

Jacobs, chair  
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HSB 18

STATE GOVERNMENT

SENATE/HOUSE FILE G 403  
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. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

33 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC  
34 OFFICE.

35 Any person elected to an office under the laws of this

1 state shall be an eligible elector. At the time an elected  
 2 official takes office the official shall be a resident of the  
 3 state, district, county, township, city, or ward by or for  
 4 which the person was elected, or in which the duties of the  
 5 office are to be exercised. An elected official shall  
 6 continue to be a resident of the state, district, county,  
 7 township, city, or ward by or for which the person was  
 8 elected, or in which the duties of the office are to be  
 9 exercised for the duration of the term of office. This  
 10 section shall not apply to United States senators or  
 11 representatives in Congress or to members of the general  
 12 assembly.

13 Sec. 6. Section 43.14, Code 2001, is amended by striking  
 14 the section and inserting in lieu thereof the following:

15 43.14 FORM OF NOMINATION PAPERS.

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

22 a. A statement identifying the signers of the petition as  
 23 eligible electors of the appropriate county or legislative  
 24 district and of the state.

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

26 c. For nomination petitions for candidates for the general  
 27 assembly, a statement that the residence of the candidate is  
 28 within the appropriate legislative district, or if that is not  
 29 true that the candidate will reside there within sixty days  
 30 before the election. For other offices, a statement of the  
 31 name of the county where the candidate resides.

32 d. The political party with which the candidate is a  
 33 registered voter.

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

1 f. The date of the primary election for which the  
2 candidate is nominated.

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

13 2. Signed nomination petitions and the signed and  
14 notarized affidavit of candidacy shall not be altered to  
15 correct deficiencies noted during examination. If the  
16 nomination petition lacks a sufficient number of acceptable  
17 signatures, the nomination petition shall be rejected and  
18 shall be returned to the candidate.

19 The nomination papers shall be rejected if the affidavit  
20 lacks any of the following:

- 21 a. The candidate's name.
- 22 b. The name of the office sought, including the district,  
23 if any.
- 24 c. The political party name.
- 25 d. The signature of the candidate.
- 26 e. The signature of a notary public or other officer  
27 empowered to witness oaths.

28 The candidate may replace a deficient affidavit with a  
29 corrected affidavit only if the replacement affidavit is filed  
30 before the filing deadline. The candidate may resubmit a  
31 nomination petition that has been rejected by adding a  
32 sufficient number of pages or signatures to correct the  
33 deficiency. A nomination petition and affidavit filed to  
34 replace rejected nomination papers shall be filed together  
35 before the deadline for filing.

1 Sec. 7. Section 43.15, subsection 4, Code 2001, is amended  
2 to read as follows:

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

6 Sec. 8. Section 43.27, Code 2001, is amended to read as  
7 follows:

8 43.27 PRINTING OF BALLOTS.

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

19 Sec. 9. Section 43.45, Code 2001, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 43.45 CANVASS OF VOTES.

22 1. Upon the closing of the polls the precinct election  
23 officials shall immediately publicly canvass the vote. The  
24 canvass shall be conducted using the procedures established in  
25 subsection 2 or 3, whichever is appropriate for the voting  
26 system used in the precinct.

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

29 a. Place the ballots of the several political parties in  
30 separate piles.

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

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

35 d. Place the ballots cast on behalf of each of the parties

1 in separate envelopes. Seal each envelope and place the  
2 signature of all board members of the precinct across the seal  
3 of the envelope so that it cannot be opened without breaking  
4 the seal.

5 e. On the outside of each envelope enter the number of  
6 ballots cast by each party in the precinct and contained in  
7 the envelope.

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

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

17 h. Communicate the results in the manner required by  
18 section 50.11, to the commissioner of the county in which the  
19 polls are located, who shall remain on duty until the results  
20 are communicated to the commissioner from each polling place  
21 in the county.

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

24 a. Close the machines to prevent additional voting, and  
25 print the results for the precinct.

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

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

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

6 e. Communicate the results to the commissioner in the  
7 manner required by section 50.11. The commissioner shall  
8 remain on duty until the results are communicated to the  
9 commissioner from each polling place in the county.

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

13 a. Close and secure the ballot reader to prevent the  
14 insertion of additional ballots.

15 b. Print the results for the precinct.

16 c. Open the ballot container. Secure all ballots counted  
17 by the vote-tabulating device. Sort the remaining ballots by  
18 party. Tally all write-in votes and any other ballots not yet  
19 counted. Record the results in the tally list.

20 d. Put all ballots in an envelope or other package and  
21 seal it. All members of the board shall sign their names  
22 across the seal of the envelope. The seal shall be placed so  
23 that the envelope or package cannot be opened without breaking  
24 the seal.

25 5. In precincts where electronic voting systems are used  
26 and ballots are counted at a central location, precinct  
27 election officials shall follow the procedures in section  
28 52.32.

29 Sec. 10. Section 43.48, Code 2001, is amended to read as  
30 follows:

31 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

32 Any elector of the county shall have the right, before the  
33 day fixed for canvassing the returns, to ascertain the vote  
34 cast for any candidate in any precinct in the county, as shown  
35 on the outside of the envelope containing the tally list or on

1 printed reports from voting machines or electronic voting  
2 systems.

3 Sec. 11. Section 44.4, unnumbered paragraph 1, Code 2001,  
4 is amended to read as follows:

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

28 Sec. 12. 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. 13. 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. 14. 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. 15. Section 48A.27, subsection 4, paragraph c,  
12 unnumbered paragraph 2, Code 2001, is amended to read as  
13 follows:

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

1 this notice, it is being sent to both your most recent  
2 registration address and to your new address as reported by  
3 the postal service."

4 Sec. 16. Section 48A.28, subsection 3, unnumbered  
5 paragraph 2, Code 2001, is amended to read as follows:

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

9 Sec. 17. Section 48A.29, subsection 3, unnumbered  
10 paragraph 2, Code 2001, is amended to read as follows:

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

35 Sec. 18. Section 48A.30, subsection 1, paragraph a, Code

1 2001, is amended to read as follows:

2 a. The registered voter dies. For the purposes of this  
3 subsection, the commissioner may accept as evidence of death a  
4 notice from the state registrar of vital statistics forwarded  
5 by the state registrar of voters, a written statement from a  
6 member of the registered voter's household, an obituary in a  
7 newspaper, a written statement from an election official, or a  
8 notice from the ~~clerk-of-the-district-court-in~~ county recorder  
9 of the county where the registered voter died.

10 Sec. 19. 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. 20. 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. 21. Section 49.57, subsection 4, Code 2001, is  
25 amended to read as follows:

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

35 Sec. 22. Section 49.64, Code 2001, is amended to read as

1 follows:

2 49.64 NUMBER OF BALLOTS DELIVERED.

3 The commissioner shall ~~cause ballots of the kind to be~~  
4 ~~voted in each precinct, to be delivered~~ deliver to the  
5 precinct election officials ~~as follows:--in general elections~~  
6 ~~which are presidential elections seventy five ballots for~~  
7 ~~every fifty votes, or fraction thereof, cast in said precinct~~  
8 ~~at the last preceding general election which was also a~~  
9 ~~presidential election, and in general elections which are not~~  
10 ~~presidential elections, seventy five ballots for every fifty~~  
11 ~~votes, or fraction thereof, cast therein at the last preceding~~  
12 ~~general election which was not a presidential election a~~  
13 sufficient number of ballots of each kind to be voted in the  
14 precinct. In determining the number of ballots, the  
15 commissioner shall take into consideration the number of  
16 active and inactive registered voters in the precinct, the  
17 number of people who voted in the precinct in previous similar  
18 elections, the number of contested and uncontested races on  
19 the ballot, public measures appearing on the ballot, and the  
20 local political conditions that may affect participation in  
21 the election.

22 Sec. 23. Section 49.70, Code 2001, is amended to read as  
23 follows:

24 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

25 The commissioner shall cause copies of the foregoing  
26 instructions to be printed in large, clear type, under the  
27 heading of "Card of Instructions for Voters", and shall  
28 furnish the precinct election officials with a sufficient  
29 number of such cards instructions as will enable them to  
30 comply with section 49.71.

31 Sec. 24. Section 49.73, subsection 1, paragraph b, Code  
32 2001, is amended to read as follows:

33 b. Any election conducted for a city of three thousand  
34 five hundred or less population, including a local option  
35 sales and services tax election conducted pursuant to section

1 422B.1. At elections conducted pursuant to chapter 422B,  
2 contiguous cities shall have the same voting hours.

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

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

8 Sec. 26. Section 49.79, Code 2001, is amended to read as  
9 follows:

10 49.79 CHALLENGES.

11 Any person offering to vote may be challenged as  
12 unqualified by any precinct election official or elector, ~~and~~  
13 ~~it~~ registered voter. It is the duty of each official to  
14 challenge any person offering to vote whom the official knows  
15 or suspects is not duly qualified. A ballot shall be received  
16 from a voter who is challenged, but only in accordance with  
17 section 49.81.

18 Sec. 27. Section 49.81, subsection 2, unnumbered paragraph  
19 2, Code 2001, is amended to read as follows:

20 Your qualifications as a registered voter have been  
21 challenged for the following reasons:

- 22 I. ....
- 23 II. ....
- 24 III. ....

25 Your right to vote will be reviewed by the special precinct  
26 counting board on ..... You have the right and are  
27 encouraged to make a written statement and submit additional  
28 written evidence to this board supporting your qualifications  
29 as a registered voter. This written statement and evidence  
30 may be given to an election official of this precinct on  
31 election day or mailed or delivered to the county commissioner  
32 of elections, but must be received ~~prior-to-noon~~ before .....  
33 a.m./p.m. on ..... at ..... If your ballot is not counted  
34 you will receive notification of this fact.

35 Sec. 28. Section 49.96, Code 2001, is amended to read as

1 follows:

2 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

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

19 Sec. 29. Section 50.11, Code 2001, is amended to read as  
20 follows:

21 50.11 PROCLAMATION OF RESULT.

22 When the canvass is completed one of the precinct election  
23 officials shall publicly announce the total number of votes  
24 received by each of the persons voted for, the office for  
25 which the person is designated, as announced by the designated  
26 tally keepers, and the number of votes for, and the number of  
27 votes against, any proposition which shall have been submitted  
28 to a vote of the people~~,-and-the.~~ A precinct election  
29 official shall communicate said-information the election  
30 results by telephone or-telegraph or in person to the  
31 commissioner who is conducting the election immediately upon  
32 completion of the canvass,-and-the.

33 Election results may be transmitted electronically from  
34 voting equipment to the commissioner's office only after the  
35 precinct election officials have produced a written report of

1 the election results. The devices used for the electronic  
2 transmission of election results shall be approved for use by  
3 the board of examiners pursuant to section 52.41. The state  
4 commissioner of elections shall adopt rules establishing  
5 procedures for the electronic transmission of election  
6 results.

7 The commissioner shall remain on duty until such  
8 information is communicated to the commissioner from each  
9 polling place in the commissioner's county.

10 Sec. 30. Section 50.12, Code 2001, is amended to read as  
11 follows:

12 50.12 RETURN AND PRESERVATION OF BALLOTS.

13 Immediately after making the proclamation, and before  
14 separating, the board members of each precinct in which votes  
15 have been received by paper ballot shall enclose in an  
16 envelope or other container all ballots which have been  
17 counted by them, except those endorsed "Rejected as double",  
18 "Defective", or "Objected to", and securely seal the envelope.  
19 The signatures of all board members of the precinct shall be  
20 placed across the seal or the opening of the container so that  
21 it cannot be opened without breaking the seal. The precinct  
22 election officials shall return all the ballots to the  
23 commissioner, who shall carefully preserve them for six  
24 months. Ballots from elections for federal offices shall be  
25 preserved for twenty-two months. The sealed packages  
26 containing voted ballots shall be opened only for an official  
27 recount authorized by section 50.48, 50.49, or 50.50, for an  
28 election contest held pursuant to chapters 57 through 62, or  
29 to destroy the ballots pursuant to section 50.19.

30 Sec. 31. Section 50.48, subsection 2, unnumbered paragraph  
31 1, Code 2001, is amended to read as follows:

32 The candidate requesting a recount under this section shall  
33 post a bond, unless the abstracts prepared pursuant to section  
34 50.24, or section 43.49 in the case of a primary election,  
35 indicate that the difference between the total number of votes

1 cast for the apparent winner and the total number of votes  
2 cast for the candidate requesting the recount is less than the  
3 greater of fifty votes or one percent of the total number of  
4 votes cast for the office or nomination in question. If a  
5 recount is requested for an office to which more than one  
6 person was elected, the vote difference calculations shall be  
7 made using the difference between the number of votes received  
8 by the person requesting the recount and the number of votes  
9 received by the apparent winner who received the fewest votes.  
10 Where votes cast for that office or nomination were canvassed  
11 in more than one county, the abstracts prepared by the county  
12 boards in all of those counties shall be totaled for purposes  
13 of this subsection. If a bond is required, it shall be filed  
14 with the state commissioner for recounts involving a state  
15 office, including a seat in the general assembly, or a seat in  
16 the United States Congress, and with the commissioner  
17 responsible for conducting the election in all other cases,  
18 and shall be in the following amount:  
19     Sec. 32. Section 50.49, unnumbered paragraph 4, Code 2001,  
20 is amended to read as follows:  
21     The petitioners requesting the recount shall post a bond as  
22 required by section 50.48, subsection 2. The amount of the  
23 bond shall be one thousand dollars for a public measure  
24 appearing on the ballot statewide or one hundred dollars for  
25 any other public measure. If the difference between the  
26 affirmative and negative votes cast on the public measure is  
27 less than the greater of fifty votes or one percent of the  
28 total number of votes cast for and against the question, a  
29 bond is not required. If approval by sixty percent of the  
30 votes cast is required for adoption of the public measure, no  
31 bond is required if the difference between sixty percent of  
32 the total votes cast for and against the question and the  
33 number of votes cast for the losing side is less than the  
34 greater of fifty votes or one percent of the total number of  
35 votes cast.

1 Sec. 33. Section 50.50, unnumbered paragraph 1, Code 2001,  
2 is amended to read as follows:

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

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

14 Sec. 34. Section 52.37, subsection 1, Code 2001, is  
15 amended to read as follows:

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

31 In nonpartisan elections the election officials delivering  
32 the ballots are not required to be members of any political  
33 party, or to be members of different political parties.

34 Sec. 35. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF  
35 ELECTION RESULTS.

1 With the advice of the board of examiners for voting  
2 machines and electronic voting systems, the state commissioner  
3 shall adopt by rule standards for the examination and testing  
4 of devices for the electronic transmission of election  
5 results. All voting systems which contain devices for the  
6 electronic transmission of election results submitted to the  
7 examiners for examination and testing after January 1, 2002,  
8 shall comply with these standards.

9 Sec. 36. Section 53.8, subsection 1, Code 2001, is amended  
10 to read as follows:

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

25 Sec. 37. NEW SECTION. 53.10 ABSENTEE VOTING AT THE  
26 COMMISSIONER'S OFFICE.

27 Not more than forty days before the date of the primary  
28 election or the general election, the commissioner shall  
29 provide facilities for absentee voting in person at the  
30 commissioner's office. This service shall also be provided  
31 for other elections as soon as the ballots are ready, but in  
32 no case shall absentee ballots be available more than forty  
33 days before an election.

34 Each person who wishes to vote by absentee ballot at the  
35 commissioner's office shall first sign an application for a

1 ballot including the following information: name, current  
 2 address, and the election for which the ballot is requested.  
 3 The person may report a change of address or other information  
 4 on the person's voter registration record at that time. The  
 5 registered voter shall immediately mark the ballot, enclose  
 6 the ballot in a secrecy envelope, if necessary, and seal it in  
 7 a ballot envelope, subscribe to the affidavit on the reverse  
 8 side of the envelope, and return the absentee ballot to the  
 9 commissioner. The commissioner shall record the numbers  
 10 appearing on the application and ballot envelope along with  
 11 the name of the registered voter.

12 During the hours when absentee ballots are available in the  
 13 office of the commissioner, the posting of political signs is  
 14 prohibited within thirty feet of the absentee voting site. No  
 15 electioneering shall be allowed within the sight or hearing of  
 16 voters at the absentee voting site.

17 Sec. 38. Section 53.11, unnumbered paragraph 1, Code 2001,  
 18 is amended by striking the unnumbered paragraph.

19 Sec. 39. Section 53.11, unnumbered paragraph 2, Code 2001,  
 20 is amended to read as follows:

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

32 Sec. 40. Section 53.11, Code 2001, is amended by adding  
 33 the following new unnumbered paragraphs:

34 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting  
 35 at satellite absentee voting stations shall be the same as

1 specified in section 53.10 for voting at the commissioner's  
2 office. Additional procedures shall be prescribed by rule by  
3 the state commissioner.

4 NEW UNNUMBERED PARAGRAPH. During the hours when absentee  
5 ballots are available at a satellite absentee voting station,  
6 the posting of political signs is prohibited within thirty  
7 feet of the satellite absentee voting station. No  
8 electioneering shall be allowed within the sight or hearing of  
9 voters at the satellite absentee voting station.

10 Sec. 41. Section 53.18, Code 2001, is amended to read as  
11 follows:

12 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

13 Upon receipt of the absentee ballot, the commissioner shall  
14 at once record the number appearing on the application and  
15 return carrier envelope and time of receipt of such ballot and  
16 attach the elector's application to the unopened envelope.  
17 Absentee ballots shall be stored in a secure place until they  
18 are delivered to the absentee and special voters precinct  
19 board.

20 Sec. 42. Section 53.19, unnumbered paragraph 3, Code 2001,  
21 is amended to read as follows:

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

35 Sec. 43. Section 53.30, Code 2001, is amended to read as

1 follows:

2 53.30 BALLOT ENVELOPE PRESERVED.

3 At the conclusion of each meeting of the absentee and  
 4 special voter's precinct board, the board shall securely seal  
 5 all ballots counted by them in the manner prescribed in  
 6 section 50.12. The ballot envelopes, including the envelope  
 7 having the registered voter's affidavit thereon on it, the  
 8 return carrier envelope, and secrecy envelope bearing the  
 9 signatures of precinct election officials, as required by  
 10 section 53.23, shall be preserved. All applications for  
 11 absentee ballots, ballots rejected without being opened,  
 12 absentee ballot logs, and any other documents pertaining to  
 13 the absentee ballot process shall be preserved until such time  
 14 as the documents may be destroyed pursuant to section 50.19.

15 Sec. 44. Section 53.38, Code 2001, is amended to read as  
16 follows:

17 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

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

30 Sec. 45. Section 53.40, unnumbered paragraph 1, Code 2001,  
31 is amended to read as follows:

32 A request in writing for a ballot may be made by any member  
 33 of the armed forces of the United States who is or will be a  
 34 qualified voter on the day of the election at which the ballot  
 35 is to be cast, at any time before the election. Any member of

1 the armed forces of the United States may request ballots for  
2 all elections to be held within a calendar year. The request  
3 may be made by using the federal postcard application form and  
4 indicating that the applicant wishes to receive ballots for  
5 all elections as permitted by state law. The county auditor  
6 commissioner shall send the applicant a ballot for each  
7 election held during the calendar year in which the  
8 application is received. The commissioner shall forward a  
9 copy of the absentee ballot request to other commissioners who  
10 are responsible under section 47.2, subsection 2, for  
11 conducting elections in which the applicant is eligible to  
12 vote.

