rata basis in proportion to the number of registered voters in each school district who reside within the county and the total number of registered voters within the county.

Sec. 112. Section 602.8102, subsection 15, Code Supplement 2001, is amended to read as follows:

15. Monthly, notify the county commissioner of registration and the state registrar of voters of persons seventeen and one-half years of age and older who have been convicted of a felony during the preceding calendar month or persons who at any time during the preceding calendar month have been legally declared to be mentally a person who is incompetent to vote as that term is defined in section 48A.2.

Sec. 113. Section 633.556, subsection 1, Code 2001, is amended to read as follows:

1. If the allegations of the petition as to the status of the proposed ward and the necessity for the appointment of a guardian are proved by clear and convincing evidence, the court may appoint a guardian. If the court appoints a guardian based upon mental incapacity of the proposed ward because the proposed ward is a person described in section 222.2, subsection 4, the court shall make a separate determination as to the ward's competency to vote. The court shall find a ward incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

Sec. 114. Sections 52.30, 62.5, and 62.8, Code 2001, are repealed.

Sec. 115. EFFECTIVE AND APPLICABILITY DATE. This Act takes effect January 1, 2003, and applies to elections held on or after that date.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2472, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/26, 2002

THOMAS J. VILSACK
Governor