13 Sec. 46. Section 57.1, subsection 2, Code 2001, is amended  
14 by adding the following new paragraph after paragraph f and  
15 relettering the subsequent paragraphs:

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

19 Sec. 47. NEW SECTION. 62.5A STATEMENT OF INTENT TO  
20 CONTEST.

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

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

31 a. The name of the contestant and that the contestant is  
32 qualified to hold such office.

33 b. The name of the incumbent.

34 c. The office contested.

35 d. The date of the election.

1 e. The particular causes of the contest pursuant to  
2 section 57.1, subsection 2. If a cause of the contest is an  
3 allegation that illegal votes were received or that legal  
4 votes were rejected, a statement shall be included setting  
5 forth the names of the persons who are alleged to have voted  
6 illegally or whose votes were rejected and the precinct where  
7 they voted or offered to vote.

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

10 Sec. 48. Section 69.2, Code 2001, is amended to read as  
11 follows:

12 69.2 WHAT CONSTITUTES VACANCY.

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

15 ~~1-~~ a. A failure to elect at the proper election, or to  
16 appoint within the time fixed by law, unless the incumbent  
17 holds over.

18 ~~2-~~ b. A failure of the incumbent or holdover officer to  
19 qualify within the time prescribed by law.

20 ~~3-~~ c. The incumbent ceasing to be a resident of the state,  
21 district, county, township, city, or ward by or for which the  
22 incumbent was elected or appointed, or in which the duties of  
23 the office are to be exercised. This subsection shall not  
24 apply to appointed city officers.

25 ~~4-~~ d. The resignation or death of the incumbent, or of the  
26 officer-elect before qualifying.

27 ~~5-~~ e. The removal of the incumbent from, or forfeiture of,  
28 the office, or the decision of a competent tribunal declaring  
29 the office vacant.

30 ~~6-~~ f. The conviction of the incumbent of a felony, an  
31 aggravated misdemeanor, or of any public offense involving the  
32 violation of the incumbent's oath of office.

33 ~~7-~~ g. The board of supervisors declares a vacancy in an  
34 elected county office upon finding that the county officer has  
35 been physically absent from the county for sixty consecutive

1 days except in the case of a medical emergency; temporary  
2 active military duty; or temporary service with another  
3 government service, agency, or department.

4 8: h. The incumbent simultaneously holding more than one  
5 elective office at the same level of government. This  
6 subsection does not apply to the following offices: county  
7 agricultural extension council, soil and water conservation  
8 district commission, or regional library board of trustees.

9 9: i. An incumbent statewide elected official or member of  
10 the general assembly simultaneously holding more than one  
11 elective office.

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

34 3. The officer against whom the judgment was rendered may  
35 appeal to the district court no later than twenty days after

1 official publication of the decision. However, the appeal  
 2 will not supersede the execution of the judgment of the  
 3 appointing entity or officer, unless the party gives a bond,  
 4 with security to be approved by the district judge in a sum to  
 5 be fixed by the judge. The amount of the bond shall be at  
 6 least double the probable compensation of such officer for six  
 7 months, which bond shall be conditioned that the officer will  
 8 prosecute the appeal without delay, and that, if the judgment  
 9 appealed from is affirmed, the party will pay over to the  
 10 successful party all compensation received by the party while  
 11 in possession of the office after the judgment appealed from  
 12 was rendered. The court shall hear the appeal in equity and  
 13 determine anew all questions arising in the case.

14 4. If, upon appeal, the judgment is affirmed, the district  
 15 court may render judgment upon the bond for the amount of  
 16 damages awarded against the appellant and the sureties on the  
 17 bond.

18 Sec. 49. Section 69.12, subsection 1, paragraph a, Code  
 19 2001, is amended to read as follows:

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

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

24 (2) Fifty-two or more days ~~prior-to~~ before the election,  
 25 if it is a regularly scheduled or special city election.  
 26 However, for those cities which may be required to hold a  
 27 primary election, the vacancy shall be filled at the next  
 28 pending election if it occurs seventy-three or more days  
 29 before a regularly scheduled or special city election.

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

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

34 Sec. 50. Section 69.12, subsection 1, paragraph b, Code  
 35 2001, is amended to read as follows:

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

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

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

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

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

15 Sec. 51. Section 69.14A, Code 2001, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,  
18 if a nomination has been made at the primary election for an  
19 office in which a vacancy has been filled by appointment, the  
20 office shall be filled at the next general election, and not  
21 at any special election in the same political subdivision.

22 Sec. 52. Section 256.63, unnumbered paragraph 2, Code  
23 2001, is amended to read as follows:

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

1 Sec. 53. Section 256.64, Code 2001, is amended to read as  
2 follows:

3 256.64 TERMS.

4 Regional library trustees shall take office on the first  
5 day of January following the general election and shall serve  
6 terms of four years. A vacancy shall be filled ~~when-it-occurs~~  
7 ~~not-less-than-ninety-days-before-the-next-general-election~~ by  
8 appointment by the regional board for the unexpired term. No  
9 trustee shall serve on a local library board or be employed by  
10 a library during the trustee's term of office as a regional  
11 library trustee.

12 Sec. 54. Section 275.12, subsections 3 and 4, Code 2001,  
13 are amended to read as follows:

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

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

~~1 the-provisions-of-section-275.23A, subsection 1, and shall  
2 make-adjustments-as-necessary.~~

3 Sec. 55. Section 275.25, subsection 1, unnumbered  
4 paragraph 1, Code 2001, is amended to read as follows:

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

30 Sec. 56. Section 275.35, Code 2001, is amended to read as  
31 follows:

32 275.35 CHANGE OF METHOD OF ELECTIONS.

33 Any existing or hereafter created or enlarged school  
34 district may change the number of directors to either five or  
35 seven and may also change its method of election of school

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

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

21 Sec. 57. Section 275.36, Code 2001, is amended to read as  
 22 follows:

23 275.36 SUBMISSION OF CHANGE TO ELECTORS.

24 If a petition for a change in the number of directors or in  
 25 the method of election of school directors~~7-describing-the~~  
 26 ~~boundaries-of-the-proposed-director-districts7-if-any7-signed~~  
 27 ~~by-eligible-electors-of-the-school-district-equal-in-number-to~~  
 28 ~~at-least-thirty-percent-of-those-who-voted-in-the-last~~  
 29 ~~previous-annual-school-election-in-the-school-district7-but~~  
 30 ~~not-less-than-one-hundred-persons7-and-accompanied-by~~  
 31 ~~affidavit-as-required-by-section-275.13-be~~ is filed with the  
 32 school board of a school district~~7-not-earlier-than-six-months~~  
 33 ~~and-not-later-than-sixty-seven-days-before-a-regular-or~~  
 34 ~~special-school-election~~ pursuant to the requirements of  
 35 section 278.2, the school board shall submit such proposition

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

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

21 Sec. 58. Section 275.37, Code 2001, is amended to read as  
22 follows:

23 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

1 by the district.

2 Sec. 59. NEW SECTION. 275.37A DECREASE IN NUMBER OF  
3 DIRECTORS.

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

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

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

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

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

34 Sec. 60. Section 275.55, unnumbered paragraph 1, Code  
35 2001, is amended to read as follows:

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

11 Sec. 61. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT  
12 BOUNDARIES FOLLOWING DISSOLUTION.

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

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

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

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

9 Sec. 62. Section 277.23, Code 2001, is amended to read as  
 10 follows:

11 277.23 DIRECTORS -- NUMBER -- CHANGE.

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

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

31 Sec. 63. Section 278.1, subsection 8, Code 2001, is  
 32 amended to read as follows:

33 8. Authorize a change in the method of conducting  
 34 elections or in the number of directors as provided in  
 35 sections 275.35 and 275.36. If a proposition submitted to the

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

10 Sec. 64. Section 279.6, unnumbered paragraph 2, Code 2001,  
11 is amended to read as follows:

12 ~~However,~~ A vacancy shall be filled at the next regular  
13 school election if a member of a school board resigns from the  
14 board ~~prior-to-the-time-for-filing-nomination-papers-for~~  
15 ~~office-as-a-school-board-member,-as-provided-in-section-277.47~~  
16 not later than forty-five days before the election and the  
17 notice of resignation specifies in-the-resignation-that-the  
18 ~~resignation-will-be~~ an effective on-the date at the beginning  
19 of the next term of office for elective school officials  
20 ~~begins,-the.~~ The president of the board shall declare the  
21 office vacant as of that the date and-nomination of the next  
22 organizational meeting. Nomination papers shall be received  
23 for the unexpired term of the resigning member. The person  
24 elected at the next regular school election to fill the  
25 vacancy shall take office at the same time and place as the  
26 other elected school board members.

27 Sec. 65. Section 296.3, Code 2001, is amended to read as  
28 follows:

29 296.3 ELECTION CALLED.

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

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

15 Sec. 66. Section 331.207, subsection 2, Code 2001, is  
16 amended to read as follows:

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

28 Sec. 67. Section 331.207, Code 2001, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 4A. If the plan adopted by a plurality of  
31 the ballots cast in the special election represents a change  
32 from plan "one" to plan "two" or "three", or from plan "two"  
33 to plan "three", as each plan is defined in section 331.206,  
34 the temporary county redistricting commission shall divide the  
35 county into districts as provided in sections 331.209 and

1 331.210. The plan shall be completed not later than September  
2 15 following the special election and shall be submitted to  
3 the state commissioner of elections. The plan shall become  
4 effective January 1.

5 Sec. 68. Section 331.651, subsection 1, unnumbered  
6 paragraph 1, Code 2001, is amended to read as follows:

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

16 Sec. 69. Section 336.2, unnumbered paragraphs 3, 4, and 5,  
17 Code 2001, are amended to read as follows:

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

25 A county library district shall be established, if a  
26 majority of the electors voting on the proposition question  
27 and residing outside of cities maintaining a free public  
28 library favor it.

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

1 Sec. 70. Section 336.16, unnumbered paragraph 4, Code  
2 2001, is amended to read as follows:

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

11 Sec. 71. Section 336.18, subsection 2, Code 2001, is  
12 amended to read as follows:

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

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

29 Sec. 72. Section 336.18, subsection 4, paragraphs a, b,  
30 and c, Code 2001, are amended to read as follows:

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

1 requiring the board to provide library service for them and  
2 their area by contract as provided by this section.

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

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

15 Sec. 73. Section 346.27, subsection 10, Code 2001, is  
16 amended to read as follows:

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

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

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

11 Sec. 74. Section 346.27, subsection 25, Code 2001, is  
 12 amended to read as follows:

13 25. When all bonds issued by an authority have been  
 14 retired, the authority may convey the title to the property  
 15 owned by the authority to the incorporating units in  
 16 accordance with the provisions ~~therefor~~ contained in the  
 17 articles of incorporation, ~~or, if none,~~ If no articles of  
 18 incorporation exist, the conveyance may be made in accordance  
 19 with any agreement adopted by the respective governing bodies  
 20 of the incorporating units, and the 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. 75. Section 372.9, subsection 2, Code 2001, is  
 32 amended to read as follows:

33 2. When a charter is filed, the council and mayor shall  
 34 notify the county commissioner of elections to publish notice  
 35 containing the full text of the proposed home rule charter, a

1 description of any other form of government being presented to  
2 the voters, and the date of the election, and to conduct the  
3 election. The notice shall be published at least twice in the  
4 manner provided in section 362.3, except that the publications  
5 must occur within sixty days of the filing of the home rule  
6 charter, with a two-week interval between each publication.  
7 The council shall provide copies of a proposed charter for  
8 public distribution by the city clerk.

9 Sec. 76. Section 372.13, subsection 2, paragraph b, Code  
10 2001, is amended to read as follows:

11 b. By a special election held to fill the office for the  
12 remaining balance of the unexpired term. If the council opts  
13 for a special election or a valid petition is filed under  
14 paragraph "a", the special election may be held concurrently  
15 with any pending election as provided by section 69.12 if by  
16 so doing the vacancy will be filled not more than ninety days  
17 after it occurs. Otherwise, a special election to fill the  
18 office shall be called at the earliest practicable date. If  
19 there are concurrent vacancies on the council and the  
20 remaining council members do not constitute a quorum of the  
21 full membership, a special election shall be called at the  
22 earliest practicable date. The council shall give the county  
23 commissioner at least sixty days' written notice of the date  
24 chosen for the special election. The council of a city where  
25 a primary election may be required shall give the county  
26 commissioner at least eighty-five days' written notice of the  
27 date chosen for the special election. A special election held  
28 under this subsection is subject to sections 376.4 through  
29 376.11, but the dates for actions in relation to the special  
30 election shall be calculated with regard to the date for which  
31 the special election is called.

32 Sec. 77. Section 376.2, unnumbered paragraph 2, Code 2001,  
33 is amended to read as follows:

34 Except as otherwise provided by state law or the city  
35 charter, terms for elective offices are two years. However,

1 the term of an elective office may be changed to two or four  
 2 years by petition and election. Upon receipt of a valid  
 3 petition as defined in section 362.4, requesting that the term  
 4 of an elective office be changed, the council shall submit the  
 5 question at a special city election to be held within sixty  
 6 days after the petition is received. The special election  
 7 shall be held more than ninety days before the regular city  
 8 election if the change shall go into effect at the next  
 9 regular city election. If a majority of the persons voting at  
 10 the special election approves the changed term, it becomes  
 11 effective at the beginning of the term following the next  
 12 regular city election. If a majority does not approve the  
 13 changed term, the council shall not submit the same proposal  
 14 to the voters within the next four years.

15 Sec. 78. Section 376.6, unnumbered paragraph 2, Code 2001,  
 16 is amended to read as follows:

17 Each city clerk shall certify to the commissioner of  
 18 elections responsible under section 47.2 for conducting  
 19 elections for that city the type of nomination process to be  
 20 used for the city no later than ~~seventy-seven~~ ninety days  
 21 before the date of the regular city election. If the city has  
 22 by ordinance chosen a runoff election or has chosen to have  
 23 nominations made in the manner provided by chapter 44 or 45,  
 24 or has repealed nomination provisions under those sections in  
 25 preference for the primary election method, a copy of the city  
 26 ordinance shall be attached. No changes in the method of  
 27 nomination to be used in a city shall be made after the clerk  
 28 has filed the certification with the commissioner, unless the  
 29 change will not take effect until after the next regular city  
 30 election.

31 Sec. 79. Section 422A.1, unnumbered paragraph 3, Code  
 32 2001, is amended to read as follows:

33 A city or county shall impose a hotel and motel tax or  
 34 increase the tax rate, only after an election at which a  
 35 majority of those voting on the question favors imposition or

1 increase. However, a hotel and motel tax shall not be  
2 repealed or reduced in rate if obligations are outstanding  
3 which are payable as provided in section 422A.2, unless funds  
4 sufficient to pay the principal, interest, and premium, if  
5 any, on the outstanding obligations at and prior to maturity  
6 have been properly set aside and pledged for that purpose.  
7 The election shall be held at the time of ~~that-city's~~ the  
8 regular city election or the county's general election or at  
9 the time of a special election.

10 Sec. 80. Sections 62.5 and 62.8, Code 2001, are repealed.

11 Sec. 81. EFFECTIVE AND APPLICABILITY DATES. The sections  
12 of this Act amending Code section 43.14 and enacting Code  
13 sections 45.5 and 45.6 take effect January 1, 2002, and apply  
14 to elections held on or after that date.

15 EXPLANATION

16 This bill makes a number of changes to the election laws of  
17 Iowa.

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

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

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

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

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

1 Code sections 43.14 and 43.15 are amended to remove from  
 2 the Code archaic and repetitive language currently required to  
 3 appear on nomination petitions and provides that the state  
 4 commissioner shall prescribe the form for the petition,  
 5 listing the information that must be included. Standards for  
 6 evaluating nomination papers are also expanded to incorporate  
 7 current practices in the state commissioner's office. The  
 8 amendment to Code section 43.14 takes effect January 1, 2002,  
 9 and applies to elections held on or after that date.

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

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

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

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

21 Code sections 45.5 and 45.6 are amended to provide specific  
 22 requirements for the form of nomination petitions and  
 23 standards for their review and rejection. These are similar  
 24 to the requirements of Code chapter 43 for primary elections.  
 25 These changes take effect January 1, 2002, and apply to  
 26 elections held on or after that date.

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

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

33 Code section 48A.30, pertaining to proof of death for  
 34 purposes of canceling voter registration, is amended to  
 35 correspond with a prior change in the law which made county

1 recorders responsible for maintaining records of deaths in the  
2 county.

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

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

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

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

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

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

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

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

33 Code section 49.96 is amended to provide that if a voter  
34 marks a straight party or organization ticket and also marks  
35 the voting targets next to the names of one or more candidates

1 of the same party or organization, only the votes cast  
2 separately for individual candidates shall be counted.

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

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

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

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

17 Code section 52.37 is amended to allow two couriers to pick  
18 up ballots for central county precincts. The two couriers  
19 must be of two different political parties. That section is  
20 also amended to provide that, in nonpartisan elections,  
21 precinct election officials are not required to be members of  
22 any political party or of different political parties.

23 New Code section 52.41 is enacted to provide that all  
24 devices for the electronic transmission of election results  
25 submitted for examination after January 1, 2002, be approved  
26 by the state commissioner with the advice of the board of  
27 examiners for voting machines and electronic voting systems.

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

32 New Code section 53.10 is enacted to separate those Code  
33 provisions providing for absentee voting in the county  
34 commissioner's office from the provisions for satellite  
35 absentee voting in Code section 53.11. The new section

1 prohibits electioneering within 30 feet of the courthouse  
2 during absentee voting. This prohibition currently applies  
3 only to satellite absentee voting stations. The bill makes  
4 corresponding amendments to Code section 53.11.

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

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

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

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

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

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

34 Code sections 62.5 and 62.8, relating to the requirements  
35 for filing a statement to contest an election, are repealed

1 and replaced with new Code section 62.5A. The new section  
2 also provides that the deadline for contesting an election if  
3 a recount changes the result is 20 days after the winner of  
4 the recount is declared.

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

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

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

19 Code section 256.63 is amended to permit counties to  
20 canvass regional library board elections at regular meetings  
21 of the board of supervisors.

22 Code section 256.64 is amended to remove a requirement that  
23 vacancies on regional library boards may only be filled by  
24 election if the vacancy occurs less than 90 days before the  
25 election. The amendment requires all vacancies to be filled  
26 by appointment.

27 Code section 275.12 is amended to require that the director  
28 district boundaries, if districts are drawn, of a newly formed  
29 or reorganized school district be drawn after the election  
30 making the changes. Current law provides that citizen  
31 petitioners shall draw the director district boundaries.

32 Code section 275.25 is amended to make the candidate  
33 nomination petition requirement of new school districts the  
34 same as for established school districts.

35 Code sections 275.35 and 275.36 are amended to remove the

1 question of approval of director district boundaries from the  
2 election or the question of whether a school district should  
3 change its method of electing directors. The amendment  
4 requires director or district boundaries be drawn or redrawn  
5 after the election approving the change in boundaries. The  
6 section is also amended to require approval of the new  
7 boundaries by the state commissioner.

8 Code section 275.37 is amended, and Code section 275.37A is  
9 enacted, to provide a process for the transition from five  
10 school board members to seven and from seven school board  
11 members to five.

12 Code section 275.55 is amended to allow the commissioner to  
13 include with the summary of the question on the ballot a map  
14 showing the new school district boundaries of school districts  
15 to which portions of a dissolved district are to be attached  
16 if approved at the election.

17 New Code section 275.57 is enacted to provide a process for  
18 attachment of territory received by a school district when an  
19 adjacent school district dissolves.

20 Code sections 277.23 and 278.1 are amended to make the  
21 provisions of Code section 275.37 relating to implementation  
22 of a change to increase the number of director districts  
23 applicable to all changes increasing the membership of school  
24 boards.

25 Code section 277.23 is also amended to require that a  
26 school district with all of a city with population of 15,000  
27 or more located in the district must have seven directors on  
28 the board. Current law requires seven directors if only a  
29 part of a city with population of 15,000 or more is located in  
30 the district.

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

35 Code section 296.3 is amended to require that, within 10

1 days after receiving a petition for a bond election, the  
 2 president of the school board call a meeting of the board to  
 3 set an election date. The section is also amended to require  
 4 that the meeting be held within 30 days of receipt of the  
 5 petition. If more than one petition is received, the board  
 6 must consider them in the order they were received.

7 Code section 331.207 is amended to revise the schedule for  
 8 special elections to change the method of electing members of  
 9 the county board of supervisors. The amendment requires that  
 10 the petition be filed by June 1, that the election be held  
 11 within 60 days after filing of the petition, and that a plan  
 12 be drawn by September 15. Current law requires that all of  
 13 these requirements be fulfilled between January and February.

14 Code section 331.651 is amended to provide that, in the  
 15 case of a vacancy in the office of county sheriff, the first  
 16 deputy sheriff shall hold the office of sheriff until a  
 17 successor is appointed or elected. Current Code provides only  
 18 that the deputy shall serve until another sheriff is  
 19 appointed.

20 Code sections 336.2, 336.16, and 336.18 are amended to move  
 21 the filing deadline for petitions to establish or terminate a  
 22 county library district from 40 days before the general  
 23 election to 82 days before the general election. The sections  
 24 are also amended to strike the provision permitting the  
 25 question to establish or terminate a county library district  
 26 to be placed on the primary election ballot.

27 Code section 346.27 is amended to strike the provision  
 28 permitting the question of issuance of county bonds and  
 29 conveyance of title to property to be placed on the primary  
 30 election ballot.

31 Code section 372.9 is amended to provide that the full text  
 32 of a proposed home rule charter or alternative form of  
 33 government proposal and the date of the election on the  
 34 charter or alternative form must be included in the published  
 35 notice of the election.

1 Code section 372.13 is amended to require the city council  
2 of a city with a primary election to notify the county  
3 commissioner of elections of the date of a special election to  
4 fill a vacancy in a city office at least 85 days before the  
5 date chosen.

6 Code section 376.2 is amended to require a special election  
7 to change the length of the terms of elected city officers be  
8 held more than 90 days before the regular city election if the  
9 changed terms are to be effective for offices filled at that  
10 election.

11 Code section 376.6 is amended to change the deadline for  
12 city clerks to notify the county auditor of the type of  
13 nomination process to be used for city elections. The  
14 amendment changes the deadline from 77 days before the  
15 election to 90 days before the election.

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

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MEMO

To: Members of General Assembly  
From: Secretary of State Chet Culver  
Date: December 6, 2000  
Re: Election Law - Technical/Corrective Code Change

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This proposed legislation makes technical and administrative changes to elections law. Some of the proposed amendments are substantive, but not believed to be controversial. These proposed changes seek to relieve the burden of county election officials or to clarify processes and procedures which are currently nonexistent, vague, inconsistent, or otherwise confusing. A detailed explanation of this proposed legislation is contained at the end of the proposed legislation.

REPRINTED

FEB 26 2001

Place On Calendar

- 3/6/01 State Gov  
5-5/2/01 Deferred

HOUSE FILE 403  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 18)

Passed House, Date <sup>(P.605)</sup> 3-6-01 Passed Senate, Date <sup>(P.1160)</sup> 4-17-01  
Vote: Ayes 96 Nays \_\_\_\_\_ Vote: Ayes 47 Nays 0  
Approved \_\_\_\_\_

A BILL FOR

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

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

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HF 403

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. NEW SECTION. 39.26 CANDIDATE QUALIFICATIONS.

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

33 Sec. 5. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC  
34 OFFICE.

35 Any person elected to an office under the laws of this

1 state shall be an eligible elector. At the time an elected  
2 official takes office the official shall be a resident of the  
3 state, district, county, township, city, or ward by or for  
4 which the person was elected, or in which the duties of the  
5 office are to be exercised. An elected official shall  
6 continue to be a resident of the state, district, county,  
7 township, city, or ward by or for which the person was  
8 elected, or in which the duties of the office are to be  
9 exercised for the duration of the term of office. This  
10 section shall not apply to United States senators or  
11 representatives in Congress or to members of the general  
12 assembly.

13 Sec. 6. Section 43.14, Code 2001, is amended by striking  
14 the section and inserting in lieu thereof the following:

15 43.14 FORM OF NOMINATION PAPERS.

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

22 a. A statement identifying the signers of the petition as  
23 eligible electors of the appropriate county or legislative  
24 district and of the state.

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

26 c. For nomination petitions for candidates for the general  
27 assembly, a statement that the residence of the candidate is  
28 within the appropriate legislative district, or if that is not  
29 true that the candidate will reside there within sixty days  
30 before the election. For other offices, a statement of the  
31 name of the county where the candidate resides.

32 d. The political party with which the candidate is a  
33 registered voter.

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

1 f. The date of the primary election for which the  
2 candidate is nominated.

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

13 2. Signed nomination petitions and the signed and  
14 notarized affidavit of candidacy shall not be altered to  
15 correct deficiencies noted during examination. If the  
16 nomination petition lacks a sufficient number of acceptable  
17 signatures, the nomination petition shall be rejected and  
18 shall be returned to the candidate.

19 The nomination papers shall be rejected if the affidavit  
20 lacks any of the following:

- 21 a. The candidate's name.
- 22 b. The name of the office sought, including the district,  
23 if any.
- 24 c. The political party name.
- 25 d. The signature of the candidate.
- 26 e. The signature of a notary public or other officer  
27 empowered to witness oaths.

28 The candidate may replace a deficient affidavit with a  
29 corrected affidavit only if the replacement affidavit is filed  
30 before the filing deadline. The candidate may resubmit a  
31 nomination petition that has been rejected by adding a  
32 sufficient number of pages or signatures to correct the  
33 deficiency. A nomination petition and affidavit filed to  
34 replace rejected nomination papers shall be filed together  
35 before the deadline for filing.

1     Sec. 7. Section 43.15, subsection 4, Code 2001, is amended  
2 to read as follows:

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

6     Sec. 8. Section 43.27, Code 2001, is amended to read as  
7 follows:

8     43.27 PRINTING OF BALLOTS.

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

19     Sec. 9. Section 43.45, Code 2001, is amended by striking  
20 the section and inserting in lieu thereof the following:

21     43.45 CANVASS OF VOTES.

22     1. Upon the closing of the polls the precinct election  
23 officials shall immediately publicly canvass the vote. The  
24 canvass shall be conducted using the procedures established in  
25 subsection 2 or 3, whichever is appropriate for the voting  
26 system used in the precinct.

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

29     a. Place the ballots of the several political parties in  
30 separate piles.

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

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

35     d. Place the ballots cast on behalf of each of the parties

1 in separate envelopes. Seal each envelope and place the  
2 signature of all board members of the precinct across the seal  
3 of the envelope so that it cannot be opened without breaking  
4 the seal.

5 e. On the outside of each envelope enter the number of  
6 ballots cast by each party in the precinct and contained in  
7 the envelope.

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

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

17 h. Communicate the results in the manner required by  
18 section 50.11, to the commissioner of the county in which the  
19 polls are located, who shall remain on duty until the results  
20 are communicated to the commissioner from each polling place  
21 in the county.

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

24 a. Close the machines to prevent additional voting, and  
25 print the results for the precinct.

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

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

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

6 e. Communicate the results to the commissioner in the  
7 manner required by section 50.11. The commissioner shall  
8 remain on duty until the results are communicated to the  
9 commissioner from each polling place in the county.

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

13 a. Close and secure the ballot reader to prevent the  
14 insertion of additional ballots.

15 b. Print the results for the precinct.

16 c. Open the ballot container. Secure all ballots counted  
17 by the vote-tabulating device. Sort the remaining ballots by  
18 party. Tally all write-in votes and any other ballots not yet  
19 counted. Record the results in the tally list.

20 d. Put all ballots in an envelope or other package and  
21 seal it. All members of the board shall sign their names  
22 across the seal of the envelope. The seal shall be placed so  
23 that the envelope or package cannot be opened without breaking  
24 the seal.

25 5. In precincts where electronic voting systems are used  
26 and ballots are counted at a central location, precinct  
27 election officials shall follow the procedures in section  
28 52.32.

29 Sec. 10. Section 43.48, Code 2001, is amended to read as  
30 follows:

31 43.48 ELECTOR MAY ASCERTAIN VOTE CAST.

32 Any elector of the county shall have the right, before the  
33 day fixed for canvassing the returns, to ascertain the vote  
34 cast for any candidate in any precinct in the county, as shown  
35 on the outside of the envelope containing the tally list or on

1 printed reports from voting machines or electronic voting  
2 systems.

3 Sec. 11. Section 44.4, unnumbered paragraph 1, Code 2001,  
4 is amended to read as follows:

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

28 Sec. 12. Section 45.3, unnumbered paragraph 1, Code 2001,  
29 is amended by striking the unnumbered paragraph.

30 Sec. 13. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

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

1 information:

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

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

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

9 4. The office sought by the candidate, including the  
10 district number, if any.

11 5. The name and date of the election for which the  
12 candidate is nominated.

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

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

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

35 The nomination papers shall be rejected if the affidavit

1 lacks any of the following:

- 2 a. The candidate's name.
- 3 b. The name of the office sought, including the district,  
4 if any.
- 5 c. The signature of the candidate.
- 6 d. The signature of a notary public or other officer  
7 empowered to witness oaths.

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

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

17 The following requirements shall be observed in the signing  
18 and preparation of nomination petitions:

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

23 2. Each signer shall add the signer's residence, with  
24 street and number.

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

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

1 5. Only one candidate shall be petitioned for or nominated  
2 in the same nomination petition, except for the offices of  
3 governor and lieutenant governor, and president and vice  
4 president.

5 Sec. 15. Section 48A.9, subsection 2, Code 2001, is  
6 amended to read as follows:

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

13 Sec. 16. Section 48A.11, Code 2001, is amended by adding  
14 the following new subsection:

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

19 Sec. 17. Section 48A.27, subsection 3, paragraph a, Code  
20 2001, is amended to read as follows:

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

1     Sec. 18. Section 48A.27, subsection 4, paragraph c,  
2 unnumbered paragraph 2, Code 2001, is amended to read as  
3 follows:

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

29     Sec. 19. Section 48A.28, subsection 3, unnumbered  
30 paragraph 2, Code 2001, is amended to read as follows:

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

34     Sec. 20. Section 48A.29, subsection 3, unnumbered  
35 paragraph 2, Code 2001, is amended to read as follows:

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

25 Sec. 21. Section 48A.30, subsection 1, paragraph a, Code  
26 2001, is amended to read as follows:

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

35 Sec. 22. Section 48A.38, subsection 1, Code 2001, is

1 amended by adding the following new paragraph:

2 NEW PARAGRAPH. f. The county commissioner of registration  
3 and the state registrar of voters shall remove a voter's  
4 social security number from a voter registration list prepared  
5 pursuant to this section.

6 Sec. 23. Section 49.21, Code 2001, is amended by adding  
7 the following new unnumbered paragraph:

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

12 Sec. 24. Section 49.30, subsection 1, Code 2001, is  
13 amended to read as follows:

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

18 Sec. 25. Section 49.31, subsection 2, Code 2001, is  
19 amended by adding the following new unnumbered paragraph:

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

26 Sec. 26. Section 49.53, unnumbered paragraph 1, Code 2001,  
27 is amended to read as follows:

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

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

20 Sec. 27. Section 49.57, subsection 4, Code 2001, is  
21 amended to read as follows:

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

31 Sec. 28. Section 49.64, Code 2001, is amended to read as  
32 follows:

33 49.64 NUMBER OF BALLOTS DELIVERED.

34 The commissioner shall cause ballots of the kind to be  
35 voted in each precinct, to be delivered to the precinct

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

11 Sec. 29. Section 49.70, Code 2001, is amended to read as  
12 follows:

13 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

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

20 Sec. 30. Section 49.73, subsection 1, paragraph b, Code  
21 2001, is amended to read as follows:

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

27 Sec. 31. Section 49.73, subsection 1, Code 2001, is  
28 amended by adding the following new paragraph:

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

32 Sec. 32. Section 49.79, Code 2001, is amended to read as  
33 follows:

34 49.79 CHALLENGES.

35 Any person offering to vote may be challenged as

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

7 Sec. 33. Section 49.81, subsection 2, unnumbered paragraph  
8 2, Code 2001, is amended to read as follows:

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

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

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

24 Sec. 34. Section 49.84, Code 2001, is amended by adding  
25 the following new unnumbered paragraph:

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

29 Sec. 35. Section 49.88, Code 2001, is amended by adding  
30 the following new unnumbered paragraph:

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

34 Sec. 36. Section 49.96, Code 2001, is amended to read as  
35 follows:

1 49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

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

18 Sec. 37. Section 50.11, Code 2001, is amended to read as  
19 follows:

20 50.11 PROCLAMATION OF RESULT.

21 When the canvass is completed one of the precinct election  
22 officials shall publicly announce the total number of votes  
23 received by each of the persons voted for, the office for  
24 which the person is designated, as announced by the designated  
25 tally keepers, and the number of votes for, and the number of  
26 votes against, any proposition which shall have been submitted  
27 to a vote of the people, ~~and the.~~ A precinct election  
28 official shall communicate said information the election  
29 results by telephone or telegraph or in person to the  
30 commissioner who is conducting the election immediately upon  
31 completion of the canvass, and the.

32 Election results may be transmitted electronically from  
33 voting equipment to the commissioner's office only after the  
34 precinct election officials have produced a written report of  
35 the election results. The devices used for the electronic

1 transmission of election results shall be approved for use by  
2 the board of examiners pursuant to section 52.41. The state  
3 commissioner of elections shall adopt rules establishing  
4 procedures for the electronic transmission of election  
5 results.

6 The commissioner shall remain on duty until such  
7 information is communicated to the commissioner from each  
8 polling place in the commissioner's county.

9 Sec. 38. Section 50.12, Code 2001, is amended to read as  
10 follows:

11 50.12 RETURN AND PRESERVATION OF BALLOTS.

12 Immediately after making the proclamation, and before  
13 separating, the board members of each precinct in which votes  
14 have been received by paper ballot shall enclose in an  
15 envelope or other container all ballots which have been  
16 counted by them, except those endorsed "Rejected as double",  
17 "Defective", or "Objected to", and securely seal the envelope.  
18 The signatures of all board members of the precinct shall be  
19 placed across the seal or the opening of the container so that  
20 it cannot be opened without breaking the seal. The precinct  
21 election officials shall return all the ballots to the  
22 commissioner, who shall carefully preserve them for six  
23 months. Ballots from elections for federal offices shall be  
24 preserved for twenty-two months. The sealed packages  
25 containing voted ballots shall be opened only for an official  
26 recount authorized by section 50.48, 50.49, or 50.50, for an  
27 election contest held pursuant to chapters 57 through 62, or  
28 to destroy the ballots pursuant to section 50.19.

29 Sec. 39. Section 50.48, subsection 2, unnumbered paragraph  
30 1, Code 2001, is amended to read as follows:

31 The candidate requesting a recount under this section shall  
32 post a bond, unless the abstracts prepared pursuant to section  
33 50.24, or section 43.49 in the case of a primary election,  
34 indicate that the difference between the total number of votes  
35 cast for the apparent winner and the total number of votes

1 cast for the candidate requesting the recount is less than the  
2 greater of fifty votes or one percent of the total number of  
3 votes cast for the office or nomination in question. If a  
4 recount is requested for an office to which more than one  
5 person was elected, the vote difference calculations shall be  
6 made using the difference between the number of votes received  
7 by the person requesting the recount and the number of votes  
8 received by the apparent winner who received the fewest votes.  
9 Where votes cast for that office or nomination were canvassed  
10 in more than one county, the abstracts prepared by the county  
11 boards in all of those counties shall be totaled for purposes  
12 of this subsection. If a bond is required, it shall be filed  
13 with the state commissioner for recounts involving a state  
14 office, including a seat in the general assembly, or a seat in  
15 the United States Congress, and with the commissioner  
16 responsible for conducting the election in all other cases,  
17 and shall be in the following amount:

18 Sec. 40. Section 50.49, unnumbered paragraph 4, Code 2001,  
19 is amended to read as follows:

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

35 Sec. 41. Section 50.50, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

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

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

13 Sec. 42. Section 52.37, subsection 1, Code 2001, is  
14 amended to read as follows:

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

32 In nonpartisan elections the election officials delivering  
33 the ballots are not required to be members of any political  
34 party, or to be members of different political parties.

35 Sec. 43. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF

1 ELECTION RESULTS.

2 With the advice of the board of examiners for voting  
3 machines and electronic voting systems, the state commissioner  
4 shall adopt by rule standards for the examination and testing  
5 of devices for the electronic transmission of election  
6 results. All voting systems which contain devices for the  
7 electronic transmission of election results submitted to the  
8 examiners for examination and testing after January 1, 2002,  
9 shall comply with these standards.

10 Sec. 44. Section 53.8, subsection 1, Code 2001, is amended  
11 to read as follows:

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

26 Sec. 45. NEW SECTION. 53.10 ABSENTEE VOTING AT THE  
27 COMMISSIONER'S OFFICE.

28 Not more than forty days before the date of the primary  
29 election or the general election, the commissioner shall  
30 provide facilities for absentee voting in person at the  
31 commissioner's office. This service shall also be provided  
32 for other elections as soon as the ballots are ready, but in  
33 no case shall absentee ballots be available more than forty  
34 days before an election.

35 Each person who wishes to vote by absentee ballot at the

1 commissioner's office shall first sign an application for a  
2 ballot including the following information: name, current  
3 address, and the election for which the ballot is requested.  
4 The person may report a change of address or other information  
5 on the person's voter registration record at that time. The  
6 registered voter shall immediately mark the ballot, enclose  
7 the ballot in a secrecy envelope, if necessary, and seal it in  
8 a ballot envelope, subscribe to the affidavit on the reverse  
9 side of the envelope, and return the absentee ballot to the  
10 commissioner. The commissioner shall record the numbers  
11 appearing on the application and ballot envelope along with  
12 the name of the registered voter.

13 During the hours when absentee ballots are available in the  
14 office of the commissioner, the posting of political signs is  
15 prohibited within thirty feet of the absentee voting site. No  
16 electioneering shall be allowed within the sight or hearing of  
17 voters at the absentee voting site.

18 Sec. 46. Section 53.11, unnumbered paragraph 1, Code 2001,  
19 is amended by striking the unnumbered paragraph.

20 Sec. 47. Section 53.11, unnumbered paragraph 2, Code 2001,  
21 is amended to read as follows:

22 Satellite absentee voting stations ~~shall~~ may be established  
23 throughout the cities and county at the direction of the  
24 commissioner ~~or~~ and shall be established upon receipt of a  
25 petition signed by not less than one hundred eligible electors  
26 requesting that a satellite absentee voting station be  
27 established at a location to be described on the petition. A  
28 satellite absentee voting station established by petition must  
29 be open at least one day for a minimum of six hours. A  
30 satellite absentee voting station established at the direction  
31 of the commissioner or by petition may remain open until five  
32 p.m. on the day before the election.

33 Sec. 48. Section 53.11, Code 2001, is amended by adding  
34 the following new unnumbered paragraphs:

35 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting

1 at satellite absentee voting stations shall be the same as  
2 specified in section 53.10 for voting at the commissioner's  
3 office. Additional procedures shall be prescribed by rule by  
4 the state commissioner.

5 NEW UNNUMBERED PARAGRAPH. During the hours when absentee  
6 ballots are available at a satellite absentee voting station,  
7 the posting of political signs is prohibited within thirty  
8 feet of the satellite absentee voting station. No  
9 electioneering shall be allowed within the sight or hearing of  
10 voters at the satellite absentee voting station.

11 Sec. 49. Section 53.18, Code 2001, is amended to read as  
12 follows:

13 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

14 Upon receipt of the absentee ballot, the commissioner shall  
15 at once record the number appearing on the application and  
16 return carrier envelope and time of receipt of such ballot and  
17 attach the elector's application to the unopened envelope.  
18 Absentee ballots shall be stored in a secure place until they  
19 are delivered to the absentee and special voters precinct  
20 board.

21 Sec. 50. Section 53.19, unnumbered paragraph 3, Code 2001,  
22 is amended to read as follows:

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

1 Sec. 51. Section 53.30, Code 2001, is amended to read as  
2 follows:

3 53.30 BALLOT ENVELOPE PRESERVED.

4 At the conclusion of each meeting of the absentee and  
5 special voter's precinct board, the board shall securely seal  
6 all ballots counted by them in the manner prescribed in  
7 section 50.12. The ballot envelopes, including the envelope  
8 having the registered voter's affidavit thereon on it, the  
9 return carrier envelope, and secrecy envelope bearing the  
10 signatures of precinct election officials, as required by  
11 section 53.23, shall be preserved. All applications for  
12 absentee ballots, ballots rejected without being opened,  
13 absentee ballot logs, and any other documents pertaining to  
14 the absentee ballot process shall be preserved until such time  
15 as the documents may be destroyed pursuant to section 50.19.

16 Sec. 52. Section 53.38, Code 2001, is amended to read as  
17 follows:

18 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

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

31 Sec. 53. Section 53.40, unnumbered paragraph 1, Code 2001,  
32 is amended to read as follows:

33 A request in writing for a ballot may be made by any member  
34 of the armed forces of the United States who is or will be a  
35 qualified voter on the day of the election at which the ballot

1 is to be cast, at any time before the election. Any member of  
2 the armed forces of the United States may request ballots for  
3 all elections to be held within a calendar year. The request  
4 may be made by using the federal postcard application form and  
5 indicating that the applicant wishes to receive ballots for  
6 all elections as permitted by state law. The county auditor  
7 commissioner shall send the applicant a ballot for each  
8 election held during the calendar year in which the  
9 application is received. The commissioner shall forward a  
10 copy of the absentee ballot request to other commissioners who  
11 are responsible under section 47.2, subsection 2, for  
12 conducting elections in which the applicant is eligible to  
13 vote.

14 Sec. 54. Section 57.1, subsection 2, Code 2001, is amended  
15 by adding the following new paragraph after paragraph f and  
16 relettering the subsequent paragraphs:

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

20 Sec. 55. NEW SECTION. 62.5A STATEMENT OF INTENT TO  
21 CONTEST.

22 1. Within twenty days after the board of supervisors  
23 declares a winner from the canvass of an election, the  
24 contestant shall file with the commissioner a written  
25 statement of intention to contest the election. If a recount  
26 is held for the office in question, and the recount board  
27 finds that the winner was someone other than the person  
28 declared at the original canvass of votes, a contest may be  
29 filed within twenty days after the board of supervisors  
30 declares a winner from the recount of votes.

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

32 a. The name of the contestant and that the contestant is  
33 qualified to hold such office.

34 b. The name of the incumbent.

35 c. The office contested.

1 d. The date of the election.

2 e. The particular causes of the contest pursuant to  
3 section 57.1, subsection 2. If a cause of the contest is an  
4 allegation that illegal votes were received or that legal  
5 votes were rejected, a statement shall be included setting  
6 forth the names of the persons who are alleged to have voted  
7 illegally or whose votes were rejected and the precinct where  
8 they voted or offered to vote.

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

11 Sec. 56. Section 63.8, Code 2001, is amended to read as  
12 follows:

13 63.8 VACANCIES -- TIME TO QUALIFY.

14 Persons elected or appointed to fill vacancies, and  
15 officers entitled to hold over to fill vacancies occurring  
16 through a failure to elect, appoint, or qualify, as provided  
17 in chapter 69, shall qualify within ten days from the county  
18 board's canvass of such election, or within ten days from such  
19 appointment, or failure to elect, appoint, or qualify, in the  
20 same manner as those originally elected or appointed to such  
21 offices.

22 Sec. 57. Section 69.2, Code 2001, is amended to read as  
23 follows:

24 69.2 WHAT CONSTITUTES VACANCY.

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

27 1- a. A failure to elect at the proper election, or to  
28 appoint within the time fixed by law, unless the incumbent  
29 holds over.

30 2- b. A failure of the incumbent or holdover officer to  
31 qualify within the time prescribed by law.

32 3- c. The incumbent ceasing to be a resident of the state,  
33 district, county, township, city, or ward by or for which the  
34 incumbent was elected or appointed, or in which the duties of  
35 the office are to be exercised. This subsection shall not

1 apply to appointed city officers.

2 4- d. The resignation or death of the incumbent, or of the  
3 officer-elect before qualifying.

4 5- e. The removal of the incumbent from, or forfeiture of,  
5 the office, or the decision of a competent tribunal declaring  
6 the office vacant.

7 6- f. The conviction of the incumbent of a felony, an  
8 aggravated misdemeanor, or of any public offense involving the  
9 violation of the incumbent's oath of office.

10 7- g. The board of supervisors declares a vacancy in an  
11 elected county office upon finding that the county officer has  
12 been physically absent from the county for sixty consecutive  
13 days except in the case of a medical emergency; temporary  
14 active military duty; or temporary service with another  
15 government service, agency, or department.

16 8- h. The incumbent simultaneously holding more than one  
17 elective office at the same level of government. This  
18 subsection does not apply to the following offices: county  
19 agricultural extension council, soil and water conservation  
20 district commission, or regional library board of trustees.

21 9- i. An incumbent statewide elected official or member of  
22 the general assembly simultaneously holding more than one  
23 elective office.

24 2. If the status of an officeholder is in question, the  
25 entity or officer responsible for making an appointment to  
26 fill the vacancy shall decide whether a vacancy exists. The  
27 appointing entity or officer may act upon its own motion. If  
28 a petition signed by twenty-five registered voters of the  
29 jurisdiction is received, the appointing entity or officer  
30 shall convene within thirty days to consider whether a vacancy  
31 exists. The appointing entity or officer shall publish notice  
32 that a public hearing will be held to determine whether a  
33 vacancy exists. The notice shall include the time and place  
34 of the hearing and the name of the office and the officeholder  
35 whose status is in question. The public hearing shall be held

1 not less than four nor more than fourteen days after  
2 publication of the notice. The officer whose status is in  
3 question shall be notified of the time and place of the  
4 hearing. Notice shall be sent by certified mail and must be  
5 postmarked at least fourteen days before the hearing. No  
6 later than seven days after the public hearing, the appointing  
7 entity or officer shall publish its decision. If the  
8 appointing entity or officer decides that the office is  
9 vacant, the publication shall state the date the vacancy  
10 occurred and what action will be taken to fill the vacancy.

11 3. The officer against whom the judgment was rendered may  
12 appeal to the district court no later than twenty days after  
13 official publication of the decision. However, the appeal  
14 will not supersede the execution of the judgment of the  
15 appointing entity or officer, unless the party gives a bond,  
16 with security to be approved by the district judge in a sum to  
17 be fixed by the judge. The amount of the bond shall be at  
18 least double the probable compensation of such officer for six  
19 months, which bond shall be conditioned that the officer will  
20 prosecute the appeal without delay, and that, if the judgment  
21 appealed from is affirmed, the party will pay over to the  
22 successful party all compensation received by the party while  
23 in possession of the office after the judgment appealed from  
24 was rendered. The court shall hear the appeal in equity and  
25 determine anew all questions arising in the case.

26 4. If, upon appeal, the judgment is affirmed, the district  
27 court may render judgment upon the bond for the amount of  
28 damages awarded against the appellant and the sureties on the  
29 bond.

30 Sec. 58. Section 69.12, subsection 1, paragraph a, Code  
31 2001, is amended to read as follows:

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

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

1 (2) Fifty-two or more days ~~prior-to~~ before the election,  
2 if it is a regularly scheduled or special city election.  
3 However, for those cities which may be required to hold a  
4 primary election, the vacancy shall be filled at the next  
5 pending election if it occurs seventy-three or more days  
6 before a regularly scheduled or special city election.

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

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

11 Sec. 59. Section 69.12, subsection 1, paragraph b, Code  
12 2001, is amended to read as follows:

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

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

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

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

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

27 Sec. 60. Section 69.14A, Code 2001, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 4. Notwithstanding subsections 1 and 2,  
30 if a nomination has been made at the primary election for an  
31 office in which a vacancy has been filled by appointment, the  
32 office shall be filled at the next general election, and not  
33 at any special election in the same political subdivision.

34 Sec. 61. Section 256.63, unnumbered paragraph 2, Code  
35 2001, is amended to read as follows:

1 The votes cast in the election shall be canvassed and  
2 abstracts of the votes cast shall be promptly certified by the  
3 commissioner to the commissioner of elections who is  
4 responsible under section 47.2 for conducting elections for  
5 that regional library board district. In each county whose  
6 commissioner of elections is responsible under section 47.2  
7 for conducting elections held for a regional library board  
8 district, the county board of supervisors shall convene at  
9 nine a.m. on the third Monday or Tuesday in November, canvass  
10 the abstracts of votes cast and declare the results of the  
11 voting. The commissioner shall at once issue certificates of  
12 election to each person declared elected.

13 Sec. 62. Section 256.64, Code 2001, is amended to read as  
14 follows:

15 256.64 TERMS.

16 Regional library trustees shall take office on the first  
17 day of January following the general election and shall serve  
18 terms of four years. A vacancy shall be filled ~~when-it-occurs~~  
19 ~~not-less-than-ninety-days-before-the-next-general-election~~ by  
20 appointment by the regional board for the unexpired term. No  
21 trustee shall serve on a local library board or be employed by  
22 a library during the trustee's term of office as a regional  
23 library trustee.

24 Sec. 63. Section 275.12, subsections 3 and 4, Code 2001,  
25 are amended to read as follows:

26 3. If the petition proposes the division of the school  
27 district into director districts, the boundaries of the  
28 proposed director districts shall not be ~~described-in-the~~  
29 ~~petition-and-shall-be~~ drawn until the question is approved by  
30 the voters. If the question is approved by the voters, the  
31 directors of the new school district shall draw the boundaries  
32 of the director districts according to the standards described  
33 in section 275.23A, subsection 1. Following adoption by the  
34 school board, the plan shall be submitted to the state  
35 commissioner of elections for approval.

1 4. The area education agency board in reviewing the  
2 petition as provided in sections 275.15 and 275.16 shall  
3 review the proposed method of election of school directors and  
4 may change or amend the plan in any manner, including the  
5 ~~changing-of-boundaries-of-director-districts-if-proposed, or~~  
6 to specify a different method of electing school directors as  
7 may be required by law, justice, equity, and the interest of  
8 the people. In the action, the area education agency board  
9 shall follow the same procedure as is required by sections  
10 275.15 and 275.16 for other action on the petition by the area  
11 education agency board. ~~The-area-education-agency-shall~~  
12 ~~ascertain-that-director-district-boundary-lines-comply-with~~  
13 ~~the-provisions-of-section-275.23A, subsection 1, and shall~~  
14 ~~make-adjustments-as-necessary.~~

15 Sec. 64. Section 275.25, subsection 1, unnumbered  
16 paragraph 1, Code 2001, is amended to read as follows:

17 If the proposition to establish a new school district  
18 carries under the method provided in this chapter, the area  
19 education agency administrator with whom the petition was  
20 filed shall give written notice of a proposed date for a  
21 special election for directors of the newly formed school  
22 district to the commissioner of elections of the county in the  
23 district involved in the reorganization which has the greatest  
24 taxable base. The proposed date shall be as soon as possible  
25 pursuant to section 39.2, subsections 1 and 2, and section  
26 47.6, subsections 1 and 2, but not later than the third  
27 Tuesday in January of the calendar year in which the  
28 reorganization takes effect. The election shall be conducted  
29 as provided in section 277.3, and nomination petitions shall  
30 be filed pursuant to section 277.4, except as otherwise  
31 provided in this subsection. Nomination petitions shall be  
32 filed with the secretary of the board of the existing school  
33 district in which the candidate resides, ~~signed-by-not-less~~  
34 ~~than-ten-eligible-electors-of-the-newly-formed-district, and~~  
35 ~~filed~~ not less than twenty-eight days before the date set for

1 the special school election. The ~~school~~ secretary of the  
2 board, or the secretary's designee, shall be present in the  
3 secretary's office until five p.m. on the final day to file  
4 the nomination papers. The nomination papers shall be  
5 delivered to the commissioner no later than five p.m. on the  
6 twenty-seventh day before the election.

7 Sec. 65. Section 275.35, Code 2001, is amended to read as  
8 follows:

9 275.35 CHANGE OF METHOD OF ELECTIONS.

10 Any existing or hereafter created or enlarged school  
11 district may change the number of directors to either five or  
12 seven and may also change its method of election of school  
13 directors to any method authorized by section 275.12 by  
14 submission of a proposal, stating the proposed new method of  
15 election ~~and-describing-the-boundaries-of-the-proposed~~  
16 ~~director-districts-if-any~~, by the school board of such  
17 district to the electors at any regular or special school  
18 election. The school board shall notify the county  
19 commissioner of elections who shall publish notice of the  
20 election in the manner provided in section 49.53. The  
21 election shall be conducted pursuant to chapters 39 to 53 by  
22 the county commissioner of elections. Such proposal shall be  
23 adopted if it is approved by a majority of the votes cast on  
24 the proposition.

25 If the proposal adopted by the voters requires the  
26 establishment of or change in director district boundaries,  
27 the school board shall draw the necessary boundaries within  
28 forty days after the date of the election. The boundaries  
29 shall be drawn according to the requirements of section  
30 275.23A. Following adoption by the school board, the plan  
31 shall be submitted to the state commissioner of elections for  
32 approval.

33 Sec. 66. Section 275.36, Code 2001, is amended to read as  
34 follows:

35 275.36 SUBMISSION OF CHANGE TO ELECTORS.

1 If a petition for a change in the number of directors or in  
2 the method of election of school directors, ~~describing the~~  
3 ~~boundaries of the proposed director districts, if any, signed~~  
4 ~~by eligible electors of the school district equal in number to~~  
5 ~~at least thirty percent of those who voted in the last~~  
6 ~~previous annual school election in the school district, but~~  
7 ~~not less than one hundred persons, and accompanied by~~  
8 ~~affidavit as required by section 275.13~~ be is filed with the  
9 school board of a school district, ~~not earlier than six months~~  
10 ~~and not later than sixty-seven days before a regular or~~  
11 ~~special school election~~ pursuant to the requirements of  
12 section 278.2, the school board shall submit such proposition  
13 to the voters at the regular school election or a special  
14 election held not later than February 1. The petition shall  
15 be accompanied by an affidavit as required by section 275.13.  
16 If a proposition for a change in the number of directors or in  
17 the method of election of school directors submitted to the  
18 voters under this section is rejected, it shall not be  
19 resubmitted to the voters of the district in substantially the  
20 same form within the next three years; if it is approved, no  
21 other proposal may be submitted to the voters of the district  
22 under this section within the next six years.

23 If the proposal adopted by the voters requires the  
24 establishment of or a change in director district boundaries  
25 pursuant to section 275.12, subsection 2, paragraph "b", "c",  
26 "d", or "e", the school board shall draw the necessary  
27 boundaries within forty days after the date of the election.  
28 The boundaries shall be drawn according to the requirements of  
29 section 275.23A. Following adoption by the school board, the  
30 plan shall be submitted to the state commissioner of elections  
31 for approval. The new boundaries shall become effective on  
32 July 1 following approval.

33 Sec. 67. Section 275.37, Code 2001, is amended to read as  
34 follows:

35 275.37 INCREASE IN NUMBER OF DIRECTORS.

1 At the next succeeding annual school election in a district  
2 where the number of directors has been increased from five to  
3 seven, and directors are elected at large, there shall be  
4 elected a director to succeed each incumbent director whose  
5 term is expiring in that year, and two additional directors.  
6 Upon organizing as required by section 279.1, the newly  
7 elected director who received the fewest votes in the election  
8 shall be assigned a term of either one year or two years if  
9 necessary in order that as nearly as possible one-third of the  
10 members of the board shall be elected each year. If some or  
11 all directors are elected from director districts, the board  
12 shall assign terms appropriate for the method of election used  
13 by the district.

14 Sec. 68. NEW SECTION. 275.37A DECREASE IN NUMBER OF  
15 DIRECTORS.

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

19 a. If at the first election in the district there are  
20 three terms expiring, one director shall be elected. At the  
21 second election in that district, if two terms are expiring,  
22 two directors shall be elected. At the third election in that  
23 district, if there are two terms expiring, two directors shall  
24 be elected.

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

33 c. If at the first election there are two terms expiring,  
34 no directors shall be elected. At the second election in that  
35 district, if three terms are expiring, three directors shall

1 be elected, two for three years and one for two years. The  
2 newly elected director who received the fewest votes in the  
3 election shall be assigned a term of two years. At the third  
4 election in that district, if there are two terms expiring,  
5 two directors shall be elected.

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

11 Sec. 69. Section 275.55, unnumbered paragraph 1, Code  
12 2001, is amended to read as follows:

13 The board of the school district shall call a special  
14 election to be held not later than forty days following the  
15 date of the final hearing on the dissolution proposal. The  
16 special election may be held at the same time as the regular  
17 school election. The proposition submitted to the voters  
18 residing in the school district at the special election shall  
19 describe each separate area to be attached to a contiguous  
20 school district and shall name the school district to which it  
21 will be attached. In addition to the description, a map shall  
22 be included in the summary of the question on the ballot.

23 Sec. 70. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT  
24 BOUNDARIES FOLLOWING DISSOLUTION.

25 1. If a school district accepting attachments of a  
26 dissolved district is currently divided into director  
27 districts as provided in section 275.12, subsection 2,  
28 paragraph "b", "c", "d", or "e", the board of directors of the  
29 district shall draft a proposal to incorporate the newly  
30 received territory into existing contiguous director  
31 districts. If the attached territory is contiguous to more  
32 than one director district, the board may divide the territory  
33 and attach it to more than one director district. If  
34 necessary to comply with the population equality standards  
35 prescribed in section 275.23A, the board shall redraw the

1 boundaries of all director districts according to the  
2 standards provided in section 275.23A, subsection 1,  
3 paragraphs "a", "c", and "d".

4 2. A public hearing on the proposed changes to director  
5 districts shall be held no later than May 15 following the  
6 dissolution. Not less than ten nor more than twenty days  
7 before the public hearing, the board shall publish notice of  
8 the time and place of the hearing.

9 3. The final plan for the assignment of attached lands and  
10 any other boundary changes made shall be adopted by resolution  
11 of the board. The resolution shall contain a legal  
12 description of the new director district boundaries and a map  
13 of the director district boundaries changed by the resolution.  
14 A copy of the resolution shall be filed with the county  
15 commissioners of elections of each county in which a portion  
16 of the school district is located. The resolution shall also  
17 be filed with the state commissioner of elections not later  
18 than June 15. The boundary changes shall take effect upon  
19 approval by the state commissioner of elections for the next  
20 regular school election, but not later than July 1.

21 Sec. 71. Section 277.23, Code 2001, is amended to read as  
22 follows:

23 277.23 DIRECTORS -- NUMBER -- CHANGE.

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

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

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

8 Sec. 72. Section 278.1, subsection 8, Code 2001, is  
9 amended to read as follows:

10 8. Authorize a change in the method of conducting  
11 elections or in the number of directors as provided in  
12 sections 275.35 and 275.36. If a proposition submitted to the  
13 voters under this subsection or subsection 7 is rejected, it  
14 may not be resubmitted to the voters of the district in  
15 substantially the same form within the next three years; if it  
16 is approved, no other proposal may be submitted to the voters  
17 of the district under this subsection or subsection 7 within  
18 the next six years. The establishment or abandonment of  
19 director districts or a change in the boundaries of director  
20 districts shall be implemented as prescribed in section  
21 275.37.

22 Sec. 73. Section 279.6, unnumbered paragraph 2, Code 2001,  
23 is amended to read as follows:

24 However, A vacancy shall be filled at the next regular  
25 school election if a member of a school board resigns from the  
26 board prior-to-the-time-for-filing-nomination-papers-for  
27 office-as-a-school-board-member,-as-provided-in-section-277-4,  
28 not later than forty-five days before the election and the  
29 notice of resignation specifies in-the-resignation-that-the  
30 resignation-will-be an effective on-the date at the beginning  
31 of the next term of office for elective school officials  
32 begins,-the. The president of the board shall declare the  
33 office vacant as of that the date and-nomination of the next  
34 organizational meeting. Nomination papers shall be received  
35 for the unexpired term of the resigning member. The person

1 elected at the next regular school election to fill the  
2 vacancy shall take office at the same time and place as the  
3 other elected school board members.

4 Sec. 74. Section 296.3, Code 2001, is amended to read as  
5 follows:

6 296.3 ELECTION CALLED.

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

27 Sec. 75. Section 331.207, subsection 2, Code 2001, is  
28 amended to read as follows:

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

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

5 Sec. 76. Section 331.207, Code 2001, is amended by adding  
6 the following new subsection:

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

17 Sec. 77. Section 331.651, subsection 1, unnumbered  
18 paragraph 1, Code 2001, is amended to read as follows:

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

28 Sec. 78. Section 336.2, unnumbered paragraphs 3, 4, and 5,  
29 Code 2001, are amended to read as follows:

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

1 before the election.

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

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

13 Sec. 79. Section 336.16, unnumbered paragraph 4, Code  
14 2001, is amended to read as follows:

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

23 Sec. 80. Section 336.18, subsection 2, Code 2001, is  
24 amended to read as follows:

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

35 b. The proposition question may be submitted at any

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

6 Sec. 81. Section 336.18, subsection 4, paragraphs a, b,  
7 and c, Code 2001, are amended to read as follows:

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

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

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

27 Sec. 82. Section 346.27, subsection 10, Code 2001, is  
28 amended to read as follows:

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

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

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

23 Sec. 83. Section 346.27, subsection 25, Code 2001, is  
24 amended to read as follows:

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

33 PARAGRAPH DIVIDED. The proposition question of whether a  
34 conveyance shall be made shall be submitted to the legal  
35 registered voters of the city and the unincorporated area of

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

8 Sec. 84. Section 372.9, subsection 2, Code 2001, is  
9 amended to read as follows:

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

21 Sec. 85. Section 372.13, subsection 2, paragraph b, Code  
22 2001, is amended to read as follows:

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

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

9 Sec. 86. Section 376.2, unnumbered paragraph 2, Code 2001,  
10 is amended to read as follows:

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

27 Sec. 87. Section 376.6, unnumbered paragraph 2, Code 2001,  
28 is amended to read as follows:

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

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

8 Sec. 88. Section 422A.1, unnumbered paragraph 3, Code  
9 2001, is amended to read as follows:

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

22 Sec. 89. Section 422E.2, subsection 4, paragraph b,  
23 unnumbered paragraph 1, Code 2001, is amended by striking the  
24 unnumbered paragraph and inserting in lieu thereof the  
25 following:

26 Within ten days of the election at which a majority of  
27 those voting on the question favors the imposition, repeal, or  
28 change in the rate of the tax, the county auditor shall give  
29 written notice by sending a copy of the abstract of the votes  
30 from the favorable election to the director of revenue and  
31 finance of the result of the election. Election costs shall  
32 be apportioned among school districts within the county on a  
33 pro rata basis in proportion to the number of registered  
34 voters in each school district who reside within the county  
35 and the total number of registered voters within the county.

1 Sec. 90. Sections 62.5 and 62.8, Code 2001, are repealed.

2 Sec. 91. EFFECTIVE AND APPLICABILITY DATES. The sections  
3 of this Act amending Code section 43.14 and enacting Code  
4 sections 45.5 and 45.6 take effect January 1, 2002, and apply  
5 to elections held on or after that date.

6 EXPLANATION

7 This bill makes a number of changes to the election laws of  
8 Iowa.

9 Code section 39.2 is amended to prohibit holding other  
10 elections at the same time as a city primary or runoff  
11 elections.

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

15 New Code section 39.5 authorizes the commissioner to  
16 conduct only elections that are required or allowed by state  
17 statute, thereby ruling out straw polls, public opinion polls,  
18 nonbinding referenda, and other unauthorized elections from  
19 being conducted as official elections.

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

22 Code section 39.27 is amended to require all elected  
23 officials, except members of the general assembly, United  
24 States senators, and United States representatives, to be  
25 eligible electors and residents of the jurisdiction they are  
26 elected to represent.

27 Code sections 43.14 and 43.15 are amended to remove from  
28 the Code archaic and repetitive language currently required to  
29 appear on nomination petitions and provides that the state  
30 commissioner shall prescribe the form for the petition,  
31 listing the information that must be included. Standards for  
32 evaluating nomination papers are also expanded to incorporate  
33 current practices in the state commissioner's office. The  
34 amendment to Code section 43.14 takes effect January 1, 2002,  
35 and applies to elections held on or after that date.

1 Code section 43.27 is amended to permit the county  
2 commissioner of elections to code ballots by color for the  
3 primary election.

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

6 Code section 43.48 is amended to add voting system  
7 printouts to the information required to be available to the  
8 public during the time period between the primary election and  
9 the county canvass of votes.

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

12 Code sections 45.5 and 45.6 are amended to provide specific  
13 requirements for the form of nomination petitions and  
14 standards for their review and rejection. Redundant language  
15 is removed from Code section 45.3. These are similar to the  
16 requirements of Code chapter 43 for primary elections. These  
17 changes take effect January 1, 2002, and apply to elections  
18 held on or after that date.

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

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

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

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

34 Code section 48A.30, pertaining to proof of death for  
35 purposes of canceling voter registration, is amended to

1 correspond with a prior change in the law which made county  
2 recorders responsible for maintaining records of deaths in the  
3 county.

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

8 Code section 49.21 is amended to require the commissioner  
9 of elections to post a sign at the entrance to the polling  
10 place indicating the precinct name or number and displaying a  
11 street map showing the boundaries of the precinct.

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

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

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

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

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

27 Code section 49.70 is amended to change the title of the  
28 instructions posted in the polling places from "Card of  
29 Instructions" to "Instructions for Voters".

30 Code section 49.73 is amended to permit the commissioner to  
31 shorten voting hours for cities under 3,500 population and for  
32 the unincorporated areas voting on local option sales tax  
33 elections. The amendment to the section also provides that  
34 contiguous cities voting on a local option sales tax shall  
35 have the same hours.

1 Code section 49.79 is amended to specify that a registered  
2 voter, rather than an elector, may challenge a voter as  
3 unqualified.

4 Code section 49.81 changes the form of the notice issued to  
5 a challenged voter to provide for the fact that not all  
6 meetings of the special precinct board will convene at the  
7 same time.

8 Code sections 49.84 and 49.88 are amended to provide that  
9 the requirement that the voter enter the voting booth alone  
10 does not prohibit the voter from taking minor children into  
11 the voting booth.

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

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

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

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

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

31 Code section 52.37 is amended to allow two couriers to pick  
32 up ballots for central county precincts. The two couriers  
33 must be of two different political parties. That section is  
34 also amended to provide that, in nonpartisan elections,  
35 precinct election officials are not required to be members of

1 any political party or of different political parties.

2 New Code section 52.41 is enacted to provide that all  
3 devices for the electronic transmission of election results  
4 submitted for examination after January 1, 2002, be approved  
5 by the state commissioner with the advice of the board of  
6 examiners for voting machines and electronic voting systems.

7 Code section 53.8 is amended to require the inclusion of  
8 secrecy envelopes with absentee ballots delivered to voters  
9 unless the ballot can be folded to conceal all of the voter's  
10 marks.

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

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

21 Code section 53.19 is amended to remove the requirement  
22 that a voter who requested, but did not receive, an absentee  
23 ballot sign an affidavit to that effect before being allowed  
24 to cast a special ballot.

25 Code section 53.30 is amended to provide that the absentee  
26 and special voters precinct board must seal the ballots after  
27 counting, and specifies that all envelopes and other documents  
28 must be preserved.

29 Code section 53.38 is amended to permit the federal  
30 postcard registration and absentee ballot request form to be  
31 used as a voter registration form in Iowa. Currently, members  
32 of the military and Iowa citizens who are overseas register to  
33 vote when they cast absentee ballots. This would permit the  
34 commissioner to add these voters to the registration rolls  
35 before the election, if sufficient information was supplied on

1 the federal postcard registration and absentee ballot request  
2 form. Military and overseas voters may request ballots for  
3 all elections held in a calendar year.

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

9 Code section 57.1 is amended to add to the list of grounds  
10 for contesting an election that the question or office was not  
11 authorized or required by law to be voted upon at the election  
12 in question.

13 Code sections 62.5 and 62.8, relating to the requirements  
14 for filing a statement to contest an election, are repealed  
15 and replaced with new Code section 62.5A. The new section  
16 also provides that the deadline for contesting an election if  
17 a recount changes the result is 20 days after the winner of  
18 the recount is declared.

19 Code section 63.8 is amended to provide that persons  
20 elected or appointed to fill vacancies, or who are holding  
21 over to fill vacancies, must qualify for the vacant office  
22 within 10 days of the county board's canvass of the election  
23 or within 10 days of appointment.

24 Code section 69.2 is amended to provide a method for  
25 determining and declaring a vacancy in a local appointive or  
26 elective office.

27 Code section 69.12 is amended to prohibit vacancies in  
28 office being filled at the primary election. Other provisions  
29 of the Code specify that partisan offices are filled at the  
30 general election or at special elections. The section is also  
31 amended to correct an internal reference in the Code relating  
32 to the candidate filing deadlines for city offices in cities  
33 with a primary election.

34 Code section 69.14A is amended to prohibit filling a  
35 vacancy in a county office at a special election held between

1 the primary and the general election if a nomination to fill  
2 that office was made at the primary election.

3 Code section 256.63 is amended to permit counties to  
4 canvass regional library board elections at regular meetings  
5 of the board of supervisors.

6 Code section 256.64 is amended to remove a requirement that  
7 vacancies on regional library boards may only be filled by  
8 election if the vacancy occurs not less than 90 days before  
9 the election. The amendment requires all vacancies to be  
10 filled by appointment.

11 Code section 275.12 is amended to require that the director  
12 district boundaries, if districts are drawn, of a newly formed  
13 or reorganized school district be drawn after the election  
14 making the changes. Current law provides that citizen  
15 petitioners shall draw the director district boundaries.

16 Code section 275.25 is amended to make the candidate  
17 nomination petition requirement of new school districts the  
18 same as for established school districts.

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

27 Code section 275.37 is amended, and Code section 275.37A is  
28 enacted, to provide a process for the transition from five  
29 school board members to seven and from seven school board  
30 members to five.

31 Code section 275.55 is amended to require the commissioner  
32 to include with the summary of the question on the ballot a  
33 map showing the new school district boundaries of school  
34 districts to which portions of a dissolved district are to be  
35 attached if approved at the election.

1 New Code section 275.57 is enacted to provide a process for  
2 attachment of territory received by a school district when an  
3 adjacent school district dissolves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 election, rather than the city general election.

2 Code section 422E.2 is amended to provide that election  
3 costs for a school infrastructure sales tax shall be  
4 apportioned among the school districts in the county in the  
5 ratio of the number of registered voters in each school  
6 district residing in the county to the total number of  
7 registered voters in the county.

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**HOUSE FILE 403****H-1109**

1 Amend House File 403 as follows:

2 1. Page 43, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ . Section 359.17, Code 2001, is amended  
5 to read as follows:

6 359.17 TRUSTEES -- DUTIES -- MEETINGS.

7 The board of township trustees in each township  
8 shall consist of three ~~qualified electors~~ registered  
9 voters of the township. However, in townships with a  
10 population of twenty-five thousand or more, the board  
11 of township trustees shall consist of five registered  
12 voters of the township. The trustees shall act as  
13 fence viewers and shall perform other duties assigned  
14 them by law. The board of trustees shall meet not  
15 less than two times a year. At least one of the  
16 meetings shall be scheduled to meet the requirements  
17 of section 359.49."

18 2. By renumbering as necessary.

By BOAL of Polk

HUSER of Polk

**H-1109** FILED FEBRUARY 27, 2001

*w/12*  
*3/6/01 (P. 604)*

**HOUSE FILE 403****H-1110**

1 Amend House File 403 as follows:

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

4 "Sec. \_\_\_\_ . Section 39.22, subsection 2, unnumbered  
5 paragraph 1, Code 2001, is amended to read as follows:

6 If the county board of supervisors does not have  
7 the power provided under subsection 1 to fill the  
8 offices of trustee and clerk within a township by  
9 appointment, then the offices of township trustee and  
10 township clerk shall be filled by election. Township  
11 trustees and the township clerk, in townships which do  
12 not include a city, shall be elected by the voters of  
13 the entire township. In townships which include a  
14 city, the officers shall be elected by the voters of  
15 the township who reside outside the corporate limits  
16 of the city, ~~but a township officer may be a resident~~  
17 ~~of the city.~~"

By HUSER of Polk

**H-1110** FILED FEBRUARY 27, 2001

*adopted*  
*3/6/01*  
*(P. 604)*

HOUSE FILE 403

H-1115

- 1 Amend House File 403 as follows:
- 2 1. Page 35, line 21, by striking the word "shall"
- 3 and inserting the following: "may".

By REYNOLDS of Van Buren

H-1115 FILED FEBRUARY 28, 2001

*Adopted*

*3/6/01*

*(P.604)*

HOUSE FILE 403

H-1155

- 1 Amend House File 403 as follows:
- 2 1. Page 43, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 359.17, Code 2001, is amended
- 5 to read as follows:
- 6 359.17 TRUSTEES -- DUTIES -- MEETINGS.
- 7 The board of township trustees in each township
- 8 shall consist of three ~~qualified electors~~ registered
- 9 voters of the township. However, in townships with a
- 10 taxable valuation for property tax purposes of two
- 11 hundred fifty million dollars or more, the board of
- 12 township trustees shall consist of five registered
- 13 voters of the township. The trustees shall act as
- 14 fence viewers and shall perform other duties assigned
- 15 them by law. The board of trustees shall meet not
- 16 less than two times a year. At least one of the
- 17 meetings shall be scheduled to meet the requirements
- 18 of section 359.49."
- 19 2. By renumbering as necessary.

By BOAL of Polk

HUSER of Polk

H-1155 FILED MARCH 2, 2001

*Adopted 3/6/01 (P.605)*

## HOUSE FILE 403

H-1164

1 Amend House File 403 as follows:

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

4 "Sec. \_\_\_\_\_. Section 39.3, Code 2001, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 8A. "Mail ballot election" means  
7 an election conducted pursuant to chapter 49B."

8 2. Page 17, by inserting before line 18 the  
9 following:

10 "Sec. \_\_\_\_\_. NEW SECTION. 49B.1 MAIL BALLOT  
11 ELECTIONS.

12 A mail ballot election may be conducted in cities  
13 with a population of two hundred or less as provided  
14 in this chapter.

15 Sec. \_\_\_\_\_. NEW SECTION. 49B.2 DEFINITIONS.

16 As used in this chapter, unless the context  
17 otherwise requires:

18 1. "Election day" is the date established by law  
19 on which a particular election would be held if that  
20 election were being conducted by means other than a  
21 mail ballot election.

22 2. "Return verification envelope" means an  
23 envelope that contains a secrecy envelope and which is  
24 designed to allow election officials, upon examination  
25 of the outside of the envelope, to determine that the  
26 ballot is being submitted by someone who is in fact a  
27 registered voter and who has not already voted.

28 3. "Secrecy envelope" means an envelope used to  
29 contain the elector's ballot and that is designed to  
30 conceal the voter's vote and to prevent the voter's  
31 ballot from being distinguished from the ballots of  
32 other voters.

33 Sec. \_\_\_\_\_. NEW SECTION. 49B.3 MAIL BALLOT  
34 ELECTION PROCEDURE.

35 The state commissioner of elections shall prescribe  
36 uniform procedures and forms to be used in the conduct  
37 of mail ballot elections.

38 Sec. \_\_\_\_\_. NEW SECTION. 49B.4 INITIATION BY  
39 GOVERNING BODY.

40 1. The city council of a city may, by resolution,  
41 request that the county commissioner of elections  
42 conduct the regular city election or a special city  
43 election under this chapter. Only a city with two  
44 hundred or fewer registered voters at the time the  
45 resolution is adopted may make such a request. The  
46 council must file the resolution with the county  
47 commissioner not later than ninety days before the  
48 date of the election. The commissioner shall approve  
49 the request if the commissioner determines that it is  
50 economically and administratively feasible to conduct

H-1164

**H-1164**

Page 2

1 the regular city election or a special city election  
2 by mail.

3 2. After the resolution is approved, the county  
4 commissioner shall prepare a written plan for conduct  
5 of the election as provided in section 49B.5. At  
6 least seventy-one days before the date set for the  
7 election, the county commissioner shall forward a copy  
8 of the written plan to the city council concerned.

9 Sec. \_\_\_\_ . NEW SECTION. 49B.5 WRITTEN PLAN FOR  
10 CONDUCT OF ELECTION -- AMENDMENTS -- APPROVAL  
11 PROCEDURE.

12 1. The county commissioner shall prepare a written  
13 plan, including a timetable, for the conduct of a mail  
14 ballot election and shall submit it to the state  
15 commissioner of elections at least seventy-one days  
16 before the date of the election.

17 2. The plan may be amended by the county  
18 commissioner any time before the sixty-fourth day  
19 before the date of the election by notifying the state  
20 commissioner of elections in writing of any changes.

21 3. Within five days after receiving the plan, and  
22 as soon as possible after receiving any amendments,  
23 the state commissioner of elections shall approve,  
24 disapprove, or recommend changes to the plan or  
25 amendments. The final plan shall be approved and  
26 available to the public at least two days before the  
27 deadline for candidates to file nomination papers in  
28 the office of the city clerk.

29 4. When the written plan has been approved, the  
30 county commissioner shall proceed to conduct the  
31 election according to the approved plan.

32 Sec. \_\_\_\_ . NEW SECTION. 49B.6 PUBLICATION OF  
33 NOTICE.

34 The county commissioner shall, not more than ten  
35 days and not less than four days before the date that  
36 ballots are to be mailed, publish notice that a mail  
37 ballot election will be conducted. The notice shall  
38 be published in a newspaper of general circulation in  
39 each city for which the mail ballot election will be  
40 conducted. The notice shall include all of the  
41 following information:

42 1. The date ballots will be mailed.

43 2. The last day that a voter can request an  
44 absentee ballot.

45 3. Voter registration deadlines.

46 4. Location or locations where mail ballots can be  
47 deposited pursuant to section 49B.13.

48 5. Instructions for obtaining a replacement ballot  
49 if a voter's ballot is destroyed, spoiled, lost, or  
50 not received pursuant to section 49B.9.

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1 The county commissioner is not required to publish  
2 a sample ballot.

3 Sec. \_\_\_\_ . NEW SECTION. 49B.7 MAILING BALLOTS.

4 1. Official ballots for a mail ballot election  
5 shall be prepared and all other initial procedures for  
6 elections shall be followed as otherwise provided by  
7 law.

8 2. The county commissioner of elections shall mail  
9 an official ballot to every registered voter of the  
10 city conducting the election on a date not sooner than  
11 the twentieth day before the date of the election and  
12 not later than the tenth day before the date of the  
13 election. An exception shall be made for those  
14 ballots delivered as prescribed in section 49B.12.

15 3. All ballots shall be mailed by first class  
16 mail.

17 4. Ballots mailed by the county commissioner shall  
18 be addressed to the address of each voter appearing in  
19 the registration records of the city, and placed in an  
20 envelope which is prominently marked "Do Not Forward".

21 5. The ballot shall contain the following warning:  
22 "Any person who, by use of violence, threats of  
23 violence, or any means of duress, procures the vote of  
24 a voter for or against any measure or candidate is  
25 subject, upon conviction, to imprisonment or to a  
26 fine, or both."

27 Sec. \_\_\_\_ . NEW SECTION. 49B.8 REGISTRATION.

28 The county commissioner shall not mail a ballot  
29 under this chapter to any voter not registered thirty  
30 days before the date of the election. Voters  
31 registered less than thirty days before the date of  
32 the election, but before the close of registration,  
33 may apply for a ballot under section 49B.9.

34 Sec. \_\_\_\_ . NEW SECTION. 49B.9 REPLACEMENT  
35 BALLOTS.

36 If the mail ballot is destroyed, spoiled, lost, or  
37 not received by the voter, the voter may obtain a  
38 replacement ballot from the county commissioner as  
39 provided in this section. A voter seeking a  
40 replacement ballot shall sign a statement, on a form  
41 prescribed by the state commissioner, that the ballot  
42 was destroyed, spoiled, lost, or not received. The  
43 voter or the voter's designee shall deliver the  
44 statement to the county commissioner before noon on  
45 the date of the election. The voter may mail the  
46 statement to the county commissioner. However, a  
47 county commissioner shall not transmit a ballot by  
48 mail under this section unless the statement is  
49 received before five p.m. on the fourth day before the  
50 date of the election. When a statement is timely

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1 received under this section, the county commissioner  
2 shall give the ballot to the voter if the voter is  
3 present in the office of the county commissioner, or  
4 promptly mail the ballot to the voter at the address  
5 contained in the statement, except when prohibited by  
6 this section. If the voter is present in the county  
7 commissioner's office, the ballot shall be voted at  
8 that time. The county commissioner shall keep a  
9 record of each replacement ballot provided under this  
10 section. If a voter, having received and voted a  
11 replacement ballot as provided under this section,  
12 later finds the lost ballot, the voter shall return  
13 the lost ballot to the county commissioner.

14 Sec. \_\_\_\_ . NEW SECTION. 49B.10 VOTING AND RETURN  
15 OF BALLOT.

16 1. A registered voter, upon receipt of a mail  
17 ballot, shall mark the ballot in such a manner that no  
18 other person will know how the ballot is marked and  
19 shall place it in the secrecy envelope provided with  
20 the ballot.

21 A voter who is blind, cannot read, or because of a  
22 physical disability is unable to mark the ballot, may  
23 be assisted by any person selected by the voter.

24 2. The voter shall place the secrecy envelope  
25 containing the ballot in the return verification  
26 envelope and sign and securely seal the return  
27 verification envelope. The sealed return verification  
28 envelope shall be returned to the county commissioner  
29 by one of the following methods:

30 a. The sealed return verification envelope may be  
31 delivered by the registered voter or the voter's  
32 designee to the county commissioner's office or a  
33 place designated by the commissioner no later than the  
34 time the polls close on election day.

35 b. The sealed return verification envelope may be  
36 mailed, postage paid, to the county commissioner. In  
37 order for the ballot to be counted, the return  
38 verification envelope must be clearly postmarked by an  
39 officially authorized postal service not later than  
40 the day before the election and received by the county  
41 commissioner not later than the time established for  
42 the canvass by the board of supervisors for that  
43 election. The county commissioner shall contact the  
44 post office serving the county commissioner's office  
45 at the latest practical hour before the canvass by the  
46 board of supervisors for that election, and shall  
47 arrange for return verification envelopes received in  
48 that post office but not yet delivered to the  
49 commissioner's office to be brought to the  
50 commissioner's office before the canvass for that

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1 election by the board of supervisors.

2 Sec. \_\_\_\_ . NEW SECTION. 49B.11 ABSENTEE BALLOTS.

3 1. A registered voter who will be absent from the  
4 city during the time when the ballots are mailed may  
5 do either of the following:

6 a. Vote in person in the county commissioner's  
7 office as soon as ballots are available and until noon  
8 the day before the ballots are scheduled to be mailed.

9 b. Make a written request, signed by the voter and  
10 addressed to the county commissioner, that the ballot  
11 be mailed to an address other than that which appears  
12 on the voter's registration record. Written requests  
13 shall be accepted until noon the day before the  
14 ballots are scheduled to be mailed.

15 2. Ballots mailed to voters pursuant to this  
16 section shall be mailed the same day that all other  
17 ballots are mailed.

18 Sec. \_\_\_\_ . NEW SECTION. 49B.12 BALLOTING BY  
19 CONFINED PERSONS.

20 A person who is a resident or patient in a health  
21 care facility or hospital located in the county in  
22 which the election is to be held shall not be mailed a  
23 ballot but shall have a ballot delivered in the manner  
24 prescribed by section 53.22, subsection 1.

25 Sec. \_\_\_\_ . NEW SECTION. 49B.13 PERSONAL DELIVERY  
26 OF MAIL BALLOT -- BALLOT DROPOFF STATIONS.

27 A ballot dropoff station for the deposit of mail  
28 ballots may be established in the city conducting the  
29 mail ballot election at the direction of the county  
30 commissioner. A ballot dropoff station established at  
31 the direction of the commissioner shall be open from  
32 eight a.m. until five p.m. on the day of the election.

33 Sec. \_\_\_\_ . NEW SECTION. 49B.14 RECEIPT OF BALLOT  
34 -- SIGNATURE VERIFICATION.

35 When a mail ballot is returned, the county  
36 commissioner, or the county commissioner's designees,  
37 shall first examine the return verification envelope  
38 to determine whether it was submitted by a registered  
39 voter who has not previously voted. A ballot shall be  
40 counted only if it is returned in the return  
41 verification envelope, the envelope is signed by the  
42 voter to whom the ballot is issued, and the signature  
43 has been verified as provided in this section.

44 The county commissioner or the county  
45 commissioner's designees shall verify the signature of  
46 each voter on the return verification envelope with  
47 the signature in the voter's registration records and  
48 may commence verification at any time before election  
49 day. If a voter to whom a replacement ballot has been  
50 issued under section 49B.9 returns more than one

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1 ballot, only the replacement ballot shall be counted.  
2 If the voter's signature is verified and the ballot  
3 is otherwise valid, the county commissioner or the  
4 county commissioner's designees shall deposit the  
5 ballot unopened in an official ballot box.

6 Sec. \_\_\_\_ . NEW SECTION. 49B.15 PROCEDURE FOR  
7 INVALID BALLOTS.

8 If the county commissioner is not convinced that  
9 the individual who signed the return verification  
10 envelope is the voter whose name appears on the  
11 registration card, the county commissioner shall not  
12 deposit the ballot in a ballot box but shall do all of  
13 the following:

14 1. Give notice to the voter as follows:

15 a. As soon as possible after receipt of a voter's  
16 ballot, give notice to the voter, either by telephone  
17 or by first class mail, if the county commissioner is  
18 unable to verify the voter's signature.

19 b. Inform the voter that the voter may appear in  
20 person at the county commissioner's office before the  
21 close of the polls on election day and verify the  
22 signature.

23 2. Permit any voter appearing pursuant to  
24 subsection 1, paragraph "b", to:

25 a. Verify the voter's signature, after proof of  
26 identification, by affirming that the signature is in  
27 fact the voter's or by completing a new registration  
28 card containing the voter's current signature.

29 b. If necessary, request and receive a replacement  
30 ballot and vote at that time.

31 3. If the discrepancy is not rectified to the  
32 county commissioner's satisfaction, present the  
33 unopened envelope and the registration card to the  
34 special precinct election board for a determination.  
35 If the election board is unable to resolve the issue  
36 to its satisfaction, the ballot shall not be counted.

37 Sec. \_\_\_\_ . NEW SECTION. 49B.16 COUNTING BALLOTS.

38 Mail ballots shall be counted in the manner  
39 prescribed by section 53.23 for absentee ballots. The  
40 county commissioner shall supervise the procedures for  
41 the handling, counting, and canvassing of ballots to  
42 ensure the safety and confidentiality of all ballots.

43 Sec. \_\_\_\_ . NEW SECTION. 49B.17 CHALLENGES.

44 Votes cast pursuant to this chapter may be  
45 challenged in the manner prescribed by section 53.31  
46 for absentee ballots.

47 Sec. \_\_\_\_ . NEW SECTION. 49B.18 CANVASS OF VOTES.

48 The provisions of chapter 50 relating to canvass of  
49 votes apply to this chapter only to the extent they do  
50 not conflict with this chapter.

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1 Sec. \_\_\_\_ . NEW SECTION. 49B.19 OTHER LAWS.

2 All laws which apply to elections apply to mail  
3 ballot elections held under this chapter to the extent  
4 applicable.

5 Sec. \_\_\_\_ . NEW SECTION. 49B.20 RULES.

6 The state commissioner of elections shall adopt  
7 rules pursuant to chapter 17A to govern the procedures  
8 and forms necessary to implement this chapter. The  
9 authority of the state commissioner to adopt rules  
10 under this chapter shall be liberally construed.

11 Sec. \_\_\_\_ . NEW SECTION. 49B.21 MISCONDUCT --  
12 VIOLATIONS -- PENALTIES.

13 1. A person who, by use of violence, threats of  
14 violence, or any means of duress, procures or  
15 endeavors to procure the vote of a voter for or  
16 against any measure or candidate commits an aggravated  
17 misdemeanor.

18 2. A person who violates or attempts to violate  
19 any provision or requirement of this chapter for which  
20 a penalty is not otherwise provided commits a simple  
21 misdemeanor."

22 3. By renumbering as necessary.

By WARNSTADT of Woodbury

H-1164 FILED MARCH 5, 2001

*w/d*  
*3-6-01*  
*(P.604)*

S  
S 4/5/01 <sup>U</sup>Do Pass

S. 4/12/01 UNFINISHED BUSINESS CALENDAR  
S. 4-17-01 Motion to R/c by Johnson  
S. 5/2/01 Motion to R/c adopted

HOUSE FILE 403  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 18)

(As Amended and Passed by the House March 6, 2001)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 4-17-01  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 47 Nays 0  
Approved \_\_\_\_\_  
(p. 1160)

**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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House Amendments \_\_\_\_\_

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 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 shall be elected by the voters of the  
4 township who reside outside the corporate limits of the city,  
5 but-a-township-officer-may-be-a-resident-of-the-city.

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

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

10 Sec. 6. NEW SECTION. 39.27 QUALIFICATIONS FOR PUBLIC  
11 OFFICE.

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

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

27 43.14 FORM OF NOMINATION PAPERS.

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

34 a. A statement identifying the signers of the petition as  
35 eligible electors of the appropriate county or legislative

1 district and of the state.

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

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

9 d. The political party with which the candidate is a  
10 registered voter.

11 e. The office sought by the candidate, including the  
12 district number, if any.

13 f. The date of the primary election for which the  
14 candidate is nominated.

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

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

31 The nomination papers shall be rejected if the affidavit  
32 lacks any of the following:

33 a. The candidate's name.

34 b. The name of the office sought, including the district,  
35 if any.

- 1 c. The political party name.
- 2 d. The signature of the candidate.
- 3 e. The signature of a notary public or other officer
- 4 empowered to witness oaths.

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

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

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

18 Sec. 9. Section 43.27, Code 2001, is amended to read as  
19 follows:

20 43.27 PRINTING OF BALLOTS.

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

31 Sec. 10. Section 43.45, Code 2001, is amended by striking  
32 the section and inserting in lieu thereof the following:

33 43.45 CANVASS OF VOTES.

34 1. Upon the closing of the polls the precinct election  
35 officials shall immediately publicly canvass the vote. The

1 canvass shall be conducted using the procedures established in  
2 subsection 2 or 3, whichever is appropriate for the voting  
3 system used in the precinct.

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

6 a. Place the ballots of the several political parties in  
7 separate piles.

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

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

12 d. Place the ballots cast on behalf of each of the parties  
13 in separate envelopes. Seal each envelope and place the  
14 signature of all board members of the precinct across the seal  
15 of the envelope so that it cannot be opened without breaking  
16 the seal.

17 e. On the outside of each envelope enter the number of  
18 ballots cast by each party in the precinct and contained in  
19 the envelope.

20 f. Seal the tally sheets and certificates of the precinct  
21 election officials in an envelope on the outside of which are  
22 written or printed the names of the several political parties  
23 with the names of the candidates for the different offices  
24 under their party name, and opposite each candidate's name  
25 enter the number of votes cast for such candidate in the  
26 precinct.

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

29 h. Communicate the results in the manner required by  
30 section 50.11, to the commissioner of the county in which the  
31 polls are located, who shall remain on duty until the results  
32 are communicated to the commissioner from each polling place  
33 in the county.

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

1 city office shall be filed not more than seventy-two days nor  
2 later than five p.m. on the forty-seventh day before the city  
3 election with the city clerk, who shall process them as  
4 provided by law.

5 Sec. 13. Section 45.3, unnumbered paragraph 1, Code 2001,  
6 is amended by striking the unnumbered paragraph.

7 Sec. 14. NEW SECTION. 45.5 FORM OF NOMINATION PAPERS.

8 Nomination papers shall include a petition and an affidavit  
9 of candidacy. All nomination petitions shall be eight and  
10 one-half by eleven inches in size and shall be in  
11 substantially the form prescribed by the state commissioner of  
12 elections. They shall provide spaces for the following  
13 information:

14 1. A statement identifying the signers of the petition as  
15 eligible electors of the appropriate county or legislative  
16 district and of the state of Iowa.

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

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

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

23 5. The name and date of the election for which the  
24 candidate is nominated.

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

34 The person examining the petition shall mark any deficiencies  
35 on the petition.

1 The pages of the petition shall be securely fastened  
2 together to form a single bundle. Nomination petitions that  
3 are not bound shall be returned without further examination.  
4 The state commissioner shall prescribe by rule the acceptable  
5 methods for binding nomination petitions.

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

12 The nomination papers shall be rejected if the affidavit  
13 lacks any of the following:

14 a. The candidate's name.

15 b. The name of the office sought, including the district,  
16 if any.

17 c. The signature of the candidate.

18 d. The signature of a notary public or other officer  
19 empowered to witness oaths.

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

28 Sec. 15. NEW SECTION. 45.6 REQUIREMENTS IN SIGNING.

29 The following requirements shall be observed in the signing  
30 and preparation of nomination petitions:

31 1. A signer may sign nomination petitions for more than  
32 one candidate for the same office, and the signature is not  
33 invalid solely because the signer signed nomination petitions  
34 for one or more other candidates for the office.

35 2. Each signer shall add the signer's residence, with

1 street and number.

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

6 4. When more than one sheet is used, the sheets shall be  
7 neatly arranged and securely fastened together before filing,  
8 and shall be considered one nomination petition. Nomination  
9 petitions which are not securely fastened together shall be  
10 returned to the candidate or the candidate's designee without  
11 examination. The state commissioner shall prescribe by rule  
12 the acceptable methods for binding nomination petitions.

13 5. Only one candidate shall be petitioned for or nominated  
14 in the same nomination petition, except for the offices of  
15 governor and lieutenant governor, and president and vice  
16 president.

17 Sec. 16. Section 48A.9, subsection 2, Code 2001, is  
18 amended to read as follows:

19 2. The commissioner's office shall be open from eight a.m.  
20 until at least five p.m. on the day registration closes before  
21 each regularly scheduled election. However, if the last day  
22 to register to vote for a regularly scheduled election falls  
23 on the day after Thanksgiving, the deadline shall be the  
24 following Monday.

25 Sec. 17. Section 48A.11, Code 2001, is amended by adding  
26 the following new subsection:

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

31 Sec. 18. Section 48A.27, subsection 3, paragraph a, Code  
32 2001, is amended to read as follows:

33 a. Annexation of territory by a city. When an existing  
34 city annexes territory, the city clerk shall furnish the  
35 commissioner a detailed map of the annexed territory. If a

1 city is divided into wards for voting purposes, the detailed  
2 map shall show the ward designations for the annexed  
3 territory. The commissioner shall change the registration of  
4 persons residing in that territory to reflect the annexation  
5 and the city precinct to which each of those persons is  
6 assigned. If the commissioner cannot determine the names and  
7 addresses of the persons affected by the annexation, the  
8 commissioner shall send each person who may be involved a  
9 letter informing the person that the person's registration may  
10 be in error, and requesting that each person provide the  
11 commissioner with the information necessary to correct the  
12 registration records.

13 Sec. 19. Section 48A.27, subsection 4, paragraph c,  
14 unnumbered paragraph 2, Code 2001, is amended to read as  
15 follows:

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

1 following the date of the notice) your name will be removed  
2 from the list of voters in that county. To ensure you receive  
3 this notice, it is being sent to both your most recent  
4 registration address and to your new address as reported by  
5 the postal service."

6 Sec. 20. Section 48A.28, subsection 3, unnumbered  
7 paragraph 2, Code 2001, is amended to read as follows:

8 The form and language of the confirmation notice and return  
9 card shall be specified by the state voter registration  
10 commission by rule.

11 Sec. 21. Section 48A.29, subsection 3, unnumbered  
12 paragraph 2, Code 2001, is amended to read as follows:

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

1 voters in that county."

2 Sec. 22. Section 48A.30, subsection 1, paragraph a, Code  
3 2001, is amended to read as follows:

4 a. The registered voter dies. For the purposes of this  
5 subsection, the commissioner may accept as evidence of death a  
6 notice from the state registrar of vital statistics forwarded  
7 by the state registrar of voters, a written statement from a  
8 member of the registered voter's household, an obituary in a  
9 newspaper, a written statement from an election official, or a  
10 notice from the ~~clerk-of-the-district-court-in~~ county recorder  
11 of the county where the registered voter died.

12 Sec. 23. Section 48A.38, subsection 1, Code 2001, is  
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. f. The county commissioner of registration  
15 and the state registrar of voters shall remove a voter's  
16 social security number from a voter registration list prepared  
17 pursuant to this section.

18 Sec. 24. Section 49.21, Code 2001, is amended by adding  
19 the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The commissioner shall post a  
21 sign at the entrance to the polling place indicating the  
22 election precinct number or name, and displaying a street map  
23 showing the boundaries of the precinct.

24 Sec. 25. Section 49.30, subsection 1, Code 2001, is  
25 amended to read as follows:

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

30 Sec. 26. Section 49.31, subsection 2, Code 2001, is  
31 amended by adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. On the general election ballot  
33 the names of candidates for the nonpartisan offices listed in  
34 section 39.21 shall be arranged by drawing lots for position.  
35 The board of supervisors shall hold the drawing at its first

1 meeting following the deadline for receipt of objections and  
2 withdrawals by candidates for the general election.

3 Sec. 27. Section 49.53, unnumbered paragraph 1, Code 2001,  
4 is amended to read as follows:

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

32 Sec. 28. Section 49.57, subsection 4, Code 2001, is  
33 amended to read as follows:

34 4. On ballots that will be counted by electronic  
35 tabulating equipment, ballots shall include a voting target

1 next to the name of each candidate. The position, shape, and  
2 size of the targets shall be appropriate for the equipment to  
3 be used in counting the votes. Where paper ballots are used,  
4 a square, ~~the sides of which shall not be less than one-fourth~~  
5 ~~of an inch in length~~, may be printed at the beginning of each  
6 line in which the name of a candidate is printed, except as  
7 otherwise provided.

8 Sec. 29. Section 49.64, Code 2001, is amended to read as  
9 follows:

10 49.64 NUMBER OF BALLOTS DELIVERED.

11 The commissioner shall cause ballots of the kind to be  
12 voted in each precinct, to be delivered to the precinct  
13 election officials as follows: in general elections which are  
14 presidential elections seventy-five at least fifty-five  
15 ballots for every fifty votes, or fraction thereof of fifty  
16 votes, cast in ~~said~~ the precinct at the last preceding general  
17 election which was also a presidential election; and in  
18 general elections which are not presidential elections,  
19 seventy-five at least fifty-five ballots for every fifty  
20 votes, or fraction thereof of fifty votes, cast ~~therein~~ at the  
21 last preceding general election which was not a presidential  
22 election.

23 Sec. 30. Section 49.70, Code 2001, is amended to read as  
24 follows:

25 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.

26 The commissioner shall cause copies of the foregoing  
27 instructions to be printed in large, clear type, under the  
28 heading of "~~Card-of~~ Instructions for Voters", and shall  
29 furnish the precinct election officials with a sufficient  
30 number of such ~~cards~~ instructions as will enable them to  
31 comply with section 49.71.

32 Sec. 31. Section 49.73, subsection 1, paragraph b, Code  
33 2001, is amended to read as follows:

34 b. Any election conducted for a city of three thousand  
35 five hundred or less population, including a local option

1 sales and services tax election conducted pursuant to section  
2 422B.1. At elections conducted pursuant to chapter 422B,  
3 contiguous cities shall have the same voting hours.

4 Sec. 32. Section 49.73, subsection 1, Code 2001, is  
5 amended by adding the following new paragraph:

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

9 Sec. 33. Section 49.79, Code 2001, is amended to read as  
10 follows:

11 49.79 CHALLENGES.

12 Any person offering to vote may be challenged as  
13 unqualified by any precinct election official or ~~elector~~ and  
14 it registered voter. It is the duty of each official to  
15 challenge any person offering to vote whom the official knows  
16 or suspects is not duly qualified. A ballot shall be received  
17 from a voter who is challenged, but only in accordance with  
18 section 49.81.

19 Sec. 34. Section 49.81, subsection 2, unnumbered paragraph  
20 2, Code 2001, is amended to read as follows:

21 Your qualifications as a registered voter have been  
22 challenged for the following reasons:

- 23 I. ....
- 24 II. ....
- 25 III. ....

26 Your right to vote will be reviewed by the special precinct  
27 counting board on ..... You have the right and are  
28 encouraged to make a written statement and submit additional  
29 written evidence to this board supporting your qualifications  
30 as a registered voter. This written statement and evidence  
31 may be given to an election official of this precinct on  
32 election day or mailed or delivered to the county commissioner  
33 of elections, but must be received prior-to-noon before .....  
34 a.m./p.m. on ..... at ..... If your ballot is not counted  
35 you will receive notification of this fact.

1     Sec. 35. Section 49.84, Code 2001, is amended by adding  
2 the following new unnumbered paragraph:

3     NEW UNNUMBERED PARAGRAPH. This section does not prohibit a  
4 voter from taking minor children into the voting booth with  
5 the voter.

6     Sec. 36. Section 49.88, Code 2001, is amended by adding  
7 the following new unnumbered paragraph:

8     NEW UNNUMBERED PARAGRAPH. This section does not prohibit a  
9 voter from taking minor children into the voting booth with  
10 the voter.

11    Sec. 37. Section 49.96, Code 2001, is amended to read as  
12 follows:

13    49.96 OFFICES WITH MORE THAN ONE PERSON TO BE ELECTED.

14    Where more than one person is to be elected to the same  
15 office at the same election, and all of the candidates for  
16 that office for whom the voter desires to vote were nominated  
17 by the political party or nonparty political organization for  
18 which the voter has marked a straight party or organization  
19 vote, the voter need not otherwise indicate the vote for that  
20 office. However, if a voter who has marked a straight party  
21 or organization ticket also marks the voting targets next to  
22 the names of one or more candidates of the same party or  
23 organization, only the votes cast separately for individual  
24 candidates for that office shall be counted. If the voter  
25 wishes to vote for candidates who were nominated by different  
26 political parties or nonparty political organizations, the  
27 voter must mark the voting target for each candidate the voter  
28 has chosen, whether or not the voter has also marked a  
29 straight party or organization vote.

30    Sec. 38. 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, ~~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, ~~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. 39. 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. 40. 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. 41. 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. 42. 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. 43. Section 52.37, subsection 1, Code 2001, is  
26 amended to read as follows:

27 1. The sealed ballot container from each precinct shall be  
28 delivered to the counting center by two ~~of-the~~ election  
29 officials ~~of-that-precinct~~, not members of the same political  
30 party if the ballot contains partisan offices, who shall  
31 travel together in the same vehicle and shall have the  
32 container under their immediate joint control until they  
33 surrender it to the commissioner or the commissioner's  
34 designee in charge of the counting center. The commissioner  
35 may designate two precinct election officials, of different

1 political parties if the ballot contains partisan offices, to  
2 collect the sealed ballot containers from more than one  
3 precinct to deliver to the counting center. The commissioner  
4 or designee shall, in the presence of the two precinct  
5 election officials who delivered the container, enter on a  
6 record kept for the purpose that the container was received,  
7 the time the container was received, and the condition of the  
8 seal upon receipt.

9 In nonpartisan elections the election officials delivering  
10 the ballots are not required to be members of any political  
11 party, or to be members of different political parties.

12 Sec. 44. NEW SECTION. 52.41 ELECTRONIC TRANSMISSION OF  
13 ELECTION RESULTS.

14 With the advice of the board of examiners for voting  
15 machines and electronic voting systems, the state commissioner  
16 shall adopt by rule standards for the examination and testing  
17 of devices for the electronic transmission of election  
18 results. All voting systems which contain devices for the  
19 electronic transmission of election results submitted to the  
20 examiners for examination and testing after January 1, 2002,  
21 shall comply with these standards.

22 Sec. 45. Section 53.8, subsection 1, Code 2001, is amended  
23 to read as follows:

24 1. Upon receipt of an application for an absentee ballot  
25 and immediately after the absentee ballots are printed, the  
26 commissioner shall mail an absentee ballot to the applicant  
27 within twenty-four hours, except as otherwise provided in  
28 subsection 3. The absentee ballot shall be enclosed in an  
29 unsealed envelope bearing a serial number and affidavit. The  
30 absentee ballot and unsealed envelope shall be enclosed in or  
31 with a carrier envelope which bears the same serial number as  
32 the unsealed envelope. The absentee ballot, unsealed  
33 envelope, and carrier envelope shall be enclosed in a third  
34 envelope to be sent to the registered voter. If the ballot  
35 cannot be folded so that all of the votes cast on the ballot

1 will be hidden, the commissioner shall also enclose a secrecy  
2 envelope with the absentee ballot.

3 Sec. 46. NEW SECTION. 53.10 ABSENTEE VOTING AT THE  
4 COMMISSIONER'S OFFICE.

5 Not more than forty days before the date of the primary  
6 election or the general election, the commissioner shall  
7 provide facilities for absentee voting in person at the  
8 commissioner's office. This service shall also be provided  
9 for other elections as soon as the ballots are ready, but in  
10 no case shall absentee ballots be available more than forty  
11 days before an election.

12 Each person who wishes to vote by absentee ballot at the  
13 commissioner's office shall first sign an application for a  
14 ballot including the following information: name, current  
15 address, and the election for which the ballot is requested.  
16 The person may report a change of address or other information  
17 on the person's voter registration record at that time. The  
18 registered voter shall immediately mark the ballot, enclose  
19 the ballot in a secrecy envelope, if necessary, and seal it in  
20 a ballot envelope, subscribe to the affidavit on the reverse  
21 side of the envelope, and return the absentee ballot to the  
22 commissioner. The commissioner shall record the numbers  
23 appearing on the application and ballot envelope along with  
24 the name of the registered voter.

25 During the hours when absentee ballots are available in the  
26 office of the commissioner, the posting of political signs is  
27 prohibited within thirty feet of the absentee voting site. No  
28 electioneering shall be allowed within the sight or hearing of  
29 voters at the absentee voting site.

30 Sec. 47. Section 53.11, unnumbered paragraph 1, Code 2001,  
31 is amended by striking the unnumbered paragraph.

32 Sec. 48. Section 53.11, unnumbered paragraph 2, Code 2001,  
33 is amended to read as follows:

34 Satellite absentee voting stations ~~shall~~ may be established  
35 throughout the cities and county at the direction of the

1 commissioner ~~or~~ and shall be established upon receipt of a  
2 petition signed by not less than one hundred eligible electors  
3 requesting that a satellite absentee voting station be  
4 established at a location to be described on the petition. A  
5 satellite absentee voting station established by petition must  
6 be open at least one day for a minimum of six hours. A  
7 satellite absentee voting station established at the direction  
8 of the commissioner or by petition may remain open until five  
9 p.m. on the day before the election.

10 Sec. 49. Section 53.11, Code 2001, is amended by adding  
11 the following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. Procedures for absentee voting  
13 at satellite absentee voting stations shall be the same as  
14 specified in section 53.10 for voting at the commissioner's  
15 office. Additional procedures shall be prescribed by rule by  
16 the state commissioner.

17 NEW UNNUMBERED PARAGRAPH. During the hours when absentee  
18 ballots are available at a satellite absentee voting station,  
19 the posting of political signs is prohibited within thirty  
20 feet of the satellite absentee voting station. No  
21 electioneering shall be allowed within the sight or hearing of  
22 voters at the satellite absentee voting station.

23 Sec. 50. Section 53.18, Code 2001, is amended to read as  
24 follows:

25 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

26 Upon receipt of the absentee ballot, the commissioner shall  
27 at once record the number appearing on the application and  
28 return carrier envelope and time of receipt of such ballot and  
29 attach the elector's application to the unopened envelope.  
30 Absentee ballots shall be stored in a secure place until they  
31 are delivered to the absentee and special voters precinct  
32 board.

33 Sec. 51. Section 53.19, unnumbered paragraph 3, Code 2001,  
34 is amended to read as follows:

35 However, any registered voter who has received an absentee

1 ballot and not returned it, may surrender the absentee ballot  
2 to the precinct officials and vote in person at the polls.  
3 The precinct officials shall mark the uncast absentee ballot  
4 "void" and return it to the commissioner. Any registered  
5 voter who has been sent an absentee ballot by mail but for any  
6 reason has not received it or who has not brought the ballot  
7 to the polls, may appear at the voter's precinct polling place  
8 on election day and ~~sign an affidavit to that effect, after~~  
9 ~~which the voter shall be permitted to vote in person.~~---Such  
10 voter shall cast a ballot in accordance with section 49.81.  
11 ~~The form of the affidavit for use in such cases shall be~~  
12 ~~prescribed by the state commissioner.~~

13 Sec. 52. Section 53.30, Code 2001, is amended to read as  
14 follows:

15 53.30 BALLOT ENVELOPE PRESERVED.

16 At the conclusion of each meeting of the absentee and  
17 special voter's precinct board, the board shall securely seal  
18 all ballots counted by them in the manner prescribed in  
19 section 50.12. The ballot envelopes, including the envelope  
20 having the registered voter's affidavit thereon on it, the  
21 return carrier envelope, and secrecy envelope bearing the  
22 signatures of precinct election officials, as required by  
23 section 53.23, shall be preserved. All applications for  
24 absentee ballots, ballots rejected without being opened,  
25 absentee ballot logs, and any other documents pertaining to  
26 the absentee ballot process shall be preserved until such time  
27 as the documents may be destroyed pursuant to section 50.19.

28 Sec. 53. Section 53.38, Code 2001, is amended to read as  
29 follows:

30 53.38 AFFIDAVIT WHAT CONSTITUTES REGISTRATION.

31 Whenever a ballot is requested pursuant to section 53.39 or  
32 53.45 on behalf of a voter in the armed forces of the United  
33 States, the affidavit upon the ballot envelope of such voter,  
34 if the voter is found to be an eligible elector of the county  
35 to which the ballot is submitted, shall constitute a

1 sufficient registration under ~~the provisions of~~ chapter 48A  
2 ~~and the.~~ A completed federal postcard registration and  
3 federal absentee ballot request form submitted by such  
4 eligible elector shall also constitute a sufficient  
5 registration under chapter 48A. The commissioner shall place  
6 the voter's name on the registration record as a registered  
7 voter, if it does not already appear there.

8 Sec. 54. Section 53.40, unnumbered paragraph 1, Code 2001,  
9 is amended to read as follows:

10 A request in writing for a ballot may be made by any member  
11 of the armed forces of the United States who is or will be a  
12 qualified voter on the day of the election at which the ballot  
13 is to be cast, at any time before the election. Any member of  
14 the armed forces of the United States may request ballots for  
15 all elections to be held within a calendar year. The request  
16 may be made by using the federal postcard application form and  
17 indicating that the applicant wishes to receive ballots for  
18 all elections as permitted by state law. The county auditor  
19 commissioner shall send the applicant a ballot for each  
20 election held during the calendar year in which the  
21 application is received. The commissioner shall forward a  
22 copy of the absentee ballot request to other commissioners who  
23 are responsible under section 47.2, subsection 2, for  
24 conducting elections in which the applicant is eligible to  
25 vote.

26 Sec. 55. Section 57.1, subsection 2, Code 2001, is amended  
27 by adding the following new paragraph after paragraph f and  
28 relettering the subsequent paragraphs:

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

32 Sec. 56. 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. 57. 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. 58. Section 69.2, Code 2001, is amended to read as  
35 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 following offices: county  
31 agricultural extension council, soil and water conservation  
32 district commission, or regional library board of trustees.

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. 59. 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. 60. 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 regularly scheduled or  
34 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. 61. 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. 62. Section 256.63, unnumbered paragraph 2, Code  
12 2001, is amended to read as follows:

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

25 Sec. 63. Section 256.64, Code 2001, is amended to read as  
26 follows:

27 256.64 TERMS.

28 Regional library trustees shall take office on the first  
29 day of January following the general election and shall serve  
30 terms of four years. A vacancy shall be filled ~~when-it-occurs~~  
31 ~~not-less-than-ninety-days-before-the-next-general-election~~ by  
32 appointment by the regional board for the unexpired term. No  
33 trustee shall serve on a local library board or be employed by  
34 a library during the trustee's term of office as a regional  
35 library trustee.

1 Sec. 64. Section 275.12, subsections 3 and 4, Code 2001,  
2 are amended to read as follows:

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

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

27 Sec. 65. Section 275.25, subsection 1, unnumbered  
28 paragraph 1, Code 2001, is amended to read as follows:

29 If the proposition to establish a new school district  
30 carries under the method provided in this chapter, the area  
31 education agency administrator with whom the petition was  
32 filed shall give written notice of a proposed date for a  
33 special election for directors of the newly formed school  
34 district to the commissioner of elections of the county in the  
35 district involved in the reorganization which has the greatest

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

19 Sec. 66. Section 275.35, Code 2001, is amended to read as  
20 follows:

21 275.35 CHANGE OF METHOD OF ELECTIONS.

22 Any existing or hereafter created or enlarged school  
23 district may change the number of directors to either five or  
24 seven and may also change its method of election of school  
25 directors to any method authorized by section 275.12 by  
26 submission of a proposal, stating the proposed new method of  
27 election ~~and describing the boundaries of the proposed~~  
28 ~~director districts if any~~, by the school board of such  
29 district to the electors at any regular or special school  
30 election. The school board shall notify the county  
31 commissioner of elections who shall publish notice of the  
32 election in the manner provided in section 49.53. The  
33 election shall be conducted pursuant to chapters 39 to 53 by  
34 the county commissioner of elections. Such proposal shall be  
35 adopted if it is approved by a majority of the votes cast on

1 the proposition.

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

10 Sec. 67. Section 275.36, Code 2001, is amended to read as  
11 follows:

12 275.36 SUBMISSION OF CHANGE TO ELECTORS.

13 If a petition for a change in the number of directors or in  
14 the method of election of school directors, ~~describing the~~  
15 ~~boundaries of the proposed director districts, if any, signed~~  
16 ~~by eligible electors of the school district equal in number to~~  
17 ~~at least thirty percent of those who voted in the last~~  
18 ~~previous annual school election in the school district, but~~  
19 ~~not less than one hundred persons, and accompanied by~~  
20 ~~affidavit as required by section 275.13~~ is filed with the  
21 school board of a school district, ~~not earlier than six months~~  
22 ~~and not later than sixty-seven days before a regular or~~  
23 ~~special school election~~ pursuant to the requirements of  
24 section 278.2, the school board shall submit such proposition  
25 to the voters at the regular school election or a special  
26 election held not later than February 1. The petition shall  
27 be accompanied by an affidavit as required by section 275.13.  
28 If a proposition for a change in the number of directors or in  
29 the method of election of school directors submitted to the  
30 voters under this section is rejected, it shall not be  
31 resubmitted to the voters of the district in substantially the  
32 same form within the next three years; if it is approved, no  
33 other proposal may be submitted to the voters of the district  
34 under this section within the next six years.

35 If the proposal adopted by the voters requires the

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

10 Sec. 68. Section 275.37, Code 2001, is amended to read as  
11 follows:

12 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

26 Sec. 69. NEW SECTION. 275.37A DECREASE IN NUMBER OF  
27 DIRECTORS.

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

31 a. If at the first election in the district there are  
32 three terms expiring, one director shall be elected. At the  
33 second election in that district, if two terms are expiring,  
34 two directors shall be elected. At the third election in that  
35 district, if there are two terms expiring, two directors shall

1 be elected.

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

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

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

23 Sec. 70. Section 275.55, unnumbered paragraph 1, Code  
24 2001, is amended to read as follows:

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

35 Sec. 71. NEW SECTION. 275.57 CHANGING DIRECTOR DISTRICT

1 BOUNDARIES FOLLOWING DISSOLUTION.

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

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

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

33 Sec. 72. Section 277.23, Code 2001, is amended to read as  
34 follows:

35 277.23 DIRECTORS -- NUMBER -- CHANGE.

1 In any district including all ~~or-part~~ of a city of fifteen  
2 thousand or more population and in any district in which the  
3 voters have authorized seven directors, the board shall  
4 consist of seven members; in all other districts the board  
5 shall consist of five members.

6 A change from five to seven directors shall be effected in  
7 a district at the first regular election after authorization  
8 by the voters or when a district becomes wholly or in part  
9 within a city of fifteen thousand population or more in the  
10 following manner:~~--if the term of one director of the five-~~  
11 ~~member board expires at the time of said regular election,~~  
12 ~~three directors shall be elected to serve until the third~~  
13 ~~regular election thereafter; if the terms of two directors~~  
14 ~~expire at the time of said regular election, three directors~~  
15 ~~shall be elected to serve until the third regular election~~  
16 ~~thereafter and one director shall be elected to serve a term~~  
17 ~~the expiration of which coincides with the expiration of the~~  
18 ~~term of the director heretofore singly elected~~ described in  
19 section 275.37.

20 Sec. 73. Section 278.1, subsection 8, Code 2001, is  
21 amended to read as follows:

22 8. Authorize a change in the method of conducting  
23 elections or in the number of directors as provided in  
24 sections 275.35 and 275.36. If a proposition submitted to the  
25 voters under this subsection or subsection 7 is rejected, it  
26 may not be resubmitted to the voters of the district in  
27 substantially the same form within the next three years; if it  
28 is approved, no other proposal may be submitted to the voters  
29 of the district under this subsection or subsection 7 within  
30 the next six years. The establishment or abandonment of  
31 director districts or a change in the boundaries of director  
32 districts shall be implemented as prescribed in section  
33 275.37.

34 Sec. 74. Section 279.6, unnumbered paragraph 2, Code 2001,  
35 is amended to read as follows:

1 ~~However,~~ A vacancy shall be filled at the next regular  
2 school election if a member of a school board resigns from the  
3 board ~~prior-to-the-time-for-filing-nomination-papers-for~~  
4 ~~office-as-a-school-board-member,-as-provided-in-section-277-4,~~  
5 not later than forty-five days before the election and the  
6 notice of resignation specifies ~~in-the-resignation-that-the~~  
7 ~~resignation-will-be~~ an effective on-the date at the beginning  
8 of the next term of office for elective school officials  
9 ~~begins,-the.~~ The president of the board shall declare the  
10 office vacant as of that the date and-nomination of the next  
11 organizational meeting. Nomination papers shall be received  
12 for the unexpired term of the resigning member. The person  
13 elected at the next regular school election to fill the  
14 vacancy shall take office at the same time and place as the  
15 other elected school board members.

16 Sec. 75. Section 296.3, Code 2001, is amended to read as  
17 follows:

18 296.3 ELECTION CALLED.

19 ~~The~~ Within ten days of receipt of a petition filed under  
20 section 296.2, the president of the board of directors, ~~within~~  
21 ~~ten-days-of-receipt-of-a-petition-under-section-296-2,~~ shall  
22 call a meeting of the board ~~which-shall.~~ The meeting shall be  
23 held within thirty days after the petition was received. At  
24 the meeting, the board shall call the election, fixing the  
25 time of the election, which may be at the time and place of  
26 holding the regular school election, ~~unless.~~ However, if the  
27 board determines by unanimous vote that the proposition or  
28 propositions requested by a petition to be submitted at an  
29 election are grossly unrealistic or contrary to the needs of  
30 the school district, no election shall be called. If more  
31 than one petition has been received by the time the board  
32 meets to consider the petition triggering the meeting, the  
33 board shall act upon the petitions in the order they were  
34 received at the meeting called to consider the initial  
35 petition. The decision of the board may be appealed to the

1 state board of education as provided in chapter 290. The  
2 president shall notify the county commissioner of elections of  
3 the time of the election.

4 Sec. 76. Section 331.207, subsection 2, Code 2001, is  
5 amended to read as follows:

6 2. The petition shall be filed with the auditor county  
7 commissioner by ~~January~~ June 1 of ~~a general election~~ an odd-  
8 numbered year, subject to subsection 5. The special election  
9 shall be held ~~at least one hundred days before the primary~~  
10 election within sixty days after the day the petition was  
11 received. Notice of the special election shall be published  
12 once each week for three successive weeks in an official  
13 newspaper of the county, shall state the representation plans  
14 to be submitted to the electors, and shall state the date of  
15 the special election which shall be held not less than five  
16 nor more than twenty days from the date of last publication.

17 Sec. 77. Section 331.207, Code 2001, is amended by adding  
18 the following new subsection:

19 NEW SUBSECTION. 4A. If the plan adopted by a plurality of  
20 the ballots cast in the special election represents a change  
21 from plan "one" to plan "two" or "three", or from plan "two"  
22 to plan "three", as each plan is defined in section 331.206,  
23 the temporary county redistricting commission shall divide the  
24 county into districts as provided in sections 331.209 and  
25 331.210. The plan shall be completed not later than September  
26 15 following the special election and shall be submitted to  
27 the state commissioner of elections. The plan shall become  
28 effective January 1.

29 Sec. 78. Section 331.651, subsection 1, unnumbered  
30 paragraph 1, Code 2001, is amended to read as follows:

31 The office of sheriff is an elective office ~~except that~~.  
32 However, if a vacancy occurs in the office, the first deputy  
33 shall assume the office after qualifying as provided in this  
34 section and. The first deputy shall hold the office until a  
35 successor is appointed or elected to the unexpired term as

1 provided in chapter 69. If a sheriff is suspended from  
2 office, the district court may appoint a sheriff until a  
3 temporary appointment is made by the board as provided in  
4 section 66.19.

5 Sec. 79. Section 336.2, unnumbered paragraphs 3, 4, and 5,  
6 Code 2001, are amended to read as follows:

7 The board of supervisors of each county containing area  
8 within the proposed district shall submit the proposition  
9 question to the registered voters within their respective  
10 counties at any the next general or-primary election provided  
11 said-election-occurs. The petition shall be filed not less  
12 than forty eighty-two days after-the-filing-of-the-petition  
13 before the election.

14 A county library district shall be established, if a  
15 majority of the electors voting on the proposition question  
16 and residing outside of cities maintaining a free public  
17 library favor it.

18 The result of the election within cities maintaining a free  
19 public library shall be considered separately, and no city  
20 shall be included within the county library district unless a  
21 majority of its electors, voting on the proposition question,  
22 favor its inclusion. In such cases the boundaries of an  
23 established district may vary from those of the proposed  
24 district.

25 Sec. 80. Section 336.16, unnumbered paragraph 4, Code  
26 2001, is amended to read as follows:

27 A county library district may be terminated if a majority  
28 of the electors of the unincorporated area of the county and  
29 the cities included in the county library district voting on  
30 the issue favor the termination. The election shall be held  
31 upon motion of the board of supervisors and simultaneously  
32 with a primary, general, or other county election. If the  
33 vote favors termination, the termination shall be effective on  
34 the succeeding July 1.

35 Sec. 81. Section 336.18, subsection 2, Code 2001, is

1 amended to read as follows:

2 2. a. Contracts shall provide for the amount to be  
3 contributed. They may, by mutual consent of the contracting  
4 parties, be terminated at any time. They may also be  
5 terminated by a majority of the voters represented by either  
6 of the contracting parties, voting on a-proposition the  
7 question to terminate which shall be submitted by the  
8 governing body upon a written petition of qualified voters in  
9 a number not less than five percent of those who voted in the  
10 area for president of the United States or governor at the  
11 last general election.

12 b. The proposition question may be submitted at any  
13 election provided by law which covers the area of the unit  
14 seeking to terminate the contract. The petition shall be  
15 presented to the governing body not less than forty ten days  
16 before the last day candidates may file nomination petitions  
17 for the election at which the question is to be submitted.

18 Sec. 82. Section 336.18, subsection 4, paragraphs a, b,  
19 and c, Code 2001, are amended to read as follows:

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

27 b. The board of supervisors shall submit the proposition  
28 question to the voters of the county residing outside of  
29 cities at the next general election, ~~primary or general,~~  
30 ~~provided that the petition has been.~~ The petition shall be  
31 filed not less than forty ten days ~~prior to the date of~~ before  
32 the last day candidates may file nomination petitions for the  
33 election at which the question is to be submitted.

34 c. If a majority of those voting upon the proposition  
35 question favors it, the board of supervisors shall within

1 thirty days appoint a board of library trustees from residents  
2 of the petitioning area. Vacancies shall be filled by the  
3 board.

4 Sec. 83. Section 346.27, subsection 10, Code 2001, is  
5 amended to read as follows:

6 10. After the incorporation of an authority, and before  
7 the sale of any issue of revenue bonds, except refunding  
8 bonds, the authority shall ~~submit-in-a-single-countywide call~~  
9 an election to the registered voters of the city and county,  
10 at a general, primary, or special election called for that  
11 purpose, decide the question of whether an the authority shall  
12 issue and sell revenue bonds, stating. The ballot shall state  
13 the amount, for any of the bonds and the purposes for which it  
14 the authority is incorporated. Registered voters of the city  
15 and the unincorporated area of the county shall be entitled to  
16 vote on the question. The question may be submitted at a  
17 general election or at a special election. An affirmative  
18 vote of a majority of the votes cast on the proposition  
19 question is required to authorize the issuance and sale of  
20 revenue bonds.

21 PARAGRAPH DIVIDED. A In addition to the notice required by  
22 section 49.53, a notice of the election shall be published  
23 once each week for at least two weeks in some newspaper  
24 published in the county stating the date of the election, the  
25 hours the polls will be open, and a copy of the question. The  
26 notice shall name the time when the question shall be  
27 submitted, and a copy of the question to be submitted shall be  
28 posted at each polling place during the day of election. The  
29 authority shall call this election with the concurrence of  
30 both incorporating units, ~~and it shall establish the voting~~  
31 ~~precincts and polling places, and appoint the election judges,~~  
32 ~~and in so doing such election procedures shall be.~~ The  
33 election shall be conducted by the commissioner in accordance  
34 with the provisions of chapters 49 and 50.

35 Sec. 84. Section 346.27, subsection 25, Code 2001, is

1 amended to read as follows:

2 25. When all bonds issued by an authority have been  
3 retired, the authority may convey the title to the property  
4 owned by the authority to the incorporating units in  
5 accordance with the provisions ~~therefor~~ contained in the  
6 articles of incorporation, ~~or, if none,~~ If no articles of  
7 incorporation exist, the conveyance may be made in accordance  
8 with any agreement adopted by the respective governing bodies  
9 of the incorporating units, and the authority.

10 PARAGRAPH DIVIDED. The proposition question of whether a  
11 conveyance shall be made shall be submitted to the ~~legal~~  
12 registered voters of the city and the unincorporated area of  
13 the county, utilizing the election procedures provided for  
14 bond issues, and an. An affirmative vote equal to at least a  
15 majority of the total votes cast on the proposition question  
16 shall be required to authorize the conveyance. If the  
17 proposition question does not carry, the authority shall  
18 continue to operate, maintain, and manage the building under a  
19 lease arrangement with the incorporating units.

20 Sec. 85. Section 359.17, Code 2001, is amended to read as  
21 follows:

22 359.17 TRUSTEES -- DUTIES -- MEETINGS.

23 The board of township trustees in each township shall  
24 consist of three qualified electors registered voters of the  
25 township. However, in townships with a taxable valuation for  
26 property tax purposes of two hundred fifty million dollars or  
27 more, the board of township trustees shall consist of five  
28 registered voters of the township. The trustees shall act as  
29 fence viewers and shall perform other duties assigned them by  
30 law. The board of trustees shall meet not less than two times  
31 a year. At least one of the meetings shall be scheduled to  
32 meet the requirements of section 359.49.

33 Sec. 86. Section 372.9, subsection 2, Code 2001, is  
34 amended to read as follows:

35 2. When a charter is filed, the council and mayor shall

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

11 Sec. 87. Section 372.13, subsection 2, paragraph b, Code  
12 2001, is amended to read as follows:

13 b. By a special election held to fill the office for the  
14 remaining balance of the unexpired term. If the council opts  
15 for a special election or a valid petition is filed under  
16 paragraph "a", the special election may be held concurrently  
17 with any pending election as provided by section 69.12 if by  
18 so doing the vacancy will be filled not more than ninety days  
19 after it occurs. Otherwise, a special election to fill the  
20 office shall be called at the earliest practicable date. If  
21 there are concurrent vacancies on the council and the  
22 remaining council members do not constitute a quorum of the  
23 full membership, a special election shall be called at the  
24 earliest practicable date. The council shall give the county  
25 commissioner at least sixty days' written notice of the date  
26 chosen for the special election. The council of a city where  
27 a primary election may be required shall give the county  
28 commissioner at least eighty-five days' written notice of the  
29 date chosen for the special election. A special election held  
30 under this subsection is subject to sections 376.4 through  
31 376.11, but the dates for actions in relation to the special  
32 election shall be calculated with regard to the date for which  
33 the special election is called.

34 Sec. 88. Section 376.2, unnumbered paragraph 2, Code 2001,  
35 is amended to read as follows:

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

17 Sec. 89. Section 376.6, unnumbered paragraph 2, Code 2001,  
18 is amended to read as follows:

19 Each city clerk shall certify to the commissioner of  
20 elections responsible under section 47.2 for conducting  
21 elections for that city the type of nomination process to be  
22 used for the city no later than ~~seventy-seven~~ ninety days  
23 before the date of the regular city election. If the city has  
24 by ordinance chosen a runoff election or has chosen to have  
25 nominations made in the manner provided by chapter 44 or 45,  
26 or has repealed nomination provisions under those sections in  
27 preference for the primary election method, a copy of the city  
28 ordinance shall be attached. No changes in the method of  
29 nomination to be used in a city shall be made after the clerk  
30 has filed the certification with the commissioner, unless the  
31 change will not take effect until after the next regular city  
32 election.

33 Sec. 90. Section 422A.1, unnumbered paragraph 3, Code  
34 2001, is amended to read as follows:

35 A city or county shall impose a hotel and motel tax or

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

12 Sec. 91. Section 422E.2, subsection 4, paragraph b,  
13 unnumbered paragraph 1, Code 2001, is amended by striking the  
14 unnumbered paragraph and inserting in lieu thereof the  
15 following:

16 Within ten days of the election at which a majority of  
17 those voting on the question favors the imposition, repeal, or  
18 change in the rate of the tax, the county auditor shall give  
19 written notice by sending a copy of the abstract of the votes  
20 from the favorable election to the director of revenue and  
21 finance of the result of the election. Election costs shall  
22 be apportioned among school districts within the county on a  
23 pro rata basis in proportion to the number of registered  
24 voters in each school district who reside within the county  
25 and the total number of registered voters within the county.

26 Sec. 92. Sections 62.5 and 62.8, Code 2001, are repealed.

27 Sec. 93. EFFECTIVE AND APPLICABILITY DATES. The sections  
28 of this Act amending Code section 43.14 and enacting Code  
29 sections 45.5 and 45.6 take effect January 1, 2002, and apply  
30 to elections held on or after that date.

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